



Poland Report

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Sustainable Governance in the
Context of the COVID-19 Crisis

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Executive Summary

When COVID-19 infections began spreading first in China and then in Italy, the PiS government downplayed the threat of a pandemic. Once the pandemic hit Poland, however, the government responded very quickly. Already two days before the first confirmed case of a COVID-19 infection in Poland, parliament adopted a COVID-19 statute which expanded the government's decree powers outside a state of emergency. On March 13, one day after the first confirmed COVID-19 related death, the minister of health announced a "state of epidemic threat" which was elevated to a "state of epidemic" just one week later. The government took rapid action to ban mass events, shut down schools and universities and move to online education, promote remote working, and progressively close large public venues. International air and rail passenger traffic was suspended and borders reinstated. On March 24, a strict lockdown was implemented. Leaving home was allowed only when necessary, that is, buy food and medicine, to consult a doctor or to go to work. These containment measures were quickly complemented by a number of economic and social support programs. As a result of these measures, the spread of the virus was limited and the number of infections kept low. Along with favorable starting conditions, most notably the country's weak dependence on the automotive industry and the tourism sector, two sectors particularly hit by the pandemic, the adopted economic and social support programs helped limit the decline in GDP, the rise in unemployment and the social fallout of the pandemic.

The government was less effective in dealing with the second wave of the COVID-19 pandemic. While it adopted some measures in preparation, it was not able to prevent a spiraling of infections and deaths from September to November 2020. During the second wave of the COVID-19 pandemic, the Polish healthcare system reached its limits. The number of available beds for COVID-19 patients was insufficient, equipment could not be used for a lack of staff, improvised COVID-19 stations suffered from technical problems, and many people suffering from diseases were not admitted to, or reluctant to go to, hospitals, even in cases of emergency. In 2020, almost half a million people

died in Poland, the highest figure since the end of World War II and roughly about 80,000 above the average of recent years. In relative terms, the figures come close to the record ones in 1951 when there were 12.2 deaths per 1,000 inhabitants, with a large number of fatalities from diphtheria and whooping cough and the first major polio epidemic.

The government's failure to deal with the second wave of the pandemic can be attributed to several reasons: First, the successful handling of the first wave gave rise to a certain complacency. Many citizens and politicians started to believe that the concerns about the pandemic had been overstated. Second, the government was preoccupied with infighting. Since the parliamentary elections in 2019, PiS's two small coalition partners, the Agreement party of Jarosław Gowin and the United Poland party of Zbigniew Ziobro, have become more assertive. Within PiS, the struggles over the succession of party leader Jarosław Kaczyński have intensified. The cabinet reshuffle in October 2020, which has substantially reduced the number of ministers and brought in Kaczyński as deputy prime minister responsible for security issues with a mandate to oversee the justice, defense and internal affairs ministries, has only partly mitigated these conflicts. Finally, the effectiveness of policymaking suffered from the government's notorious unwillingness to listen to experts, to consult interest groups and to cooperate with the opposition. The government's hands-on approach has limited the capacities of the municipalities, many of which are led by opposition, to develop locally adapted policies and has complicated the cooperation of Polish and German regions and municipalities regarding cross-border commuters and healthcare. The government's communication during the pandemic has suffered from a lack of credibility. Right from the beginning of the pandemic, the government has stylized itself as the only actor capable of saving the country and has denigrated the role of the EU, municipalities or the professionals. It has withheld critical information about the state of the healthcare system, the extent of testing and even the regional spread of infections. As a result, many citizens have perceived the government's communication about the crisis as incredible and have felt badly informed and abandoned by the government.

During the pandemic, the erosion of democracy in Poland has continued. The government continued to ignore the broad criticism of its judicial reforms. The purchase of Polska Press by the state-owned oil company Orlen, led by Daniel Obajtek, a close ally of Kaczyński, in December 2020 and the government's plans to impose a "solidarity" tax of up to 15% on the media's advertising revenues, as announced in January 2021, have raised further concerns about media freedom. In 2020, the discrimination of LGBTQ+ people remained a major issue, and so did the selective treatment of demonstrations and demonstrators. The massive countrywide protests prompted by the anti-

abortion ruling of the Constitutional Tribunal in late October 2020 as well as other protests were met with unproportionate responses.

The government's instrumentalization of political liberties was also shown by its controversial handling of the 2020 presidential elections. Because of the strong showing of President Duda in the polls and the low visibility of the opposition during the lockdown, the PiS party, despite the COVID-19 pandemic, tried to avoid postponing things for a long time, wanting to stick to the scheduled date. Not the least for this reason, the government refrained from declaring a state of emergency, as this would have prevented elections from being held. It introduced a bill making remote voting possible, although it had fiercely criticized remote voting in the past. Many observers even think that the government, in its desperate attempt to have the elections take place, deliberately downplayed the severity of the pandemic. Because of massive criticism of the government's insistence and rifts within the governing coalition, however, the presidential elections were eventually postponed to June 2020. The election itself suffered from a smear campaign waged by the government and fostered by the public media. In addition, there have been around 6,000 complaints regarding difficulties in voter registration, on-time ballot deliveries and voting abroad. The Supreme Court ignored these complaints and eventually declared the election as legitimate. Andrzej Duda, the incumbent, won with less than 500,000 votes, thus strengthening the power of the incumbent government.

Key Challenges

The fundamental prospects for a post-pandemic recovery of the Polish economy look good. The latter benefits from its diversified structure and strong domestic consumption. The size of its market, its geographic location, a generally well-educated labor force and still relatively low wages make the country attractive for foreign investment. Flagship investments, such as the one by Microsoft in 2020, together with government plans to foster technological innovation and expand the production of pharmaceuticals in Poland will likely help upgrade the economy. With the EU's new Multiannual Financial Framework and its Next Generation program, there are plenty of funds available for financing much-needed investments.

As the COVID-19 pandemic has shown, the main policy challenges are found in the healthcare and education sectors. In both sectors, reforms are needed for three reasons: to deal with lasting consequences of the pandemic, such as long COVID-19, staff burnout or delayed treatments (in the case of healthcare) or

learning shortfalls and the decline in learning motivation (in the case of education); and to be better prepared for a possible future pandemic. While the government massively invested in the healthcare sector in 2020, further efforts are necessary to expand staff and to improve service quality and access. A more decentralized governance of hospitals and other providers of healthcare would make the system better able to react to the needs of local communities. In the education sector, likewise, the provision of more money is necessary, but not the only thing. In addition to improvements in technology infrastructure and in ICT skills, it will be important to improve teacher morale by giving educators and schools more freedom. The ideologically motivated changes in textbooks, curricula and teaching methods, as planned by Minister of Education Czarnek do not meet the requirements of modern society.

Whether or not the existing opportunities will be seized very much depends on the government's approach. As the government's failure to deal with the second wave of the COVID-19 pandemic has made clear, the formulation of effective complex reforms such as the reform of the healthcare system, education reform or the digital transformation of the economy requires a more inclusive and more evidence-based approach toward policymaking. Likewise, it is difficult to imagine a smoothly operating healthcare and education system without transparently and well-financed municipalities whose autonomy is respected by central government. Finally, Poland is likely to lose the creative and motivated people needed for boosting its healthcare, education and R&I sectors if the assault on media freedom, civil rights and political liberties continues at the hands of the PiS government.

Resilience of Policies

I. Economic Preparedness

Economic Preparedness

Economic Policy
Preparedness
Score: 6

In the years before the COVID-19 pandemic, the Polish economy was characterized by high and stable rates of GDP growth well above the EU average (European Commission 2020a). Poland has caught up with the more developed EU member states regarding its level of productivity, although the latter still stands only at 63% of the EU average. In 2019, Poland's current account remained close to balance and its net foreign debt continued to fall throughout 2019. The export structure of the manufacturing sector is diversified which helps to balance possible negative developments with trading partner countries. Compared to other countries in the region, the Polish economy has been less dependent on the automotive industry and on the tourism sector, two industries hit particularly hard by the COVID-19 pandemic. Exports have been gradually shifting toward higher-value-added products and services.

Economic growth before the pandemic was largely driven by growth in personal consumption, which was boosted by a strong increase in social transfers, good labor market conditions, low lending rates and moderate inflation (European Commission 2020a). Private investment growth increased in 2019, after several years of weak growth. Public investment has continued to grow, although at a slower pace. In August 2019, the government announced a new PLN 800 million infrastructure program that is designed to modernize and expand the network of streets and highways. Whereas domestic investment rose in 2019, net FDI relative to GDP dropped by 2.2 percentage points, partly reflecting the uncertainty over the PiS government's economic policy and violations of the rule of law. In most rankings of international competitiveness, Poland has lost ground under the PiS government.

While the PiS government took various measures to strengthen innovation, the innovative capacity of the Polish economy is still relatively low. The European Commission (2020b), in its European Innovation Scoreboard, classifies Poland as a “moderate innovator,” ahead only of Bulgaria, Romania and Croatia. Despite improvements in the legal framework, eco-innovations have been limited (European Commission 2020c). The Polish economy is energy-intensive and depends strongly on fossil fuels. The government continues to sponsor the production of coal energy, and nearly PLN 4 billion (€ billion) in subsidies were funneled from the state budget to four state-owned providers from 2016 to 2018 (Osinski/ Peter 2020).

Citation:

European Commission (2020a): Country Report Poland 2020. SWD (2020) 520 final. Brussels (https://ec.europa.eu/info/sites/info/files/file_import/2020-european-semester-country-report-poland_en.pdf).

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European Commission (2020c): The Eco-Innovation Scoreboard and the Eco-Innovation Index. Brussels (https://ec.europa.eu/environment/ecoap/indicators/index_en).

Osinski, A., M. Petel (2020): Klimaschädlich und hoch subventioniert. Warum Polen trotzdem an der Kohle festhält, in: *Le Monde diplomatique*, November 12.

Labor Market Preparedness

Labor Market
Policy
Preparedness
Score: 6

For several years before the COVID-19 pandemic, unemployment in Poland was on the decline (European Commission 2020: 24-28). In 2019, the unemployment rate was down to 3.5%, among the lowest in the EU. The employment rate increased slowly but steadily before the pandemic and nearly reached the EU average in 2019. However, regional variations in (un-)employment, both between and within regions (voivodships), have been strong and persistent. Female employment has remained relatively low and, at 42%, the employment rate of the low-skilled was the third lowest in the EU. As unemployment has declined, labor shortages have risen. According to the Business and Consumer Surveys of the European Commission, almost half of the firms in the industry and construction sectors reported labor shortages as a factor limiting production in 2019, a figure that is among the highest in the EU. Reported labor shortages were also relatively high in services (28.5%), a sector that accounts for close to 60% of total employment.

The labor shortages are partly caused by the fact that many Poles continue to migrate to other EU countries in search of higher salaries. While the PiS government has been eager to encourage highly educated and skilled Poles to return to their home country, it has not adopted any specific programs for returnees. Instead, there has been a mass influx of workers from Ukraine and other countries (Ciobanu 2020). Before the pandemic, the number of foreign workers in Poland was estimated at about 2 million. Many of them work under

precarious conditions, primarily in the service sector, with little employment security and social protection.

Despite the growing labor shortage, the share of permanent employment contracts has been relatively low (European Commission 2020: 24). In 2018, 60.6% of those in employment had a permanent contract, 1.5 percentage points more than in the previous year. Among employees, the share of temporary contracts has continued to fall, yet remained at 20.8% in Q3 2019, a share that is among the highest in the EU. Self-employment, at a share of 17.6% of total employment, remains also significant (Q3-2019, age group 20-64). The PiS government introduced a minimum wage for non-standard employment contracts which was increased from €3.10 in 2017 to €3.50 in 2019.

In the years before the pandemic, the PiS government increased unemployment benefits and the minimum wage, and in the latter case, to levels higher than had been recommended by social partners. Prior to the parliamentary elections in 2019, the government announced a sharp rise in the minimum monthly wage from 2019's PLN 2,250 to PLN 2,600 in 2020 and PLN 3,000 in 2021, as well as a subsequent 10% increase per annum until 2024.

Collective wage bargaining does not work that well and social partners complain about the government's lack of responsiveness regarding their input and its strong involvement in labor market development more broadly. Social partners and trade unions have voiced criticism of the government for having determined the minimum wage without involving them. Still, trade unions generally support the government's generous social policy. At 12.9%, the organizational density of trade unions is quite low, but is concentrated in the state sector and among large, often also state-owned companies.

Active labor market policies that are in place have not been very effective. The labor offices offer training and other measures to qualify the unemployed, but do not reach most of the unemployed. Policies targeting the development of professional qualifications among adults do not feature very prominently. Before the pandemic, there was no short-time work scheme.

Citation:

Ciobanu, C. (2020): Poland's Tepid Welcome to Ukrainians Leaves Economy Vulnerable, in: BalkanInsight, March 3 (<https://balkaninsight.com/2020/03/03/polands-tepid-welcome-to-ukrainians-leaves-economy-vulnerable/>).

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Owczarek, D. (2019): Soziale Probleme lösen oder Wähler gewinnen? Die Sozialpolitik der PiS seit 2015, in: Polen Analysen, Nr. 246, November 19, pp. 2-7 (<https://laender-analysen.de/polen-analysen/246/soziale-probleme-loesen-oder-waehler-gewinnen-die-sozialpolitik-der-pis-seit-2015/>)

Fiscal Policy
Preparedness
Score: 6

Fiscal Preparedness

Benefiting from strong economic growth and higher-than-expected revenues, the PiS government succeeded in bringing the general government fiscal deficit down from 2.7% in 2016 to 0.2% in 2018. Despite strong revenues, the fiscal stance slightly deteriorated in 2019 with the deficit climbing to about 1.0% as a result of spending increases in the run-up to the 2019 parliamentary elections. When the COVID-19 pandemic hit, the debt-to-GDP ratio stood at about 46%, providing some fiscal space for the government in the short-run. Even before the pandemic, however, the medium- and long-term outlook was clouded by the strong increase in social spending and the lowering of the retirement age under the PiS government (OECD 2020: 30-41).

Poland's fiscal framework has been weak. Contrary to almost all other EU member states, Poland still does not have an independent fiscal council. Moreover, the transparency of the budget has suffered from the government's tendency to channel an increasing part of spending through newly created special funds. This has allowed the government to circumvent the official expenditure rule aimed at limiting the growth in nominal spending.

Since the 2015 change in government, burden sharing between the different tiers of government has become more controversial, as the majority of municipalities, especially the larger ones, are controlled by the opposition. By shifting costs, most notably in the field of education, to municipalities while not compensating them for the revenue losses resulting from tax reforms, the central government increased the fiscal pressure on many municipalities. At the same time, it has increasingly distributed support for municipalities on political grounds, favoring PiS-governed municipalities, and doing so without transparency.

Citation:

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Research and
Innovation Policy
Preparedness
Score: 5

Research and Innovation

While the Polish R&I system has been significantly restructured since 2010, its performance has remained relatively weak (Stasik et al. 2020). Polish universities have ranked low in international comparisons, while cooperation between universities and business has been limited, and is highly dependent on

EU funds and personal connections. In its European Innovation Scoreboard, the European Commission (2020) classifies Poland as a “moderate innovator.” Government spending on R&I increased from 1.2 % of GDP in 2018 to 1.7 % in 2019 but remains well below the EU’s 2020 target of 3%.

In 2019, the PiS government announced two initiatives to increase the country’s level of innovation. First, then-Minister of Science and Higher Education Jarosław Gowin started an initiative to strengthen university-led research. This Constitution for Science has brought changes in universities’ governance and funding: Ten universities were selected as research universities through a competitive process and awarded a 10% increase in funding for the years 2020-2026. Second, the Łukasiewicz Research Network has bundled 39 institutes that lead research in applied industrial development and commercialization. In addition, tax relief measures in the form of higher deductible amounts of investments are intended to stimulate private activities, and new simplified types of joint-stock companies were introduced. The government has also started to address the low level of digitalization among small firms, which is less than 8% compared to 50% for large companies.

Citation:

European Commission (2020): European Innovation Scoreboard 2020. Brussels, June 23 (https://ec.europa.eu/growth/industry/policy/innovation/scoreboards_en).

Stasik, A., A. Dańkowska, N. Kobza (2020): Responsible Research & Innovation in Poland. dia-e-logos, Discussion Paper 03/2020. Barcelona (http://dia-e-logos.eu/Papeles/RRIL-IO-1%20Report_RRI%20in%20Poland.pdf).

II. Welfare State Preparedness

Education System Preparedness

Education Policy
Preparedness
Score: 5

In 1999, the first Tusk government launched a number of education reforms that have significantly increased the quality of education in Poland (Wiśniewski/ Zahorska 2020: 185-198). The main aim of the reforms was to reduce the system’s lack of synchronization with the labor markets. Reforms have led to a greater emphasis in the curriculum on mathematics, science and technology; a strengthening of vocational education; attempts to attract more students to economically relevant areas; measures to improve the quality of research and teaching at universities; and the adoption of a national strategy for lifelong learning. Although education expenditure in Poland is lower than the average expenditure in the European Union more broadly, Polish students scored relatively well in the 2018 PISA tests (European Commission 2020:

27). Enrollment in tertiary education amounted to 45.7% in 2018 which met the Polish target of 45% and was above the EU average of 41%.

Under the PiS government, Poland has returned to the traditional two-tier school system with eight years of primary school and four years of upper-secondary school or vocational education. This reform was badly prepared and not sufficiently discussed with teachers, teachers' unions, parents and students. The reform allowed the government to change the content of textbooks and curricula in which national ideology became more visible, while project-based learning ceased to be mandatory (Ciobanu 2020). The abolition of the middle schools (*gimnazjum*) and the bringing forward of entry exams for upper-secondary schools (*liceum*) have placed children under unnecessary stress. Equity in access has declined, as wealthier and better-educated parents have tended to pay for extra tuition or for private schools.

The PiS government's reforms, along with low salaries and poor working conditions, have prompted the resignation of many teachers as well as frequent teachers' strikes. In order to end a large strike, in which 80% of teachers participated, the government promised some salary increases in April 2019. However, it has done nothing to fill the gaps and to replace the many qualified and motivated teachers that had quit their jobs in recent years. The PiS government's school reforms also place a heavy burden on municipal budgets, as the expenditure on education incurred by municipalities has been increasing faster than the corresponding ministerial subventions (European Commission 2020: 27).

As for higher education, the PiS government adopted laws in 2017 and 2018 aimed at reducing the overall number of university students, promoting the so-called STEM disciplines (science, technology, engineering and mathematics), and reorganizing the system of funding universities and students (through loans).

The PiS government's Strategy for Responsible Development addresses the digitalization of education and the need for improvements in ICT skills (European Commission 2019). In 2017, the government launched the National Education Network (*Ogólnopolska Sieć Edukacyjna, OSE*), with a view to offering 100 Mbps of symmetrical broadband access to all schools and other educational institutions. At the end of 2019, however, only a third of all schools were connected to the network, which is managed by the Research and Academic Computer Network (*NASK*), an organization affiliated with the Ministry of Digital Affairs. The availability of effective online learning platforms and the digital literacy of students and teachers before the COVID-19 pandemic were limited (OECD 2020).

Citation:

Ciobanu, C. (2020): Polish Parents and Teachers Blast ‘Political’ Education Reforms, in: *BalkanInsight*, January 2 (<https://balkaninsight.com/2020/01/02/polish-parents-and-teachers-blast-political-education-reforms/>).

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Wiśniewski, J., M. Zahorska (2020): *Reforming Education in Poland*, in: F. M. Reimers (ed.), *Audacious Education Purposes*. Cham: Springer, pp. 181-208 (https://doi.org/10.1007/978-3-030-41882-3_7).

Social Welfare Preparedness

Social Welfare
Policy
Preparedness
Score: 7

In Poland, social inequality and exclusion have visibly declined since the early 2000s. The Gini coefficient and the poverty risk have fallen, and both the Human Development Index and the Gender Development Index have shown improvements. The decline in social inequity and exclusion has partly been due to Poland’s strong economic performance and the resulting decline in unemployment. In addition, regional disparities have been mitigated through regional-development policies financed by EU structural funds.

The PiS government’s social welfare policies, which have been a major cause for its popularity, have fostered social inclusion (Ciobanu 2019, Owczarek 2019, Sierakowski 2019). The government’s flagship policy has involved generous benefits for families and strong increases in the minimum wage. The government has also had some success in reducing the high share of temporary employment contracts. In the service sector, the payment of social-insurance contributions has become obligatory. Pensioners have benefited from various increases in pensions. Prior to the European Parliament elections in 2019, President Andrzej Duda signed a bill on a 13th pension payment of PLN 1,200 per person. During the campaign for the parliamentary election in fall 2019, PiS promised to introduce even a 14th pension payment from 2021 onwards for everyone except the 10% who receive the highest pensions. Since January 2019, people with special needs have enjoyed free access to hospitals and the education sector.

However, the government’s measures have not always interacted well with another (Ciobanu 2019). As they have not been adjusted to inflation, the real value of family benefits has declined over time. The government’s ambitious social housing program (*Mieszkanie+*) is far behind schedule. Social services have remained underdeveloped (European Commission 2020: 29-30). People from the LGBTQ+ community are subject to public defamation (Ciobanu 2020).

Citation:

Ciobanu, C. (2019): Devil in the Detail of Polish Ruling Party's Welfare Promises, in: *BalkanInsight*, October 2 (<https://balkaninsight.com/2019/10/02/devil-in-the-details/>).

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Sierakowski, S. (2019): Why Poland's Populists Keep Winning, in: *Foreign Policy*, September 9 (<https://foreignpolicy.com/2019/10/09/polands-populism-winning-welfare-state/>).

Healthcare System Preparedness

Health Policy
Preparedness
Score: 4

Healthcare system access, and its operational effectiveness are ongoing problems in Poland (European Commission 2020: 31-32; OECD/ European Observatory on Health Systems and Policies 2019). Health insurance covers 98% of the population, but it involves only a limited range of services. As a result, additional out-of-pocket payments are common and account for 23% of all health spending (compared to the 16% EU average). The bulk of these payments are for outpatient medicines. While the preventable mortality rate decreased by about 10% between 2011 and 2016, it still exceeds the EU average by more than one-third. Poland has a low patient-doctor ratio because many professionals in the healthcare system tend to work abroad for better salaries. In order to reach the EU average, Poland needs almost 50,000 additional doctors and 100,000 more nurses more from the current levels of approximately 90,000 doctors and 225,000 nurses. Healthcare access and the presence of a healthcare workforce varies across the country. In 2018, the number of doctors per 10,000 inhabitants ranged from 15 in the Wielkopolskie region to 27 in the Zachodnio-pomorskie and the Mazowieckie regions. Poor working conditions in the healthcare sector mean that strikes are frequent.

Since coming to office in 2015, the PiS government has announced its intention to introduce a fundamental healthcare reform several times, but has done relatively little (Owczarek 2019). During the 2019 election campaign, it promised to increase spending on healthcare from 4.7% to 6% of GDP by 2024. In September 2019, the government adopted a National Strategy of Regional Development 2030 in September 2019 that included investments in the healthcare system. At the end of 2019, it implemented e-health projects to facilitate access to healthcare, prescriptions, and referrals, through the Patient Internet Account (PIA). E-prescriptions became mandatory as of January 2020 and e-referrals as of 2021. However, the government has not reformed the

distribution of competencies between the national and local or regional levels, which causes problems for maintaining smoothly operating hospitals.

Because of the lack of reforms, the Polish healthcare system was only partly prepared for the COVID-19 pandemic. While intensive care bed and respirator numbers were quite high, which reflects the system's excessive reliance on hospital care, there was an acute lack of personnel trained to use these devices and of medical staff in general. As was the case in many countries, the healthcare system lacked sufficient protective materials. The vaccination rate against influenza among people above 65, which was found to have some preventive function against COVID-19, was very low. It was estimated at only 10%, significantly lower than the EU-wide average of 44% and the WHO's recommended 75% (OECD/ European Observatory on Health Systems and Policies 2019: 13).

Citation:

European Commission (2020): Country Report Poland 2020. SWD (2020) 520 final. Brussels (https://ec.europa.eu/info/sites/info/files/file_import/2020-european-semester-country-report-poland_en.pdf).

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Families

Family Policy
Preparedness
Score: 5

The PiS government's family policy, one of its flagships, has increased families' income but it has not simplified the situation for parents who want or have to do both, raising children and going to work (Ciesielska-Klikowska 2020, Owczarek 2019). The child support benefit "Family 500+" program, in effect since 1 April 2016, provides PLN 500 (€16) to parents with two or more children for each child, irrespective of the parents' income. Since May 2019, all families receive the grant also for their first child. The expansion of these benefits has increased the estimated costs of the Family 500+ program from 1.3% to 1.7% of Poland's GDP, which bring total costs to PLN 23 billion. Similar payments exist in other EU member states, but in the Polish case, the sum is high compared to average incomes in Poland (the median income in 2016 was PLN 2,200). Single parents do not receive targeted support. While the measures have surely improved the financial situation of Polish families, concerns that the Family 500+ program would reduce labor market participation rates among women without having positive effects on the birth rate have been confirmed. Women's inactivity due to looking after children and incapacitated adults has been growing since 2015 and reached

6.7% of all women aged 15-64 in 2018, 2 percentage points above the EU average (European Commission 2020: 26).

While the PiS government has also promised to provide more childcare facilities, access to childcare has remained limited. Combining parenting with employment is also constrained by rigid working arrangements, as part-time work is not very common in Poland (European Commission 2020: 26). The high share of fixed-term employment contracts has reduced employment security, thereby deterring people from having children.

Citation:

European Commission (2020): Country Report Poland 2020. SWD (2020) 520 final. Brussels (https://ec.europa.eu/info/sites/info/files/file_import/2020-european-semester-country-report-poland_en.pdf).

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III. Economic Crisis Response

Economic Response

Economic
Recovery
Package
Score: 7

The Polish government has reacted quickly and comprehensively in order to limit the economic fallout of the COVID-19 pandemic (OECD 2020, Plóciennik 2020). From March to December 2020, it adopted a series of six Anti-Crisis Shields that bundle a variety of measures that have been frequently amended. The first of these reform packages was presented directly after the introduction of the shutdown on March 18 and included five areas: support for workers and protection against job loss (worth PLN 30 billion), financing for enterprises (PLN 74.2 billion), healthcare (7.5 billion PLN), strengthening the financial system (PLN 70.3 billion) and a public investment program (PLN 30 billion).

The first economic support measures were criticized for focusing on micro-firms. In April and June 2020, the measures were extended to small, medium and large enterprises. A PLN 100 billion program has provided subsidies and loans to all companies whose turnover had fallen by 25% because of the COVID-19 pandemic. Reacting to criticism, the application procedure was made easier. The so-called Financial Shield is managed by the Polish Development Fund (PFR).

In the second half of 2020, the government introduced additional support measures for particular sectors. It decided to use the Rural Development Program 2020-2024 for one-off grants worth PLN 273.4 million for farmers. Since 13 August 2020, farmers can apply for financial support if their farm is at risk of insolvency due to the pandemic. In addition to the aid payments for damages incurred by extreme weather events in 2019, the government has made PLN 400 million available to farmers. In September 2020, new measures for the tourism industry went into effect. They included establishing funds to reimburse tourists for canceled trips and protecting travel agencies in the event of future pandemics, as well as short-time allowances and exemptions from social security contributions for bus drivers, operators of hotel facilities, tourism agents and cultural workers. On October 27, Prime Minister Morawiecki presented new support measures for the gastronomy, leisure industry, and retail sectors. The aid is available to entrepreneurs, whose income in October or November 2020 was 40% lower than the same period in 2019. Short-time allowances and exemptions from social security contributions were also made available for the month of November. Self-employed individuals can apply for a one-time payment of PLN 5,000, which is not subject to repayment. In addition, stall fees for small market traders will be abolished in 2021.

The government's stimulus measures, along with the Polish National Bank's accommodating policies, success in containing the pandemic's first wave and a number of favorable benchmark conditions have each helped mitigate the negative economic consequences of the COVID-19 pandemic in Poland. Compared to most EU and OECD countries, the 2020 decline in GDP was modest.

Citation:

OECD (2020). Economic Survey Poland 2020. Paris (<https://doi.org/10.1787/0e32d909-en>).

Plóciennik, S. (2020): Die polnische Wirtschaft in der Corona-Krise, in: Polen-Analysen, Nr. 254, 2-6 (<https://www.laender-analysen.de/polen-analysen/254/PolenAnalysen254.pdf>).

Sustainability of Economic Response

Recovery
Package
Sustainability
Score: 3

While Jadwiga Emiliewicz, the minister for development from November 2019 to October 2020 and deputy prime minister from April to October 2020, endorsed the EU Commission's New Green Deal in public, environmental and sustainability objectives have not featured very prominently in the Polish government's economic stimulus measures. The latter have focused on ensuring the survival of firms and businesses rather than on fostering the transition to more sustainable means of production or consumption.

Labor Market Response

Labor Market
Policy Response
Score: 7

The PiS government has succeeded in limiting the negative effects of the COVID-19 pandemic on the labor market. It has actively promoted the shift to remote work and has adopted measures for safety at the workplace, it has stabilized employment by subsidizing employment, and it has improved the situation of the unemployed by expanding benefits.

When preparing for the first lockdown, the government was quick to urge businesses to allow their employees to work at home, if possible. The government's emergency measures have granted employers the right to send employees into remote work. According to estimates, in May and June 2020, about 21% of the economically active worked from home (CBOS 2020: 3). In line with the development of the infections, the share declined over the summer, but rose again at the end of year. The government has not responded to calls to guarantee employees a right to remote work (Warsaw Business Journal 2021). A government order on disease control in April 2020 has obliged employers to provide disposable gloves, face masks, disinfecting agents, and to make sure that employees can maintain a distance of 1.5 meters at the workplace.

In order to stabilize employment, the government's initial anti-crisis measures have given employers the right to reduce the working time of their employees by 20% or even further, in cases where work is not possible in the context of the pandemic. In addition to a temporary subsidization of social-insurance benefits, employers are now eligible to receive compensation totaling up to 50% of employees' wages. These employment protection measures have not been conditional on maintaining jobs after the expiration of subsidies (Szarfenberg 2020: 1).

In order to improve the situation of the unemployed, unemployment benefits for claimants who have worked for at least five years were increased from PLN 860 (€188) to PLN 1,200 (€263) in May 2020. In addition, people who became unemployed due to the pandemic were granted a special payment of PLN 1,400 per month for a maximum of three months between 1 June to 31 August 2020. The sum was not taxable, not offset against other public benefits and could not be seized. The government also introduced special lockdown allowances for people working under non-standard contracts and for the self-employed (Szarfenberg 2020: 2).

As a result of the COVID-19 pandemic, many enterprises have cut employment and average working hours have declined (CBOS 2020). Contrary to initial fears, however, headline unemployment has risen only

modestly. The negative effects of the COVID-19 pandemic on the labor market have been most strongly felt by the almost two million foreign workers in Poland, which have only partly been covered by the (un)employment statistics (Euronews 2020). As most of them have been employed in the service sector, they have been hit strongly by the lockdown. In some cases, job losses have been associated with the loss of employer-provided accommodations. Because of short-term employment contracts, many migrant workers have had little entitlement to social protection. During the pandemic, many have thus returned to their home countries, if possible.

Citation:

CBOS (2020): Polish Public Opinion 10/2020. Warsaw (https://www.cbos.pl/PL/publikacje/public_opinion/2020/10_2020.pdf).

Euronews (2020): Corona-Krise: Polen verliert seine Gastarbeiter, in: Euronews, April 5 (<https://de.euronews.com/2020/04/05/corona-krise-polen-verliert-seine-gastarbeiter>).

Szarfenberg, R. (2020): COVID-19 socio-economic responses in Poland. European Social Policy Network, ESPN Flash Report 2020/29, Brussels: European Commission.

Warsaw Business Journal (2021): 8 out of 10 employees want remote work to be legally guaranteed, in: Warsaw Business Journal, January 12 (<https://wbj.pl/8-out-of-10-employees-want-remote-work-to-be-legally-guaranteed/post/129468>).

Fiscal Response

Fiscal Policy
Response
Score: 5

In Poland, the budgetary response to the COVID-19 pandemic and the resulting increase in public debt have been substantial (Fitch Ratings 2020, OECD 2020). The revised 2020 central budget, approved by the government on August 20, targeted a central government deficit of 4.9% of GDP and a general government deficit of 12% of GDP, compared with a balance in the original budget. While central government spending was revised up by 16.7% for 2020 due to pandemic relief measures, central government revenues were revised down by 8.4%. The 2021 budget, as adopted in December 2020, still assumed a general government fiscal deficit of 6% of GDP. As a result, Maastricht debt is expected to climb to 62% of GDP in 2021, 17 percentage points higher than that projected by the OECD in November 2019 (OECD 2020: 31).

The focus of the government's budgetary response measures has rested on weathering the storm rather than on promoting investment. The government has also been reluctant to cut non-crisis related spending and to address the substantial medium-term social spending pressures (OECD 2020: 30-41).

The government's budgetary response measures have also suffered from a lack of transparency. First, the various Anti-Crisis Shields have been amended several times. Second, the government has stuck to its strategy of channeling an increasing part of spending through special funds outside of the official

budget. Much of the anti-crisis measures is off-budget, that is, financed by the state development bank Bank Gospodarstwa Krajowego (BGK) and the Polish Development Fund (Polski Fundusz Rozwoju, PFR). Third, many experts question the reliability of the official fiscal data.

Citation:

Fitch Ratings (2020): Poland's Revised 2020 and 2021 Budgets Highlight Coronavirus Impact, September 1, London (<https://www.fitchratings.com/research/sovereigns/poland-revised-2020-2021-budgets-highlight-coronavirus-impact-01-09-2020>).

OECD (2020). Economic Survey Poland 2020. Paris (<https://doi.org/10.1787/0e32d909-en>).

Research and Innovation Response

Research and
Innovation Policy
Response
Score: 5

While the Polish government used the signing of a major agreement between Microsoft and the Polish IT provider Chmura Krajowa in May 2020 to renew its claim to make Poland the technological hub of East-Central Europe, it has invested relatively little in research and innovation associated with combating the COVID-19 pandemic.

The Polish government has concentrated its efforts on developing a contact-tracing app (Fraser 2020, Gad-Nowak/ Grzelak 2020). In spring 2020, the Ministry of Digital Affairs commissioned the app ProteGO Safe. Created by Polish companies, it provides not only information about risky contacts but also on one's own health status. The developers promised that the data would not be transferred to any central server and that the data would be deleted after two weeks or at the user's request. The risk assessment regarding COVID-19 is done by a central server controlled by the Ministry of Digital Affairs, which the developers said was necessary to allow older cell phones to use the app. Data protection experts still raised doubts about the anonymity of the app. Another debate popped up when the government launched the idea to enable the app to connect to QR codes in shopping malls in order to trace entering customers. After protests, the government renounced that plan. Kwarantanna Domowa (Home Quarantine), the second cell phone app commissioned by the Ministry of Digital Affairs, is used to monitor the extent to which people abide by quarantine rules. Several times a day, the app sends a request for a self-portrait that one must provide within 20 minutes. The app also keeps track of the person's location. Initially voluntary, the app later became mandatory for people under obligatory quarantine or epidemiological surveillance.

In addition, the Polish government has promoted the usage of telemedicine (Becker 2020). Since March 2020, doctors have been able to issue electronic prescriptions and illness certificates on the basis of a virtual consultation with their patients, so as to promote online consultations, which have, in principle, been possible since November 2019.

While the government promoted the use of telemedicine and the development of contact-tracing apps, it has not directly supported the development of vaccines and innovative medicine in the pharmaceutical industry. In September 2020, however, the company Biomed-Lublin received public attention when it announced that it had developed an effective medicine made of plasma of recovered COVID-19 patients based on anti-SARS-CoV-2 immunoglobulins (Poland In 2020).

Citation:

Becker, N. (2020): Covid-19: Gesundheitswesen in Polen, Germany Trade & Invest, December 28 (<https://www.gtai.de/gtai-de/trade/specials/special/polen/covid-19-gesundheitswesen-in-polen-235956>).

Fraser, M. (2020): Coronavirus contact tracing reignites Polish privacy debate, Deutsche Welle, May 30 (<https://www.dw.com/en/coronavirus-contact-tracing-reignites-polish-privacy-debate/a-53600913>).

Gad-Nowak, M., M. Grzelak (2020): COVID-19: Poland Launches an Official Tracking App, in: O-I-CEE! Central and Eastern Europe Legal News and Views, April 24 (<https://www.ceelegalblog.com/2020/04/covid-19-poland-launches-an-official-tracking-app/>).

Poland In (2020): Polish company announces world's first anti-COVID-19 medicine, in: Poland In, September 23 (<https://polandin.com/49997997/polish-company-announces-worlds-first-anticovid19-medicine>).

IV. Welfare State Response

Education System Response

Education
Response
Score: 5

On 12 March 2020, all daycare centers, schools and colleges were closed to slow down the spread of COVID-19. Initially intended to last only two weeks, the shutdown period was extended through the end of May, when the youngest and graduating students were allowed to return to school. The rest continued with distance learning until the summer holidays. Because the switch to distance learning came very quickly, schools were not prepared in terms of technology infrastructure (e.g., ensuring students and teachers alike had computers at home) and in terms of didacts. Moreover, the switch hit an educational system already weakened by staff shortages, declining quality among educators and infrastructural deficiencies. As a result, exam performance has worsened. In 2020, only 74% of youth – in contrast to 80.5% in 2019 – passed the final exam for high school. At the same time, educational inequalities have further risen (Marczewski 2020).

The government reacted to these problems by allocating additional money for the purchase of computers in late March and early May 2020. Also in May, the Ministry of Science and Higher Education announced that 99 higher education institutions would receive an increase in subsidies, totaling PLN 256 million,

to help compensate for their loss in income resulting from reduced tuition fees, fewer occupied student dormitories, and fewer conference rooms being rented. While these measures have helped mitigate some of the problems, there were no specific programs for socioeconomically disadvantaged students, and the government largely left schools to struggle on their own with organizing online education. Innovative teaching and testing methods did not figure high on the agenda.

After the summer holidays, face-to-face classes were resumed in the beginning of September without much preparation (Kość 2020, Marczewski 2020). Only a few schools switched to hybrid or online teaching environments. There were regulations on how to respond to new infections in schools but no real action was taken to prevent this from occurring, a point criticized by the teachers' union ZNP. Responses on the ground have been complicated by the fact that schools and/or municipalities do not have the authority to make decisions regarding quarantines – they must defer to the central Chief Sanitary Office. Moreover, as a result of health issues and educators' dissatisfaction with the government's crisis management, the number of teachers in 2020 fell by almost 10,000 compared to 2019 (Marczewski 2020).

When the second wave of the COVID-19 pandemic arrived in the fall and schools and universities were gradually closed again, the newly installed Minister of Education and Science Przemysław Czarnek did little to support teachers and schools, apart from providing teachers with vouchers worth PLN 500 for the purchase of computers and computer programs. Instead, Czarnek has raged against liberal values, sex education, and equal gender roles and has focused on rewriting Polish textbooks to reflect more patriotic content (Hassel 2020).

Citation:

Hassel, F. (2020): Ein Bildungsminister mit gepflegten Feindbildern, in: Süddeutsche Zeitung, October 28 (<https://www.sueddeutsche.de/politik/polen-bildungsminister-czarnek-universitaeten-1.5095863>).

Kość, W. (2020): Despite coronavirus fears, Poland goes all in on reopening schools, in: Politico, September 8 (<https://www.politico.eu/article/despite-coronavirus-fears-poland-goes-all-in-on-re-opening-schools/>).

Marczewski, P. (2020): The Inequality Epidemic in Poland's Schools, in: Notes from Poland, October 8 (<https://notesfrompoland.com/2020/10/08/the-inequality-epidemic-in-polands-schools/>).

Social Welfare Response

Social Welfare
Policy Response
Score: 6

The Polish government has sought to limit the social fallout of the COVID-19 pandemic by keeping unemployment low, increasing unemployment benefits and by extending the duration of entitlement for the care allowance paid to parents with children at home by the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS). It has also nudged the banks to allow a

deferral of housing credit repayments of up to three months and a deferral of loan payments of up to six months.

The government has paid special attention to the elderly, who have been particularly vulnerable to the pandemic and lean toward PiS. The government mandated special shopping hours for seniors and introduced a program aimed at protecting those living in elderly care and nursing homes. The government provided PLN 1 billion in May 2020 to staff these homes and offered to provide support through the military units of the Territorial Defense (Wojska Obrony Terytorialnej, WOT) for those facilities requiring help with food deliveries, disinfecting buildings, or evacuating people. In October 2020, when infection rates were rapidly rising, Prime Minister Morawiecki called on senior citizens to stay home to protect themselves. The Support the Senior program (Wspieraj Seniora), coordinated by the Ministry of Family and Social Policy, then offered a helpline and assistance through volunteers, scouts, NGOs, the volunteer fire brigade, and the military units of the Territorial Defense (Wojsk Obrony Terytorialnej, WOT). In addition to state initiatives, services provided by NGOs and private neighborhood initiatives on the local level mushroomed during the pandemic (Bretan 2020).

Other vulnerable groups, such as migrants or single parents have received less support. A survey of social assistance institutions in mid-2020 showed that the unemployed, dependent elderly, victims of domestic violence and people using food aid applied for support more frequently than before the pandemic (Necel/Zaręba 2020). Due to a lack of resources, personnel and their need to protect themselves from infection, social workers reported difficult emotional and material working conditions.

Citation:

Bretan, J. (2020): Polish cities offer support to businesses and seniors amid tightened restrictions, in: Notes from Poland, October 28 (<https://notesfrompoland.com/2020/10/28/polish-cities-offer-support-to-businesses-and-seniors-amid-tightened-restrictions/>).

Necel, R., M. Zaręba (2020): Social assistance institutions during the COVID-19 pandemic: Experiences of Polish social workers, in: *International Social Work* 63(6): 803-806 (DOI: 10.1177/0020872820959361).

Healthcare System Response

When the first wave of the COVID-19 pandemic hit Poland in spring 2020, the government succeeded in protecting the country's vulnerable healthcare system from collapse. The government pumped money into the healthcare system and reorganized 19 hospitals into special clinics for COVID-19 patients with 10,000 intensive care beds, of which 10% were equipped with respirators and isolation stations for not-so-severe cases. It limited admittances to hospitals, reduced planned operations and closed specialist outpatient units

Health Policy
Response
Score: 5

with a view to focusing capacities on the infected and to contain the spread of the pandemic. As a matter of fact, about a third of all COVID-19 infections in spring 2020 could be traced back to contacts in hospitals and doctors' surgeries. In order to limit contagion, remote consulting was introduced to provide people with recommendations, as was the e-leave system and e-prescriptions. While these measures came with costs for non-COVID-19 patients, they contained the spread of the pandemic and ensured that sufficient capacities for COVID-19 patients were available. During the first wave of the pandemic, excess mortality in Poland was among the lowest in the OECD and the EU (Vaughan 2020).

In summer 2020, the government started to prepare the healthcare system for the second wave of the COVID-19 pandemic. In June, the Ministry of Health provided about PLN 250 million from the Knowledge Education Development program for the purchase of protective clothing, disinfectants etc., and supplementary payments to nursing staff from COVID-19 stations. In September, the implementation of a new strategy for dealing with the pandemic, which had been developed by the Ministry of Health in cooperation with experts from the voivodships, was launched (Becker 2020). This strategy allowed general practitioners in primary health centers (Podstawowa opieka zdrowotna; POZ) to conduct testing for the virus. The special COVID-19 clinics were dissolved and a three-stage hospital classification system was introduced. Stage one hospitals (all hospitals in Poland) were instructed to provide an isolated section within their facility for the purpose of testing patients for COVID-19, receiving COVID-19 patients and providing immediate COVID-19-related care. Hospitals designated as stage two hospitals are required to feature entire departments dedicated to patients infected with the virus. The total capacity among all stage two hospitals is 4,000 beds. A total of nine hospitals have been designated as stage three hospitals, that is, hospitals specialized in treating COVID-19 patients. The total capacity of all nine hospitals is 2,000 patients. The new scheme reduced the existing regional disparities in access to healthcare. The new Health Minister Adam Niedzielski (an economist and former Director of the National Health Fund) instructed the Fund to pay an additional salary to an expanded group of health sector employees, including rescue and laboratory staff.

Preparations for the second wave of the pandemic were overshadowed by a scandal associated with Health Minister Szumowski (Wanat 2020). The public prosecutor's office started investigations regarding the purchase of respirators. The Ministry of Health had ordered 1,200 devices from the company E&K but received only 200 and did not receive a refund of the advance payment. In addition, the deal had been prepared with the help of the arms dealer Andrzej Izdebski. The ministry had also purchased about 150,000 coronavirus tests in

South Korea, produced in China, for about \$15 million, with the effectiveness of the tests being in doubt. As the opposition lost a no-confidence vote in Health Minister Szumowski and his deputy Janusz Cieczyński, both stepped down from their offices in August 2020.

During the second wave of the COVID-19 pandemic, the Polish healthcare system reached its limits. The system did not have enough beds to treat COVID-19 patients or enough staff able to operate the equipment. In addition, improvised COVID-19 stations suffered from technical problems, and many people suffering from various conditions were not admitted to hospitals. Many others were reluctant to admit themselves, even in when facing an emergency situation. In 2020, almost half a million people died in Poland, which is the highest number of deaths in one year since the end of World War II and is roughly 80,000 above the average of recent years. In relative terms, these figures approximate the record figures registered in 1951 of 12.2 deaths per 1,000 inhabitants. Many of these fatalities were attributed to diphtheria, whooping cough and the country's first major polio epidemic. Public surveys point to several problems. According to a survey conducted in November 2020, only 9% of Polish respondents assessed the quality of healthcare in their country as good while 53% deemed it poor (an increase by eight percentage points from 2018) (IPSOS 2020). A total of 83% (an increase by 10 percentage points from 2018) stated that they believe many people cannot afford good healthcare and voiced dissatisfaction with appointments, waiting times, capacities and access to healthcare information.

Citation:

Becker, N. (2020): Covid-19: Gesundheitswesen in Polen, Germany Trade & Invest, December 28 (<https://www.gtai.de/gtai-de/trade/specials/special/polen/covid-19-gesundheitswesen-in-polen-235956>).

IPSOS (2020): Global Health Service Monitor 2020: A Global Advisor Survey: Paris (<https://www.ipsos.com/sites/default/files/ct/news/documents/2020-11/ipsos-global-health-service-monitor-2020.pdf>).

Vaughan, A. (2020): England & Wales had most excess deaths in Europe's covid-19 first wave, in: New Scientist, October 19 (<https://www.newscientist.com/article/2256986-england-wales-had-most-excess-deaths-in-europes-covid-19-first-wave/#ixzz6y2zpEgar>).

Wanat, Z. (2020): Poland's health minister resigns amid coronavirus second wave fears, in: Politico, August 18 (<https://www.politico.eu/article/polands-health-minister-resigns-amid-coronavirus-second-wave-fears/>).

Family Policy Response

Family Support
Policies
Score: 5

During the COVID-19 pandemic, the Family 500+ program has acquired a new role, as it has become a kind of basic income for families (Ciesielska-Klikowska 2020). The PiS government has reacted to the burden imposed on parents by the temporary closure of kindergartens and schools during the pandemic by gradually extending the duration of entitlement for the care allowance paid to those looking after children by the Social Insurance

Institution (Zakład Ubezpieczeń Społecznych, ZUS). However, the care allowance, which is set at 80% of a given salary, has been paid only to parents with children eight years and younger. In June 2020, the government also distributed tourism vouchers worth PLN 500 per child to all parents, combining compensation to families for pandemic-related stress with support for the Polish tourism industry.

While the government has provided some support to families, it has failed to address the retraditionalization of gender relations facilitated by the pandemic. The burden carried by women has in fact been high and exacerbated by the pandemic, as lockdown regulations required that children be accompanied by an adult when outdoors. The government also failed to address the increase in violence against women during the pandemic. Quite to the contrary, Minister of Justice Ziobro has pushed for Poland's withdrawal from the Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence), arguing that the convention "takes aim at family, marriage and the currently functioning social culture when it comes to comprehending gender." Poland has begun diplomatic efforts in neighboring countries to rally support for a "family rights convention" – initiated by ultra-conservatives and designed to pose a regional challenge to the Istanbul Convention (Ciobanu 2020).

Citation:

Ciobanua, C. (2020): Poland Begins Push in Region to Replace Istanbul Convention with "Family Rights" Treaty, in: *BalkanInsight*, October 6 (<https://balkaninsight.com/2020/10/06/family-rights-treaty/>).

Ciesielska-Klikowska, J. (2020): Poland social briefing: 'Family plus' program – continuation or change?, China-CEE Institute, May 2020, Budapest (<https://china-cee.eu/2020/05/25/poland-social-briefing-family-500-plus-program-continuation-or-change/>).

International Solidarity

International
Cooperation
Score: 5

Poland has not played a major role in international efforts to combat the COVID-19 pandemic. It has not been engaged in international attempts at fostering vaccine development. However, the government has occasionally demonstrated international solidarity in the fight against the pandemic. In June 2020, a convoy of 40 trucks carried 300 tons of items such as protective clothing, disinfectants, medicines, coronavirus tests and respirators to Belarus. The donors were the Ministry of Health, the Agency for Material Reserves, the Agency for Industry Development and the pharmaceutical company TZF Polfa. In late June 2020, the government sent an airplane transport with relief goods worth almost PLN 87 million to Baku to help Azerbaijan's compulsory health insurance system. A week earlier, similar shipments were sent to Armenia and Georgia.

Given its own problems with handling the COVID-19 pandemic, Poland has received rather than provided international help. This came especially from China in the first wave and from Germany in the second wave. The German offers prompted some controversies. Politicians from the governing coalition argued that Germany should send the Polish doctors back if they really wanted to help. Likewise, PiS leader Jarosław Kaczyński complained of Polish specialists preferring to work abroad. But on the ground, several efforts involving cooperation with and assistance from German organizations were established in various Polish regions.

Resilience of Democracy

Media Freedom

Media Freedom
Score: 3

Since entering office in 2015, the PiS government has intensified its grip on the media. It has transformed the public media into a PiS propaganda mouthpiece and has weakened the remaining independent media by forcing state-owned enterprises to refrain from placing advertisements in newspapers considered leftist or liberal. Public gas stations and other business have been urged not to sell particular newspapers.

The massive partisan bias of the public media became evident in the 2020 presidential election campaign (OSCE/ ODIHR 2020). The public broadcaster, TVP, acted as a campaign vehicle for the incumbent. The national broadcasting board KRRiT refrained from monitoring campaign coverage despite having the legal mandate to do so. The government's influence on public media also became visible in May 2020 when rock singer Kazik published a song about the tenth anniversary of the Smolensk plane crash, "Your pain is better than mine" (Twój ból jest lepszy od mój). He referred to the fact that cemeteries were closed but PiS party leader Jarosław Kaczyński used his authority to visit his mother's and brother's graves. Third Radio Program (Polskie Radio 3) listeners voted the song number one in mid-May. The program management then blocked the website with the results and declared the vote invalid. In response, several musicians banned the station from playing their pieces, and several editors quit their jobs. While Deputy Prime Minister Emilewicz sent a letter to the National Media Council (Rada Mediów Narodowych) demanding clarification about this incident with the hit list, other politicians, including Prime Minister Morawicki, were not concerned about the radio stations' actions.

The takeover of the public media by the PiS government has made their financing controversial. On 6 March 2020, President Duda signed a law allocating PLN 1.95 billion to TVP and Polish Radio (Polskie Radio), which the Senate had rejected earlier. The sum was intended to compensate for losses incurred by the broadcasters as a result of fee exemptions that had been in place from 2018 to 2020 and alleged underfunding over the ten previous years. The parliamentary opposition was critical of this act and proposed to use the

sum for cancer research and control, instead of giving it to the “pro-government” media.

In December 2020, the PiS government pushed ahead with its plans to “repolonize” the media (Lesser 2020). The state-owned oil company Orlen, led by Daniel Obajtek, a close ally of Jarosław Kaczyński, bought Polska Press for €27 million. Its 140 local and regional newspapers had belonged to the German Verlagsgruppe Passau. In November 2020, Orlen had already bought the newsagent firm Ruch that controlled one-fifth of the market with its nationwide kiosks. With the purchase of Polska Press, Orlen also received access to about 500 internet portals and 17.4 million users.

Further fears about media pluralism in Poland have been raised by the government’s plans to impose a “solidarity” tax of up to 15% on the media’s advertising revenues, as announced in January 2021. Officially justified as an attempt to raise funds for the health system, pandemic challenges and Polish culture, this move has been widely perceived as another strike against the independent media. Private media owners claim that the tax would add roughly €220 million annually to their current costs.

Another controversial government initiative introduced in early 2021 involves a new law to prevent social media platforms from deleting content and/or banning users who do not break the law. This legislation is the brainchild of Minister of Justice and Prosecutor General Ziobro, who is president of the PiS’ radical right-wing, religious fundamentalist junior coalition partner. The law permits social media users who have been blocked or/and had their content deleted the opportunity to complain directly to the platform, which is then obliged to resolve the issue within 24 hours. Exceedingly high fines of up to PLN 50 million are envisaged for those providers in violation and who are unwilling to restore the removed posts. The initiative has been officially justified by Ziobro as a means of protecting freedom of speech for those who do not share the allegedly dominant cosmopolitan-liberal world view.

The PiS government’s lack of respect for media freedom became also evident in July 2020 when Deputy Foreign Minister Szykowski vel Sęk summoned Germany’s attaché to the Polish Foreign Ministry in July to protest against a series of articles in the German media on Poland’s presidential elections. Claiming that the article were manipulative and gave the impression that the PiS sought to influence democratic elections in Poland. The German diplomat simply referred to the principle of the freedom of the press and to the fact that the German government has no influence on the media.

Citation:

Lesser, G. (2020): Staatskonzern in Polen kauft Zeitungen: Das Orlen-Imperium, in: taz, December 12 (<https://taz.de/Staatskonzern-in-Polen-kauft-Zeitungen/!5733618&s=Polen+Orlen/>).

OSCE/ ODIHR (2020): Special Election Assessment Mission Final Report: Republic of Poland, Presidential Election, 28 June and 12 July 2020. Warsaw (<https://www.osce.org/odihr/elections/poland/464601>).

Civil Rights and Political Liberties

Civil Rights and
Political Liberties
Score: 4

Since coming to office in 2015, the PiS government has increasingly infringed upon civil rights and political liberties, as is evidenced by the xenophobic, discriminatory and offensive rhetoric used by prominent members of government against minorities, activists for women’s rights and other people who do not fit into their worldview. Other examples include the selective restrictions placed on public gatherings, police violence against peaceful demonstrators, the government’s attempts to weaken independent NGOs, and its frequent attacks on Ombudsman Adam Bodnar, the independent Commissioner for Human Rights from 2015 to 2021.

In 2020, the discrimination of LGBTQ+ people remained a major issue. After a Europe-wide debate, the EU Commission decided in July 2020 not to support town-twinning applications from Polish municipalities that had declared themselves LGBTQ-free zones and had stopped funding for certain NGOs in 2019. During the 2020 presidential election campaign, politicians from the governing coalition, including President Duda himself, massively defamed LGBTQ+ people (Ciobanu 2020). Duda even claimed that “LGBT ideology” was “more destructive” than communism. The government also instrumentalized the COVID-19 pandemic as a means of restricting freedom of speech, with the minister of health forbidding medical staff to speak publicly of the sorry state of the healthcare system. In summer 2020, the government also announced plans to introduce a new registry for NGOs receiving funding from abroad (Buzaşu/ Marczewski 2020).

During the COVID-19 pandemic, the selective treatment of demonstrations and demonstrators has continued. Demonstrations perceived as hostile to the government have been met with aggressive police activity. When entrepreneurs gathered in Warsaw every Saturday to protest against the government’s crisis measures, the police used tear gas and arrested participants. The massive countrywide protests prompted by the anti-abortion ruling of the Constitutional Tribunal in late October 2020 were also met with disproportionate responses (Cienski 2020). In December 2020, Women’s Strike leader Marta Lempert’s allegedly positive coronavirus test was even disclosed by the national television TVP, a clear violation of her right to privacy. By contrast, right-wing demonstrations, even when directed against the government’s containment measures, have been subject to fewer

restrictions. In preparation of the country's national independence day on 11 November 2020, Prime Minister Morawiecki wrote a letter addressed to all citizens in which he called it a patriotic act to stay at home. At the same time, he refrained from backing Warsaw Mayor Trzaskowski, who banned the traditional far-right "march of independence" on that very day. When the march took place despite the ban, heavy rioting broke out that led to around 300 arrests and 35 police officers being injured. Notwithstanding these events, the government did not officially condemn the violence and the nationalistic slogans. Government propaganda framed the events by blaming feminist groups for provoking hooligans to use violence and fight the police (Hodun 2020).

The government's instrumentalization of political liberties was also demonstrated by the controversial manner in which it handled the 2020 presidential elections (OSCE/ODIHR 2020). Because of President Duda's strong showing in the polls and the opposition's low visibility during the lockdown, the PiS party, despite the COVID-19 pandemic, long advocated sticking to the scheduled date of May 10 for the election. The government's desire to take advantage of the situation figured prominently in delaying any declaration of a state of emergency, which would have made it impossible to hold elections. Although previously fiercely critical of remote voting, the government introduced a bill making it possible. Many observers even think that the government, in its desperate attempt to have the elections take place, deliberately downplayed the severity of the pandemic. Massive criticism of the government's insistence on holding the elections as originally planned, as well as rifts within the governing coalition eventually resulted in the presidential elections being postponed to June 2020. The unsuccessful attempt to organize the election in May cost taxpayers about PLN 70 million (€15.5 million). The election itself suffered from a smear campaign waged by the government and supported by public media. In addition, there have been around 6,000 complaints regarding difficulties in voter registration, on-time ballot deliveries and voting abroad. The Supreme Court ignored these complaints and eventually declared the election as legitimate. Andrzej Duda, the incumbent, won with less than 500,000 votes.

Citation:

Buzaşu, C., P. Marczewski (2020): Confrontation Versus Cooperation in Polish and Romanian Civil Society. Carnegie Europe, December 7, Brussels (<https://carnegieeurope.eu/2020/12/07/confrontation-versus-cooperation-in-polish-and-romanian-civil-society-pub-83146>).

Ciensi, J. (2020): Protests shake Poland as government looks for a retreat on abortion ruling, in: Politico, October 28 (<https://www.politico.eu/article/poland-abortion-protests-shake-government-retreat/>).

Ciobanu, C. (2020): LGBT Rights Seize Spotlight in Poland, Move Online Elsewhere, in: BalkanInsight, June 6 (<https://balkaninsight.com/2020/06/16/lgbt-rights-seize-spotlight-in-poland-move-online-elsewhere/>).

Hodun, M. (2020): From Poland With Love – November. Brussels: Friedrich Naumann Foundation Europe (<https://fnf-europe.org/2020/12/10/from-poland-with-love-november-3/>)

OSCE/ ODIHR (2020): Special Election Assessment Mission Final Report: Republic of Poland, Presidential Election, 28 June and 12 July 2020. Warsaw (<https://www.osce.org/odihr/elections/poland/464601>).

Judicial Review

Judicial Review
Score: 3

Since the 2015 change in government, Polish courts have increasingly been subjected to government influence (Sadurski 2019). In 2017, the takeover of the Constitutional Tribunal in the PiS government's first year in office was followed by a series of reforms pushed through – despite massive domestic and international protests – that have constrained the independence of the Supreme Court and ordinary courts. The laws have given the minister of justice far-reaching powers to appoint and dismiss court presidents and justices, and they have given the Sejm the right to select the 15 members of the National Council of the Judiciary by a simple majority. In addition, the composition of both the National Council of the Judiciary and the Supreme Court were changed. Incumbent members of the National Council lost their positions in March 2018, while the terms of the Supreme Court justices were reduced indirectly by lowering the retirement age from 70 to 65 years in April 2018. These legal changes, some of which were clearly unconstitutional, were accompanied by the dismissal of dozens of justices and a media campaign against the judiciary that was financed by public companies.

In response, the European Commission has launched several infringement procedures against Poland. However, the PiS government has so far acquiesced on only small matters. Instead, it has tried to circumvent the rulings by passing new legislation. It reacted to criticism of the new Disciplinary Chamber of the Supreme Court by passing the so-called “muzzle-law” in January 2020. This law has introduced further means to penalize judges and has ignored the interim measures placed by the European Court of Justice, so that the Commission opened a new infringement procedure in April 2020.

During the COVID-19 pandemic, courts have been open, but court proceedings have been subject to restrictions (Ministry of Justice 2020). From the end of March to mid-May 2020, certain proceedings were put on hold. Staffed with justices loyal to the government, the Supreme Court and the Constitutional Tribunal have not dared to challenge the government. The Constitutional Tribunal has not questioned the weak justification and the limited specification of the government's emergency measures which do not meet constitutional requirements (Jaraczewski 2020). The Supreme Court was quick to declare the 2020 presidential elections valid despite the near-6,000 complaints regarding difficulties in voter registration, on-time ballot deliveries and voting abroad. As especially the higher courts have largely failed to protect civil and political rights, citizens have instead turned to Ombudsman Adam Bodnar (Hassel 2021).

Citation:

Hassel, F. (2021): Adam Bodnar. Polens Bürgerrechtskommissar verteidigt die Verfassung gegen die nationalpopulistische Regierung, in: Süddeutsche Zeitung, January 10 (<https://www.sueddeutsche.de/meinung/profil-adam-bodnar-1.5169935>).

Jaraczewski, J. (2020): An Emergency By Any Other Name? Measures Against the COVID-19 Pandemic in Poland, in: Verfassungsblog, April 24 (<https://verfassungsblog.de/an-emergency-by-any-other-name-measures-against-the-covid-19-pandemic-in-poland/>).

Ministry of Justice (2020): The Polish Sejm has adopted extraordinary administrative provisions for the judiciary. Warsaw, March 29 (<https://www.gov.pl/web/justice/the-polish-sejm-has-adopted-extraordinary-administrative-provisions-for-the-judiciary>).

Sadurski, W. (2019): Poland's Constitutional Breakdown. Oxford/ New York: Oxford University Press

Informal Democratic Rules

Informal
Democratic Rules
Score: 4

The 2019 parliamentary elections increased the number of parties represented in the Sejm, the lower house of the Polish parliament (Markowski 2020). However, the main cleavage still runs between the populist-nationalist PiS and the centrist PO (or KO, Civic Coalition as its electoral alliance is called). The public media and government's unfair treatment of the political opposition, as well as the unequal conditions going into the election involving the politicization of gender and religion by PiS politicians have only exacerbated polarization. PiS exploited these two topics in particular, and propagated the false allegation that PO would abolish the childcare benefit 500+ as a means of discrediting the opposition and fueling polarization. The voting results for President Duda and his challenger Trzaskowski were very narrow with 51% to 49%, and the way in which PiS ran its campaign further deepened the divide between the younger, urban, well-educated, and more liberal part of the electorate and its more rural, older and less well-educated segments who support PiS.

The polarization between the two camps has also become visible in parliament. Even during the COVID-19 pandemic, there has been little cross-party cooperation in the Sejm, as the governing coalition has largely ignored the suggestions by the opposition and has inflamed polarization by raising divisive sociocultural issues (Fomina 2020). While Prime Minister Morawiecki has, from time-to-time, invited opposition leaders to inform them of the state of the pandemic, these meetings have largely aimed at sharing the blame for the mismanagement of the pandemic with the opposition. All that said, the lack of cross-party cooperation has not led to gridlock. The governing coalition has been able to get its bills passed with its parliamentary majority, and the thin majority of the opposition in the second chamber, the Senate, could only issue suspensive vetos that were always overruled by the Sejm. However, the governing coalition's ignoring of the opposition's suggestions has infringed upon the quality of the adopted measures. Moreover, the fact that

the opposition has not backed important measures taken against the pandemic has resulted in the public's limited acceptance of these measures.

Citation:

Fomina, J. (2020): Poland: How Populists Have Exploited the Coronavirus. Washington, D.C.: Carnegie Endowment (<https://carnegieendowment.org/2020/04/28/poland-how-populists-have-exploited-coronavirus-pub-81648>).

Markowski, R. (2020): Plurality support for democratic decay: the 2019 Polish parliamentary election, in: *West European Politics* 43(7): 1513-1525 (<https://doi.org/10.1080/01402382.2020.1720171>).

Resilience of Governance

I. Executive Preparedness

Crisis Management System

Crisis
Management
System
Score: 3

Before the COVID-19 pandemic, Poland's crisis management system was geared to respond to natural disasters, such as floods, rather than pandemics. There was a pandemic plan, but it was outdated. The National Institute of Public Health, which monitors epidemiological risks, suffered from a lack of capacities and independence. The Chief Sanitary Inspectorate, with its local sanitary stations, had largely focused on controlling the quality of food, health and safety before starting to collect and to report infection numbers and to introduce quarantine measures after the outbreak of the COVID-19 pandemic. Poland quickly ran through its national stock of emergency supplies.

II. Executive Response

Effective Policy Formulation

Effective Policy
Formulation
Score: 4

When COVID-19 infections began spreading in China and then in Italy, the PiS government downplayed the danger of a pandemic. Once the infections reached Poland, however, it responded very quickly. Already two days before the first confirmed case of a COVID-19 infection in Poland, parliament adopted a COVID-19 statute which expanded the government's decree powers beyond a state of emergency (Jaraczewski 2020). On March 13, one day after the first confirmed COVID-19 related death, the minister of health announced a "state of epidemic threat" which was elevated to a "state of epidemic" just one week later. The government took rapid action to ban mass events, close schools and universities and move to online learning, promote remote work, and progressively shut down large public venues. International air and rail passenger traffic was suspended, and borders reinstated. On March 24, a strict

lockdown was implemented. Leaving home was allowed only when necessary to buy food and medicine, to consult a doctor or to go to work. These containment measures were quickly complemented by a number of economic and social support programs. As a result of these measures, contagion was limited and the number of infections kept low. In the summer, when infection rates began to fall, restrictions were gradually lifted, and the borders re-opened on June 15.

The government was less effective in dealing with the second wave of the COVID-19 pandemic. While it adopted some measures to prepare for additional waves, it proved unable to prevent infections and deaths from spiraling upward from September to November 2020. In early August, a traffic light system was introduced that was intended to allow for differences in regional restrictions, depending on the number of infections. However, the entire country had already become a “red zone” by October 2020. From 28 December to 17 January 2021, Poland reintroduced a strict lockdown.

There are a number of reasons that account for the government’s failure to deal with the second wave of the pandemic: First, the success in handling the first wave gave rise to a certain complacency. Many citizens and politicians started to believe that the concerns about the pandemic had been overstated. Second, the government was preoccupied with infighting (Kaczyński 2020). Since the parliamentary elections in 2019, PiS’s two small coalition partners, the Agreement party of Jarosław Gowin and the United Poland party of Zbigniew Ziobro, have become more assertive. Within the PiS, struggles over the succession of party leader Jarosław Kaczyński have intensified. The cabinet reshuffle in October 2020, which substantially reduced the number of ministers and brought in Kaczyński as deputy prime minister responsible for security issues with a mandate to oversee the justice, defense and internal affairs ministries, has only partly mitigated these conflicts. Finally, the government’s notorious unwillingness to listen to the opposition, interest groups and independent experts has undermined an effective policy formulation process. The government largely ignored expert warnings of an imminent second wave of the COVID-19 pandemic. It failed to sufficiently prepare the healthcare and education systems and was relatively late to initiate containment measures.

The government’s mismanagement of the second wave of the pandemic has resulted in a massive decline in popular support. The percentage of polled respondents who feel that the government is doing a good job of handling the pandemic fell from 70% in March and April 2020 to 38% by October 2020 (CBOS 2020: 2).

Citation:
 CBOS (2020): Polish Public Opinion 10/2020. Warsaw
 (https://www.cbos.pl/PL/publikacje/public_opinion/2020/10_2020.pdf).
 Jaraczewski, J. (2020): An Emergency By Any Other Name? Measures Against the COVID-19 Pandemic in Poland, in: Verfassungsblog, April 24 (<https://verfassungsblog.de/an-emergency-by-any-other-name-measures-against-the-covid-19-pandemic-in-poland/>).
 Kaczyński, P. M. (2020): Poland's Government: A House Divided?, in: BalkanInsight, August 17 (<https://balkaninsight.com/2020/08/17/poland-government-pis-house-divided-turbulent-next-three-years/>).

Policy Feedback and Adaptation

Policy Feedback
 and Adaptation
 Score: 4

The government has frequently amended its measures and extended its Anti-Crisis Shield several times. In preparation for the second wave of the COVID-19 pandemic, it also revised its healthcare strategy and introduced a new “traffic light” system that links the imposition of restrictions to regional developments in infection numbers.

While the government has amended some of its measures, it has not evaluated their impact in any systematic manner and has reacted only selectively to criticism and recommendations by experts and interest groups. For instance, it responded to complaints that the initial economic support measures focused too heavily on micro-firms, but has refrained from expanding testing, as has been recommended by many health experts. It has largely ignored Senate Marshal Tomasz Grodzki's September 2020 warnings of an imminent second wave of the pandemic and the October 2020 warnings issued by the interdisciplinary advisory group on COVID-19 to the president of the Polish Academy of Sciences regarding a collapse of the Polish health system. Nor has the government followed the advice of the Polish teachers' union ZNP and the All-Poland Association of Educational Managers to let schools instead of health authorities decide whether to teach on-site or shift to distance learning.

Public Consultation

Public
 Consultation
 Score: 2

The PiS government has never invested much effort in consulting with societal actors. It has bypassed the formal consultation requirements by introducing legislative initiatives through members of parliament, since such initiatives do not require abiding by the regular consultation mechanisms, and therefore exclude experts, interest groups and the public. Moreover, by passing major laws quickly, there has been little time to engage in meaningful consultation.

When preparing its first Anti-Crisis Shield in March 2020, the government did not respect the principles of social dialogue (Szarfenberg 2020: 2). The legislation has even empowered the prime minister to dismiss members of the

tripartite Council for Social Dialogue (Rada Dialogu Społecznego - RDS) (Rogalewski 2020). The representatives of trade unions and other workers' organizations in the RDS protested in a letter to President Duda against this interference with their institution's independence. But despite this intervention and the Senate's attempt to amend legislation on exactly this point, the Sejm passed the bill on March 31. In order to placate the unions, Duda later decided to submit the regulations on the council to the Constitutional Tribunal for assessment. Given the Constitutional Tribunal's lack of independence, this was a largely symbolic gesture. Controversies over the appointment of new members to the RDS after the cabinet reshuffle in October 2020 led to the resignation of the trade union NSZZ Solidarność. This resignation was remarkable insofar as NSZZ Solidarność always cultivated close relations with PiS while the other two trade unions were a bit more critical of the party, in particular its judicial reforms (Sendhardt 2020).

Many societal actors have criticized the structural ignorance of the PiS government, its unwillingness to listen to them and to involve them in policy formulation processes (Buzaşu/ Marczewski 2020). Entrepreneurs and employers' associations criticized the government's initial anti-crisis measures as insufficient, too slow and too bureaucratic. Starting in May 2020, they have demonstrated against the government every Saturday. Other societal actors have followed. Farmers have protested the government's lack of support and the controversial animal rights law passed in September 2020. Since the end of October 2020, there have been massive protests against the Constitutional Tribunal's abortion ruling.

When it came to preparing the vaccination rollout, the government adopted a more inclusive approach. A process was introduced to incorporate comments and suggestions to the National Vaccination Programme against COVID-19 that ended in December 2020. According to Michał Dworczyk, government commissioner for vaccinations and head of the Prime Minister's Office, more than 2,000 responses had been received and additional consultations had taken place with associations of doctors, nurses, pharmacists and others to plan the process and to be able to provide 3.4 million vaccinations per month.

Citation:

Buzaşu, C., P. Marczewski (2020): Confrontation Versus Cooperation in Polish and Romanian Civil Society. Carnegie Europe, December 7, Brussels (<https://carnegieeurope.eu/2020/12/07/confrontation-versus-cooperation-in-polish-and-romanian-civil-society-pub-83146>).

Rogalewski, A. (2020): How Law and Justice (mis)used the pandemic to dismantle social dialogue in Poland, in: Social Europe, April 21 (<https://socialeurope.eu/how-law-and-justice-misused-the-pandemic-to-dismantle-social-dialogue-in-poland>).

Sendhardt (2020): Die fragmentierte Gewerkschaftsbewegung in Polen: das schwierige Erbe von 1989, in: Polen-Analysen, No. 263, pp. 2-6 (<https://www.laender-analysen.de/polen-analysen/263/die-fragmentierte-gewerkschaftsbewegung-in-polen-das-schwierige-erbe-von-1989/>).

Szarfenberg, R. (2020): COVID-19 socio-economic responses in Poland. European Social Policy Network, ESPN Flash Report 2020/29, Brussels: European Commission.

Crisis
Communication
Score: 3

Crisis Communication

The government has used different channels for communicating its assessment of the situation. From March to mid-July 2020, Minister of Health Szumowski held daily press conferences on the development of the COVID-19 pandemic. Prime Minister Morawiecki and President Duda have addressed the public in speeches and via interviews and statements made in different media channels. Compared to Morawiecki and Duda, PiS-leader Jarosław Kaczyński, the grey eminence within the government, has played only a subordinate role in the government's messaging regarding the pandemic.

The government's communication regarding pandemic issues has suffered from a lack of credibility. Right from the beginning of the pandemic, the government has stylized itself as the country's sole savior and has denigrated the role of the EU, municipalities and experts. It has withheld critical information about the state of the healthcare system, testing and even the regional spread of infections. It was quick to declare victory rather early on in the pandemic, with the obvious aim of keeping the original schedule for the 2020 presidential elections and of bolstering popular support for the incumbent president. In the summer, the government did little to prepare the population for the second wave. The government's political instrumentalization of the pandemic became all the more apparent when Prime Minister Morawiecki, in preparation for national independence day on November 11, issued a public letter to all citizens in which he deemed staying home a patriotic act but failed to back Warsaw Mayor Trzaskowski, who had banned the traditional far-right "march of independence" on that very day. As a result, many citizens have little faith in the government's credibility regarding the crisis and feel they have been poorly informed and abandoned by their government (Margraf et al. 2020).

Citation:

Margraf, J., J. Brailovskaia, S. Schneider (2020): Behavioral measures to fight COVID-19: An 8-country study of perceived usefulness, adherence and their predictors, in: PLoS ONE 15(12): e0243523 (<https://doi.org/10.1371/journal.pone.0243523>).

Implementation
of Response
Measures
Score: 6

Implementation of Response Measures

Due to its majority in the Sejm, the government was able get all its anti-crisis-packages passed in the parliament very quickly. Most of the economic and financial support measures have been implemented effectively and reached their target groups. In some cases, however, bureaucratic procedures have made the process more lengthy than necessary. Occasionally, controversies

over the preferential treatment of certain groups popped up. In the fall of 2020, for example, artists found that some prominent and obviously not-in-need colleagues received help while other, more independent artists had been neglected (Hodun 2020). The government then stopped providing this support entirely.

To enforce its containment measures, the government relied on two contact-tracing apps, high fines for failure to abiding by the regulations, and massive police controls. However, citizens' adherence to the rules was relatively low (Margraf et al. 2020). The local branches of the Chief Sanitary Office have not been sufficiently staffed, equipped and trained to ensure quick and comprehensive contact-tracing, and the military's occasional assistance failed to turn the tables. In the summer, the government did little to strengthen administrative capacity in preparation of the second wave of infections.

Citation:

Hodun, M. (2020): From Poland With Love – November. Brussels: Friedrich Naumann Foundation Europe (<https://fnf-europe.org/2020/12/10/from-poland-with-love-november-3/>).

Margraf, J., J. Brailovskaia, S. Schneider (2020): Behavioral measures to fight COVID-19: An 8-country study of perceived usefulness, adherence and their predictors, in: PLoS ONE 15(12): e0243523 (<https://doi.org/10.1371/journal.pone.0243523>)

National Coordination

National
Coordination
Score: 4

Since 1999, Poland has supported three tiers of subnational governments: municipalities, districts and regions. Since the 2015 elections, the relationship between the central government and the municipalities has been strained, since the majority of cities, especially larger ones, have been controlled by the parliamentary opposition.

During the COVID-19 pandemic, the conflicts between the central government and the municipalities have continued. The latter have complained about a lack of coordination, information and support (Hajnal et al. 2021). Mayors have learned about new decisions by central government only from press conferences, not directly. Despite their role in healthcare and education, municipalities have received little budgetary support from the central government. In July 2020, the government set up a Local Investment Fund of more than PLN 12 billion (€2.68 billion) of non-refundable support for projects such as infrastructure, education or digitalization. However, the allocation of these funds has been intransparent, with municipalities governed by the opposition receiving no or less money. The lack of resources has limited the municipalities' capacities to act effectively and to develop locally adapted policies (Madej 2000). The central government's hands-on approach, along with PiS anti-German resentments, has also complicated the cooperation

of Polish and German regions and municipalities regarding cross-border commuters and healthcare.

Partly because of their dire fiscal situation, a large number of mayors have urged the Polish government to withdraw its veto on the EU's Multiannual Financial Framework. In December 2020, they also wrote a letter to Commission President Ursula von der Leyen in which they distanced themselves from the intransigence of their government and asked to find new ways to transfer EU Recovery funds directly to municipalities if their national leaders would uphold their veto (Zalan 2020).

Citation:

Hajnal, G., I. Jeziorska, É. M. Kovács (2021): Understanding drivers of illiberal retrenchment at critical junctures: institutional responses to COVID-19 in Hungary and Poland, in: *International Review of Administrative Sciences*, forthcoming.

Madej, M. (2020): *Local Government in Poland as an Actor in Pandemic Crisis*. Mimeo, University of Wrocław.

Zalan, E. (2020): Warsaw and Budapest seek EU funds despite national veto, in: *EUobserver*, December 8 (<https://euobserver.com/economic/150304>).

International Coordination

International
Coordination
Score: 5

With the PiS government, Poland's international orientation has changed. Steps leading toward deeper integration have been contested and PiS has been more critical than its predecessors of Germany's role in the European Union. Because of this intransigence, Poland's reputation and standing within the European Union have suffered. In order to strengthen Poland's influence in the EU, the PiS government has intensified cooperation with Hungary and with other members of the Visegrád group (Hungary, Czech Republic, Poland, Slovakia).

During the COVID-19 pandemic, the relationship between Poland on the one side, and Germany, the European Commission and most of the EU member states on the other, has remained tense. Quarrels between the EU and the Polish government began in March 2020 when then-Health Minister Szumowski argued that EU solidarity in the delivery of medical equipment to Poland failed. Such critique was also repeated by public TV outlets, despite the false nature of these claims, as Poland had issued its request for medical supplies rather late in the game. Then, there were discussions with individual German federal states regarding those who cross-border commute to work, a situation that affects about 25,000 people. Dietmar Woidke, the coordinator for Polish-German relations, wrote to his counterpart Bartosz Grodecki to find solutions and to consult more intensively on the issue after the Polish government had closed the border and introduced a 14-day quarantine rule.

The effect was that many people who work in Germany could no longer see their families living in Poland or could not go to work. In June 2020, Prime Minister Morawiecki discussed with other Visegrád countries' representatives issues related to the EU's reconstruction fund designed to address the impact of the coronavirus pandemic. Poland was in favor of granting substantial financial support but advocated a distribution mechanism that takes the relative wealth of each state into account. In late fall, this debate escalated when Poland, together with Hungary, vetoed the EU's Multiannual Financial Framework because of the rule of law clause (Bayer/ Wanat 2020), a move that implied a pending failure of the Next Generation EU recovery fund to be passed and implemented, which was of major concern to southern EU members Spain and Italy, who had been severely affected by the pandemic. The package was eventually passed only after a compromise had been reached on the role of the European Court of Justice (Bayer 2020).

Citation:

Bayer, L. (2020): Germany presents plan to end EU budget blockade by Hungary, Poland, in: Politico, December 9 (<https://www.politico.eu/article/german-presidency-proposes-rule-of-law-compromise-text/>).

Bayer, L., Z. Wanat (2020): Hungary and Poland block EU coronavirus recovery package, in: Politico, November 16 (<https://www.politico.eu/article/hungary-and-poland-block-progress-on-e1-8-trillion-package/>).

Learning and Adaptation

Learning and
Adaptation
Score: 4

The government has not systematically evaluated its crisis management system. It did not initiate major institutional reforms in preparation of the second wave of the COVID-19 pandemic. The cabinet reform in October 2020, which substantially reduced the number of ministers and brought in PiS leader Jarosław Kaczyński as deputy prime minister responsible for security issues with a mandate to oversee the justice, defense and internal affairs ministries, has primarily aimed at containing the growing rifts within the governing coalition (Cienski 2020, Kaczynski 2020). While it might increase the strategic capacity of the government in general, it has not improved the system of crisis management itself.

Citation:

Cienski, J. (2020): Polish power struggle pulls Kaczyński into government, in: Politico, September 25 (<https://www.politico.eu/article/poland-jaroslaw-kaczynski-power-struggle-government/>).

Kaczyński, P. M. (2020): Poland's Government: A House Divided?, in: BalkanInsight, August 17 (<https://balkaninsight.com/2020/08/17/poland-government-pis-house-divided-turbulent-next-three-years/>).

III. Resilience of Executive Accountability

Open Government

Open
Government
Score: 4

The Chief Sanitary Inspectorate has published a lot of information on the development of COVID-19 infections and there are specific help desks that people can reach by phone. The government has also created a dedicated website that features relevant information on policies and regulations regarding personal behavior, but also on practical issues such as how to reach out to medical services. However, the information published by the government and the Chief Sanitary Inspectorate has suffered from partisan bias and the government has been reluctant to publish critical data on the pandemic. The government not only ignored the calls by the Presidium of the Main Council of Doctors (Naczelna Rada Lekarska) to regularly publish data on COVID-19 infections among medical staff, it has even pressured physicians and hospital directors to not provide any information on the COVID-19 pandemic and the state of the health system to the public. Likewise, when Michał Rogalski, a 19-year-old high school student gathering data on the COVID-19 pandemic, found out that the infection number published by the powiat-level sanitary authorities did not add up to the totals presented by the government, the government responded by ceasing to publish the powiat-level data (Jaraczewski 2021). Given the gaps and inconsistencies in the official data, many epidemiologists have preferred to work with the data gathered by Rogalski and his supporters.

The government's failure to provide unbiased information about the COVID-19 pandemic has nourished conspiracy theories. In November 2020, when infection rates were on the rise again, surveys found that 45% of all respondents thought that the risks of the pandemic are deliberately exaggerated and instrumentalized by self-interested politicians, the pharmaceutical industry and the media (CBOS 2020). Some 28% even expressed the belief that the COVID-19 pandemic has been the deliberate attempt of some actors behind the scenes to reduce the global population. Likewise, the late start of the government's information and education campaign has been a major reason for a relatively strong skepticism regarding vaccination among the Polish population (Sieradzka 2020).

Citation:

<https://www.gov.pl/web/koronawirus>

CBOS (2020): Polish Public Opinion 12/2020. Warsaw, p. 3-4
(https://www.cbos.pl/PL/publikacje/public_opinion/2020/12_2020.pdf).

Jaraczewski, J. (2021): The New Normal? – Emergency Measures in Response to the Second COVID-19 Wave in Poland, in: Verfassungsblog, March 24 (<https://verfassungsblog.de/the-new-normal-emergency-measures-in-response-to-the-second-covid-19-wave-in-poland/>).

Sieradzka, M. (2020): Anti-vaccine sentiment rife in Poland. Deutsche Welle, December 31 (<https://www.dw.com/en/anti-vaccine-sentiment-rife-in-poland/a-56100878>).

Legislative Oversight

Legislative
Oversight
Score: 4

The Sejm and the Senate, the two chambers of the Polish parliament, have continued to operate during the COVID-19 pandemic, albeit with certain safety measures in place. Unlike the Senate, the Sejm amended its rules of procedure in March 2020, so as to allow members of parliament to participate in its sessions by using electronic means of communication during various states of emergency, including the epidemic state of emergency introduced during the COVID-19 pandemic (Serowaniec/ Witkowski 2020). Since then, some members of parliament have participated remotely in the sessions of the Sejm and its committees. The new system has had some technical problems and involves new time limits being placed on speeches. However, the main restrictions to legislative oversight have been the old ones. The governing coalition has continued its long-standing practice of ignoring the parliamentary opposition, using its majority to pass legislation very quickly and circumventing normal legislative procedures by having draft legislation introduced by individual members of parliament. This has not changed during the COVID-19 pandemic. If the Senate or opposition members of parliament in the Sejm have made suggestions for amendments, the latter have not been considered by the majority, and there has been no real debate in the Sejm.

Citation:

Serowaniec, M., Z. Witkowski (2020): Can legislative standards be subject to ‘quarantine’? The functioning of the Tablet Sejm in Poland in the COVID-19 era, in: *The Theory and Practice of Legislation* 8(1-2): 155-170 (DOI: 10.1080/20508840.2020.1805851).

Independent Supervisory Bodies

Auditing
Score: 6

Poland’s Supreme Audit Office (Naczelna Izba Kontroli, NIK) is accountable exclusively to the Sejm. The NIK chairperson is elected by the Sejm for six years, ensuring that his or her term does not coincide with the term of the Sejm. The Senate has to approve the Sejm’s decision. The NIK has wide-ranging competencies and is entitled to audit all state institutions, government bodies and local-government administrative units, as well as corporate bodies and non-governmental organizations that pursue public contracts or receive government grants or guarantees. The NIK can initiate monitoring proceedings itself or do so at the request of the Sejm, its bodies or its representatives (e.g.,

the speaker of the Sejm, the national president or the prime minister). It is also responsible for auditing the state budget.

Since August 2019, the NIK has been led by Marian Banas, a long-serving former Chief Executive of the Customs Service and a short-lived former minister of finance. While Banas was nominated by the PiS government, the NIK has continued to operate in a professional and independent manner under his leadership. This has not changed during the COVID-19 pandemic. In September 2020, for example, a school audit found that the Ministry of Education did not do enough to integrate migrant children in schools.

Data Protection
Score: 6

The Personal Data Protection Office (Urząd Ochrony Danych Osobowych, UODO) has generally operated quite independently. In August 2019, for example, its director Jan Nowak initiated ex officio proceedings against the Ministry of Justice and the National Council of the Judiciary, following accusations that the bodies had collected and processed the personal data of judges and their families, and had shared the data with third parties.

During the COVID-19 pandemic, however, the UODO has played a limited role. When containment measures were introduced in March 2020, the UODO issued a statement on data processing during the lockdown and the implications for dealing with personal data which was widely perceived as too vague. In May 2020, the UODO did not challenge the Chief Sanitary Inspectorate's controversial instructions on the collection of employee health data by companies. Nor did the UODO join the debate about the data protection issues prompted by the originally planned contact-tracing app. Thus, it was the Commissioner for Citizens' Rights, ombudsman Adam Bodnar, rather than the UODO who spoke out against violations of data protection and privacy issues during the pandemic.

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