



Poland Report

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Executive Summary

Poland has been governed by the right-wing populist PiS since 2015. In 2020, PiS reaffirmed its hold on power through Andrzej Duda's re-election as president of the republic in June. However, this was a narrow victory with Duda winning only 420,000 more votes (in a country of more than 30 million eligible voters) than Rafał Trzaskowski, the mayor of Warsaw. Moreover, since the 2019 parliamentary elections, rifts within the governing coalition have increased, as both coalition partners of PiS, the right-wing *Solidarna Polska* and the more centrist *Porozumienie*, have become more assertive. In August 2021, *Porozumienie* eventually left the governing coalition. Now, the government has to rely on unaffiliated members of parliament, the so-called plankton, to secure its majority in the Sejm. In the Senate, the second chamber of the Polish parliament, the opposition already holds a slight majority of seats (51 out of 100). Favored by the first-past-the-post system, cooperation between the parties of the democratic opposition worked in the 2019 Senate election (Markowski 2020).

The government's record in combating the COVID-19 pandemic has been mixed. On the one hand, the government succeeded in limiting the economic and social fallout from the pandemic. Real GDP declined by a mere 2.5% in 2020, much less than in most OECD and EU countries, and recovered strongly in 2021. The unemployment rate did not increase in 2020. Additional social spending has eased the situation for many families and pensioners. On the other hand, the Polish healthcare system reached its limit during the second wave of the pandemic and the government has failed to adapt the education system to the challenges of homeschooling. The excess mortality prompted by the pandemic in 2020 and 2021 was among the highest in the European Union.

During the COVID-19 pandemic, the erosion of democracy in Poland has continued (Matthes 2021). The government has continued to expand its control over the judiciary and the media. The government's instrumentalization of political liberties is shown by the controversial handling of the 2020 presidential elections. Because of President Duda's strong showing in the polls and the opposition's low visibility during the lockdown, the PiS, 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 critical of postal voting, the government introduced a bill making it possible. As it was constitutionally impossible to change the format of an election at such short notice, this step was met with strong criticism even inside the governing coalition. As a result, the election was eventually postponed to June, and a mix of postal and in-person voting was applied. In the 2020 presidential election campaign, PiS used its control over the media to promote nationalist and homophobic rhetoric, and run a smear campaign against opposition candidates. Concerns about civil rights have also been prompted by the controversial October 2021 judgement of the Constitutional Tribunal, which questioned the supremacy of EU law, the state of emergency imposed on the regions along Poland's border with Belarus, and the revelations in January 2022 that the government had used the Israeli Pegasus spyware to spy on opposition politicians, lawyers and public prosecutors.

With growing rifts within the governing coalition since 2019, the government's strategic capacity has declined. Ministers Ziobro and Gowin, the heads of PiS's coalition partners, have become more assertive, and have frequently clashed with each other and Prime Minister Morawiecki. To foster ministerial compliance, PiS party leader Jarosław Kaczyński, who previously steered the government from outside, eventually entered the government as vice-prime minister after a major cabinet reshuffle in autumn 2020. Paired with the bypassing of legal requirements for regulatory impact assessments and public consultation by relying heavily on legislative initiatives proposed by individual members of parliament and government bills, the process of policymaking has remained exclusive and opaque. Likewise, the relationship between the central government and the country's larger cities, most of them led by the opposition, has remained tense, limiting the scope for innovative subnational policies and infringing upon the quality of public services on the ground.

In May 2021, the government presented a comprehensive new economic and social reform package. The "Polish Deal" (Polski Ład) has envisaged a comprehensive tax reform, new family benefits, greater spending on healthcare and additional public investment. Aimed at attracting voters ahead of the 2023 parliamentary elections, the package has been criticized for the additional spending commitments, the higher tax burden for entrepreneurs and the middle class, and the vague investment plans. The implementation of the new tax rules in early 2022 resulted in chaos.

Markowski, R. (2020): Plurality support for democratic decay: the Polish parliamentary election of 2019, in: *West European Politics*, 43/7, p. 1513-1525.

Matthes, C.-Y. (2021): Polen: Erosion von Pluralismus und Rechtsstaatlichkeit – Ausbau des Sozialstaats. Das konservativ-nationale Programm der PiS-Regierung, in: G. Verheugen, K. Vodička, M. Brusis (eds): *Demokratie im postkommunistischen EU-Raum. Erfolge, Defizite, Risiken*, p. 113-130.

Key Challenges

With the 2023 parliamentary elections ahead, political majorities in Poland are in flux. PiS is still leading in the polls, but inside the United Right, the PiS-led alliance, coherence has been crumbling. The newly established centrist party Polska 2005 presents a challenge to both PiS and PO. Much will depend on how the rivalries between Zbigniew Ziobro and Mateusz Morawiecki (the main contenders to succeed PiS leader Jarosław Kaczyński) on the one hand, and between Donald Tusk and Szymon Hołownia on the other will evolve. As the election of the new Polish commissioner on human rights, Marcin Wiącek, in July 2021 has shown, collaboration among the opposition can function and pay out.

The PiS government's current version of its populist economic and social policies, the so-called Polish Deal, represents a challenge for both the governing coalition and the opposition. The combination of additional public spending and tax cuts has further increased budgetary pressures. The tax changes brought about by the "Polish Deal" will hurt many small entrepreneurs and parts of the middle class (i.e., politically vocal and economically important groups). At the same time, however, the government's measures for pensioners and families resonate well with large parts of the population. Thus, the opposition parties face the problem of how to deal with PiS's social welfare legacy during the election campaign as well as after a potential victory at the polls.

The future economic and political development of Poland has a strong international dimension. Before the Russian invasion of Ukraine, relations between Poland and the European Union had further deteriorated. On the one hand, the European Commission has opened a new infringement procedure, has imposed hefty fees on Poland for its non-compliance with decisions by the Court of Justice of the European Union, and has withheld payments from the European Union's Recovery and Resilience Facility. On the other hand, the PiS government has so far largely ignored admonitions by the European Commission and the Court of Justice of the European Union. The October 2021 ruling of Poland's Constitutional Tribunal questioning the supremacy of EU law has even nourished discussions about a "Polexit." There are signs that some politicians from the ruling coalition are aware of the dangers of a further confrontation with the European Union and the international community. President Duda's veto of the government's controversial legislation on media

ownership (“lex TVN”) at the end of 2021 is a case in point. It might also indicate that the president will eventually try to take a more independent position. For Poland’s highly Europhile population, of which 80–90% supports EU membership, a rapprochement with the European Union would be good news. Such a rapprochement would also pave the way to the €35 billion targeted for Poland within the Recovery and Resilience Facility. This money is very much needed to strengthen Poland’s economic recovery and modernization, and limit the country’s fiscal problems.

Party Polarization

The Polish party system used to be dominated by two parties that are both rooted in the *Solidarność* movement – the centrist Civic Platform (PO), and the populist-nationalist Law and Justice party (PiS). The two parties take different approaches toward socioeconomic issues. PO believes in the market as a regulator and sees the provision of equal opportunities for people as a primary goal, while the PiS advocates for greater state interference and broader social welfare. More important than these policy differences, however, are the two parties’ different views of Poland’s post-communist history and differing conceptions of democracy. Whereas PO sees Poland’s economic and political development since 1989 as being a successful transition to a market economy and a liberal democracy, PiS argues that the break with the communist past has been incomplete and that the common people have been betrayed by the liberal elites. Consequently, PiS calls for further efforts to rid the country and all state institutions of anything that has any tinge of communism. Whereas PO subscribes to compromise and pluralism, PiS has sought to eliminate checks and balances. The political polarization between these two camps has been exacerbated by the fact that the PiS government has ruthlessly used its parliamentary majority to expand its power and implement its own projects (Markowski 2019). Exploiting people’s fears and portraying liberals as a threat to Polish society has been central to the PiS’s electoral strategy. The growing party polarization is illustrated by the fact that policy differences between PiS and PO voters in the 2019 parliamentary elections were much greater than in 2015 or, even more so, in 2011 (Markowski 2020).

While the polarization between the governing coalition and the bulk of the parliamentary opposition has remained strong, both political camps have experienced some shifts. PiS has been challenged by the greater assertiveness of its coalition partners – *Porozumienie* and *Solidarna Polska* – and the parliamentary representation of a new right-wing and euroskeptic formation, the Freedom and Independence Confederation (KON). With *Polska 2050*,

established by Szymon Hołownia who came third in the 2020 presidential election, a new centrist party has emerged. It has enjoyed relatively strong support in the polls and has gained parliamentary representation through the defection of members of parliament from other parties. (Score: 4)

Citation:

Markowski, R. (2020): Plurality support for democratic decay: the Polish parliamentary election of 2019, in: *West European Politics* 47 (7): 1513-1525.

Markowski, R. (2019): Creating Authoritarian Clientelism: Poland After 2015, in: *Hague Journal on the Rule of Law* 11(1): 111-132.

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 6

In the years before the COVID-19 pandemic, the Polish economy was characterized by high and stable rates of GDP growth. Economic growth 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. When the COVID-19 pandemic hit, the Polish government reacted quickly and comprehensively in order to limit the economic fallout. From March to December 2020, it adopted a series of six “Anti-Crisis Shields.” The government’s stimulus measures, along with the Polish National Bank’s accommodating policies, helped mitigate the output decline. Real GDP declined by a mere 2.5% in 2020, much less than in most OECD and EU countries, and recovered strongly in 2021. As elsewhere, inflation has accelerated since 2021.

In May 2021, the Morawiecki government presented a new economic reform package (Richter 2021). The “Polish deal” (Polski Ład) has envisaged a comprehensive tax reform, new family benefits, increased spending for the healthcare sector and additional public investment. Aimed at attracting voters ahead of the 2023 parliamentary elections, the package has been criticized for the massive additional spending commitments, the higher tax burden for entrepreneurs and the middle class, and the vague investment plans (Richter 2021). The controversies over the package have intensified the rifts within the governing coalition, and led to the sacking of minister of economic development, labor and technology, and Deputy Prime Minister Jarosław Gowin in August 2021. The implementation of the new tax rules in early 2022 resulted in chaos (Makowski 2022). Already in November 2021, the government reacted to soaring inflation by announcing a first anti-inflation shield, consisting of tax and excise reductions on fuels and electricity, and vouchers for lower income households.

Citation:

Makowski, M. (2022): The Polish Deal: how a landmark tax reform has turned into a PR disaster for the government, in: Notes from Poland, January 23 (<https://notesfrompoland.com/2022/01/23/the-polish-deal-how-a-landmark-tax-reform-has-turned-into-a-pr-disaster-for-the-government/>).

Richter, M.M. (2021): Konsum, Konservatismus und Staats-Kapitalismus - die PiS beschließt die sozio-ökonomische "Polnische Ordnung", in: Polen-Analysen, Nr. 284, 2-6 (<https://www.laenderanalysen.de/polen-analysen/284/PolenAnalysen284.pdf>).

Labor Markets

Labor Market
Policy
Score: 6

Poland's favorable overall economic record has been associated with a marked decline in unemployment since 2013. Unlike in most other OECD and EU countries, the unemployment rate did not increase in 2020. However, regional variations in (un-)employment, both between and within regions (voivodships), have been strong and persistent. Temporary employment contracts represent another problem, as Poland still has the highest rate of such agreements in the European Union. The PiS government has done little to foster the labor market integration of young people (unemployment disproportionately affects 15–24 year olds), lower-skilled workers, and women. The tax exemptions for young people who earn below PLN 85,528 per year, introduced in 2019, have not turned the tables and the government's generous "500+" child allowance policy has even contributed to the withdrawal of over 100,000 women from the labor market.

The government's main labor market reform project aims to increase the minimum wage. Following strong rises in the past, the minimum wage was further increased from PLN 2,250 per month (PLN 14.70 per hour) in 2019 to PLN 2,800 per month in 2021. While these politically popular moves have improved the financial situation of low-wage earners, they have raised concerns about negative employment effects and a rise in the shadow economy.

As a result of the COVID-19 pandemic, the labor shortages in some parts of the country and for some professions have become an even more pressing issue. A huge influx of people from Ukraine and Belarus, who have received work visas in order to fill low-skilled job vacancies in sectors where there is a shortage of domestic workers, cannot fully compensate for this gap. In October 2021, around 634,000 Ukrainians were registered with the Social Insurance Institution. This is more than five times more than in 2015. It is estimated that another 1.5 million Ukrainians work illegally in Poland. For Belarussian citizens, the second-largest group of foreign workers in Poland, around 16,500 working permits were issued in the first half of 2021.

Taxes

Tax Policy
Score: 5

The PiS government's tax policy has followed a political logic and has sought to favor those groups which PiS considers to be their loyal voters, especially pensioners, households with lower incomes and families. This also applies to the comprehensive, but poorly prepared tax reform that was adopted as a key element of the "Polish Deal" in May 2021 and went into force on 1 January 2022 (Harper 2022; Makowski 2022; Richter 2021).

The adopted measures have included a substantial increase of the tax-free income tax allowance up to PLN 30,000 (€7,000), a reduction in the lower personal income tax rate from 18% to 17% and an increase in the threshold for the higher personal income tax rate of 32% from PLN 85,528 to PLN 120,000. However, the lowering of the income tax burden associated with these measures has been partly compensated for by changes in the treatment of contributions to the health insurance scheme. Before the reform, the bulk of these contributions, which reach 9% of gross income, were deductible from the income tax. From 2022, this will no longer be possible. As a result, the actual personal income tax burden will increase for people who earn more than PLN 13,000 per month.

The new tax treatment of health insurance contributions has also led to a higher tax burden for the self-employed. To limit the additional tax burden, the government has adopted a number of patches that have further increased the already high complexity of the Polish tax system. The same applies to the newly introduced 1% minimum tax on revenues of large enterprises, which is supposed to enter into the health insurance fund but does not include all enterprises. Energy, aviation and mining companies (i.e., sectors in which state-owned enterprises dominate) are exempt. As the tax reform has been amended frequently, often at short notice, its implementation at the beginning of 2022 has ended in chaos and has turned into a PR disaster for the government (Makowski 2022). Accountants have faced the slog of interpreting shifting rules and the net income of many low-income employees in fact dropped rather than rose in January.

Poland has relatively high environmental taxes, as compared to other EU member states. A fuel tax called an "emission fee" has been used to combat smog. However, only a small proportion of revenue from environmental taxes is used to promote environmentally friendly behavior. Most environmental taxes are energy-related, but energy-intensive industries benefit from exemptions. In 2019, the excise duties on energy were lowered and energy prices administratively controlled, with the state compensating energy producers for potential losses.

Citation:

Harper, J. (2022): Polish populists go progressive on tax, Deutsche Welle, January 31 (<https://www.dw.com/en/polish-populists-go-progressive-on-tax/a-60552805>).

Makowski, M. (2022): The Polish Deal: how a landmark tax reform has turned into a PR disaster for the government, in: Notes from Poland, January 23 (<https://notesfrompoland.com/2022/01/23/the-polish-deal-how-a-landmark-tax-reform-has-turned-into-a-pr-disaster-for-the-government/>).

Richter, M.M. (2021): Konsum, Konservatismus und Staats-Kapitalismus - die PiS beschließt die sozio-ökonomische "Polnische Ordnung", in: Polen-Analysen, Nr. 284, 2-6 (<https://www.laenderanalysen.de/polen-analysen/284/PolenAnalysen284.pdf>).

Budgets

Budgetary Policy
Score: 6

Benefiting from strong economic growth and higher-than-expected revenues, the PiS government succeeded in bringing down the general government fiscal deficit 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. The government's budgetary response to the COVID-19 pandemic and the resulting increase in public debt were substantial. 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. The 2021 budget, as adopted in December 2020, still assumed a general government deficit of 6% of GDP. At the end, however, borrowing needs turned out to be lower. The 2022 draft budget foresaw a decline in the general government fiscal deficit to 2.8% of GDP (Pogorski 2021).

The government's budgetary response measures have 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 proportion of spending through special funds outside of the official budget. Many of the anti-crisis measures have been off budget, financed by the state development bank Gospodarstwa Krajowego (BGK) and the Polish Development Fund (Polski Fundusz Rozwoju, PFR). Third, Poland's fiscal framework has remained weak. Its credibility has suffered from the modification of the official expenditure rule in December 2015 and the fact that the country, contrary to almost all other EU member states, still does not have an independent fiscal council.

The medium- and long-term fiscal outlook is clouded by the strong increase in social spending and the lowering of the retirement age under the PiS government. Moreover, the government strongly banks on massive EU

transfers, which might decrease if cuts in transfers are embraced by the European Commission as a penalty for violating EU law.

Citation:

Pogorzelski, K. (2021): The 2022 Polish budget is less expansionary than expected. ING, (<https://think.ing.com/articles/the-2022-buget-bill-less-expansionary-than-expected/>).

Research, Innovation and Infrastructure

R&I Policy
Score: 6

The PiS government has continued the restructuring of Polish R&I, which had begun under the previous government in 2010 (Fabijańska 2021; Stasik et al. 2020; Fabijańska 2021). Jarosław Gowin, the minister of science and higher education from 2015 to 2020, sought to strengthen university-led research through his “constitution for science” and an initiative to promote research-oriented universities. Ten universities were selected and awarded a 10% increase in funding for 2020–2026. The Łukasiewicz Research Network has bundled 39 institutes that lead research in applied industrial development and commercialization. Under the PiS government, the increase in public R&I spending has continued (Fabijańska 2021: 4). The PiS government has also expanded tax incentives for R&D and startups, and simplified patent procedures. The amount of tax-deductible R&D spending has increased to 30–50%, depending on the size of the company. In addition, the period in which companies may deduct these costs has been expanded from three to six years.

The COVID-19 pandemic has further underlined the importance of R&I. The government’s direct measures to tackle the pandemic in 2020 focused on the promotion of telemedicine and the development of two apps, one for contact-tracing (ProteGO Safe), one for checking quarantine behavior (Kwarantanna Domowa). The government has also sought to accelerate the digitalization of the country. In July 2021, Przemysław Czarnek, the minister for science and education since October 2020, launched the program “science for society,” which aims to promote the collaboration of universities and research institutes. It provides funding for projects between PLN 100,000 and PLN 2 million for a duration of two years.

Despite these measures and some improvements, the innovation capacity of the Polish economy has remained relatively low. In the European Commission’s European Innovation Scoreboard, Poland still ranks in the lowest category (“emerging innovator”) and continues to trail most other EU member states, including regional peers such as Czechia, Hungary, Lithuania and Slovakia (European Commission 2021).

Citation:

European Commission (2021): European Innovation Scoreboard: Innovation performance keeps improving in EU Member States and regions, Brussels, June 21

(https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3048).

Fabijańska, A. (2021): Organization of R&I and Higher Education in Poland. Paris (https://www.eurocase.org/wp-content/uploads/Eurocase/PDF/platform_poscovid/platform-post-covid_100921_AFabijanska.pdf).

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).

Global Financial System

Stabilizing
Global Financial
System
Score: 5

Poland has not been an agenda-setter concerning the regulation of international financial markets and this has not changed with the PiS government. Since Poland is not a G20 member and initiatives to include the so-called emerging economies, such as the G22 or G33 groups, did not prevail for long, the country is not a big player on the international level. In the EU realm, the PiS government opposes the idea of a European banking union due to its nationally oriented stance of monetary policy. However, the country's financial sector has remained stable, despite the rapid expansion, as various stress tests have demonstrated. The Financial Stability Committee is in charge of macroprudential supervision since 2015.

II. Social Policies

Education

Education Policy
Score: 4

In 1999, the first Tusk government launched a number of education reforms that have significantly increased the quality of education in Poland (Bitek et al. 2021; Wiśniewski/ Zahorska 2020: 185-198). The main aim of the reforms was to reduce the system's lack of synchronization with labor markets. The reforms have led to greater emphasis being placed on mathematics, science and technology; a strengthening of vocational education; attempts to attract more students to economically relevant areas; the introduction of 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).

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 poorly prepared and insufficiently 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. The abolition of 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 did nothing to fill the gaps or to replace the many qualified and motivated teachers that had quit their jobs in recent years. The PiS government's school reforms also placed a heavy burden on municipal budgets, as expenditure on education by municipalities has been increasing faster than the corresponding ministerial subventions (European Commission 2020: 27).

With the COVID-19 pandemic and the introduction of homeschooling in spring 2020 and again in winter 2020/21, the lack of proper didactical and technical preparedness became visible (Bitek et al. 2021; Marczewski 2020). 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. The government provided teachers with vouchers worth PLN 500 to buy computers, but did little to staff the schools properly. Moreover, due to 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. The controversial minister of science and education, Przemysław Czarnek, instead focused on the content of school education. He continued to rewrite Poland's history curriculum, remove liberal and cosmopolitan texts and values from core teaching programs, return to old-fashioned teaching methods, and attack sex education and equal gender roles.

Universities have had fewer problems to weather during the COVID-19 pandemic. However, recent decisions by Minister Czarnek to give Polish journals greater weight in rankings used for assessing the quality of research are at odds with the PiS government's announcements that it will strengthen the quality of higher education.

Citation:

Bitek, A. et al. (2021): Education in Poland, in: *Word Education News and Reviews*, October 20 (<https://wenr.wes.org/2021/10/education-in-poland>).

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).

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/>).

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 Inclusion

Social Inclusion
Policy
Score: 7

In Poland, social inequality and exclusion have visibly declined since the early 2000s. The Gini coefficient and risk of poverty 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 (Owczarek 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. Since January 2019, people with special needs have enjoyed free access to hospitals and the education sector.

The Polish government sought to limit the social fallout from 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 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. 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).

With the 2023 parliamentary elections ahead, the PiS government has promised new benefits for families and pensioners within the framework of the “Polish Deal.” In February 2021, the government adopted a new strategy for people with disabilities for 2021–2030. The strategy envisages measures to improve rehabilitation and equal opportunities, with a view to increasing the target group’s employment share from 28.8% in 2019 to 45% in 2030.

Citation:

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).

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/>)

Health

Health Policy
Score: 4

The Polish healthcare system is generally effective, but underfunded and sometimes inaccessible (OECD/European Observatory on Health Systems and Policies 2021). Public health insurance covers some 98% of Poland’s citizens and legal residents and is financed through social insurance contributions. However, access to healthcare is highly uneven, as public health insurance covers only a limited range of services, and out-of-pocket payments feature prominently in the system (23% of health care spending while the EU average is 16%). Moreover, the poor quality of some services falls far under citizens’ expectations, and for some services, patients must wait for an unreasonable duration. Aggravated by the migration of many doctors to other EU member states, Poland has a low doctor-patient ratio, with only 2.3 doctors per 1,000 inhabitants. Poland’s health problems based on air pollution, tobacco consumption and poor diet are therefore difficult to handle.

During the COVID-19 pandemic, the shortcomings of the Polish healthcare system became evident. Initially, the government reacted quickly and pumped €1.7 billion into the system, reorganized hospitals into special COVID-19 clinics, bought respirators, provided more intensive-care beds, developed telemedicine options and paid an additional salary to employees in the healthcare sector. The handling of the second pandemic wave in autumn 2020 was less successful. Scandals around the purchase of tests and respirators forced the health minister to step down in August 2020 (Wanat 2020), and excess mortality in 2020 and 2021 was among the highest in the European Union (Tilles 2022). As part of the “Polish Deal,” the government has announced an increase public healthcare spending from the current 6.5% to 7% of GDP by 2027.

Citation:

OECD/European Observatory on Health Systems and Policies (2021), Poland: Country Health Profile 2021, State of Health in the EU, OECD Publishing, Paris/European Observatory on Health Systems and Policies, Brussels.

Tilles, D. (2022): Poland suffered 29% excess death rate in 2021, with more deaths than any year since WWII, in: Notes from Poland, January 18 (<https://notesfrompoland.com/2022/01/18/poland-suffered-29-excess-death-rate-in-2021-with-more-deaths-than-any-year-since-wwii/>).

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/>).

Families

Family Policy
Score: 5

Poland's employment rate among women falls below the OECD and EU averages. The PiS government has followed a very traditional approach toward family policy. The cornerstone of the latter, which featured prominently already in the 2015 election campaign, has been the "Family 500" (€16) program, in effect since 1 April 2016 and paid to parents with two or more children for each child irrespective of the parents' income (Ciesielska-Klikowska 2020). Since May 2019, all families (not only poor) have been eligible to receive a grant of PLN 500 for their first child. This has increased the estimated costs of the "Family 500" program from 1.3% to 1.7% of Poland's GDP. Similar payments exist in other EU member states, but in the Polish case, the sum is high compared to the average income. While the measures have improved the financial situation of Polish families, this program has reduced labor market participation rates among women by an estimated 2–3 percentage points since 2016 without having positive effects on the birth rate. In addition, there are benefits for families in difficult situations or with disabled children. Regarding childcare facilities, by contrast, nothing has improved so far. Currently, only 7.9% of children below the age of three have access to childcare, the third lowest such rate in the European Union, while 61% of Polish children aged three and over attend childcare, the fourth lowest such rate in the European Union. Only one year of preschool (prior to entering the first grade in primary school) has become compulsory.

During the COVID-19 pandemic, the government established additional financial support schemes for parents. Yet, it did little against the increase in domestic violence. While a new law from April 2020 allows for the immediate separation of perpetrators of domestic violence from the victims, domestic violence is still considered a "family issue." Moreover, the PiS government has considered leaving the Council of Europe's Istanbul convention on the prevention of domestic violence. The controversies over family policy were stirred by a decision of the Constitutional Tribunal in October 2020, which declared abortions for health reasons to be unconstitutional.

As part of the “Polish Deal” and a new demographic strategy, the PiS government announced a number of new measures for families in 2021 (Wilczek 2021). It has launched an additional new child benefit scheme (“Parental Care Capital”), which will entitle parents to a total PLN 12,000 (€2,610) for each child after their firstborn between the age of 12 and 36 months. It has also announced that it will facilitate access to housing for families with small children, and provide guarantees of flexible work for pregnant women and parents of children aged up to four. The government’s Demographic Strategy 2040 includes measures to limit several financial incentives to married couples.

Citation:

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/>)

Wilczek, M. (2021): Poland to launch demographic plan “based on pro-family policy, not migration”, in: Notes From Poland, December 28 (<https://notesfrompoland.com/2021/12/28/poland-to-launch-demographic-strategy-based-on-supporting-families-not-migration/>).

Pensions

Pension Policy
Score: 4

The three-pillar pension system, which Poland introduced in 1999 following World Bank recommendations, has since been radically transformed. While the first pillar was supposed to become more sustainable through the adoption of a gradual increase in statutory retirement ages, the PiS government lowered the retirement ages for men to 65 and for women to 60 in November 2017, thereby reducing the sustainability of the Polish pension system. The PiS government has also replaced the second pillar with a new occupational pension savings scheme, which started for employees of companies with more than 250 staff in July 2019 and has been extended to cover employees of smaller firms in the second half of 2020. While employees have the right to withdraw from the scheme, the government hopes to integrate up to 75% of the country’s employed population through automatic enrollment. Experts are divided. Some argue that it is a good idea to force Poles to save money and that the government should create incentives to do so, while others argue that these programs are inefficient.

Other pension measures focused on addressing the growing level of poverty among pensioners. Again, this step follows political intentions since pensioners are one of the main groups that vote for PiS. The government adopted the “500+” scheme, which provides an extra annual payment to poor pensioners, with all pensioners receiving a one-time 13th pension of PLN

1,200 prior to the 2019 European Parliament elections, and promised that it would become a regular payment during the parliamentary elections campaign of October 2019. Since November 2021, a 14th pension is paid to everyone except the 10% who receive the highest pensions, amounting to PLN 2,900 (around €440) per month. In February 2021, President Duda signed a bill on a general increase of 4.24% for old-age pensions. The lowest pension since then amounts to PLN 1,250.88 (around €180) per month. However, the financing of these costly actions is unclear. Some PiS members of parliament have suggested that the government could utilize the Solidarity Fund, which was meant to finance improvements for people with special needs. Under the new Polish Deal (Polski Ład), valid from January 2022, pensioners will pay hardly any income tax, except for people who receive a pension above PLN 5,000 per month. PiS also cut pensions for former employees of the secret service.

Integration

Integration Policy
Score: 3

In terms of numbers, emigration from Poland has always been higher than immigration to Poland and previous governments rather engaged in campaigns to motivate Poles to return to their home country. In 2012, Poland had developed an integration concept following EU pressure, while the number of Ukrainian and Vietnamese workers was low. Since PiS return to power in 2015, and following the increase in migration to Europe during the Syrian and other Middle East conflicts, the government's discourse has been very much against immigration, especially regarding Muslims and people from outside Europe. In 2017, the parliament amended the Act on Foreigners with a view to tightening the domestic institutional framework for dealing with immigration. In the 2019 election campaigns, PiS representatives have continued to denounce Muslim immigrants as potential terrorists, a risk to public health, and a threat to Polish culture and society.

Meanwhile, the number of migrants from Ukraine and Belarus has substantially increased. Since 2014, more than two million Ukrainians have arrived, pushed by the poor economic situation and the war, and pulled by labor shortages and higher wages in Poland. Most Belarussian migrants arrived following the violent suppression of protests in the course of the fraudulent elections in August 2020. While smaller in scale, immigration from countries such as Nepal, India and Bangladesh has also increased. Policies for integrating migrants are weak, as the assumption is that most migrants will only stay temporarily and move on to Western Europe or are so close in cultural and linguistic terms that integration is no real problem (Economist 2020).

In summer and autumn 2021, a new migration crisis occurred at the border between Poland and Belarus after Belarussian state institutions called for and organized flights from the Middle East to Belarus promising quick entry into the European Union. These people got stuck at the border and faced a harsh response from Polish authorities (Bodnar/ Grzelak 2021; Piątek 2021). Criticism from international experts regarded several issues, including that the Polish police were involved in illegal pushbacks of migrants who managed to cross the border; that authorities were not ready to check their asylum applications; that no journalists, NGOs or international medical organizations were allowed to enter the zone after the government declared a state of emergency in the regions of Lublin and Podlaskie; and that Frontex was not invited to assist as the government always claimed this to be a bilateral problem. In August 2021, Prime Minister Morawiecki announced the erection of a 180–190 km fence along those parts of the border to Belarus that would allow for an easier crossing. The parliament passed the bill in October 2021. NGOs and the local population provided various kinds of humanitarian support to migrants on the border.

Citation:

Economist (2020): How to mess up migration: Poland is repeating the mistakes of other European countries, February 22.

Bodnar, A., A. Grzelak (2021): In Poland, where is Frontex? in: Politico, November 4 (<https://www.politico.eu/article/poland-frontex-belarus-border-migration-crisis/>).

Piątek, J.J. (2021): Internal Security of the Republic of Poland and International Migration, in: European Research Studies Journal 24(4): 196-205 (DOI: 10.35808/ersj/2681).

Safe Living

Internal Security
Policy
Score: 7

Crime and homicide rates in Poland have fallen and have been relatively low for some time. However, trust in the police and the secret services has suffered under the PiS government. The effectiveness and proportionality of the new Anti-Terror Law, introduced in June 2016, has been a subject of debate. Another critique is the weak oversight of secret services. The parliamentary committee for control was reduced from nine to seven members, and the chair no longer alternates between the government and opposition. Since 2015, Poland's secret services have been coordinated by Mariusz Kamiński, a controversial figure who was found guilty by a court in 2015 of producing false evidence against a political opponent in his previous position as head of the Anti-Corruption Office (CBA). Poland has been the target of security threats, especially by Russian hackers and intelligence or Belarussian intelligence. In June 2021, several politicians, including the prime minister faced email and social media attacks that obviously came from Russia.

Global Inequalities

Global Social
Policy
Score: 5

Development cooperation has become a more relevant issue in Poland since EU accession, even though it is still not a priority of the Polish government. Poland became the 28th member of the OECD Development Assistance Committee (DAC) in October 2013 and remains one of the group's least-active donors (OECD 2021). However, its contribution has increased over the years and has reached 0.14% of GDP in 2020. In 2020, Poland disbursed \$11 million in support for COVID-19 responses in partner countries, of which \$2 million was for health-related investments. The majority of its contributions are managed via the European Union and other multilateral organizations. Other than that, Poland's priorities are on assisting its two eastern neighbors, Ukraine and Belarus, with Turkey being the third-largest recipient.

Citation:

OECD (2021): Poland, in: OECD, Development Co-operation Profiles. Paris (<https://doi.org/10.1787/e3ce3d47-en>).

III. Environmental Policies

Environment

Environmental
Policy
Score: 4

Poland has enshrined the principle of sustainable development in Article 5 of its constitution and has broadly adopted EU environmental standards. However, the conviction that economic growth should be given priority over the protection of the environment changes is still very strong. All governments have been keen on protecting the domestic coal industry, which is a large employer and reduces the country's dependence on Russian energy.

For some time, however, the question of how to reduce CO₂ emissions has gained prominence in public debates. Following the 2019 parliamentary elections, the government developed a new climate strategy which has called for a reduction of the share of coal in electricity production from 70% today to 50% by 2030 and a concomitant increase in the share of renewables (European Parliamentary Research Service 2021). In 2021, the government eventually succeeded in reaching an agreement with the trade unions to phase out coal power by 2049. However, many details remain open. The government has managed to achieve the targeted share of renewables only by accounting tricks (Wiejski 2022).

The strong reliance on fossil energy as well as on wood burning has kept environmental pollution high. The heavy air pollution has increased health problems for many infected persons during the COVID-19 pandemic. The government has been in conflict with the European Union and the Czech government over the lignite mine in Turow (Harper 2021). The Czech side – worried about the consequences for water levels, dust and noise – sued Poland at the Court of Justice of the European Union. Poland lost a preliminary verdict on the case and has been fined €500,000 per day since September 2021 because Warsaw refuses to shut down the mine until a final verdict is issued.

Resource productivity has been low. While the updated National Waste Management Program prioritizes separate collection and recycling, landfill has remained the dominant form of waste treatment. Municipalities often lack the power or incentives to enforce waste legislation. In addition, Poland imports waste, especially from Germany (70% of all imports), as well as from the United Kingdom, Italy and Austria. Often it arrives under false labels and is neither recycled nor disposed of adequately (Bronska 2021).

While Poland has made some progress with drawing up plans for managing Natura 2000 sites, the protection of biodiversity has not featured very prominently on the government agenda. Biodiversity is threatened by the rapid development of infrastructure (e.g., roads), the regulation of rivers for navigation, flood defenses and intensive agriculture.

Citation:

Bronska, J. (2021): Poland's growing problem with illegal European waste, Deutsche Welle, January 18 (<https://www.dw.com/en/polands-growing-problem-with-illegal-european-waste/a-55957224>).

European Parliamentary Research Service (2021): Climate Action in Poland: Latest State of Play. Strasbourg: European Parliament ([https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698766/EPRS_BRI\(2021\)698766_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698766/EPRS_BRI(2021)698766_EN.pdf)).

Harper, J. (2021): Fear and loathing at Poland's Turow coal mine, Deutsche Welle, September 28 (<https://www.dw.com/en/fear-and-loathing-at-polands-turow-coal-mine/a-59324808>).

Wiejski, P. (2022): The accounting trick behind Poland meeting its EU renewable energy target, in: Notes from Poland, January 25 (<https://notesfrompoland.com/2022/01/25/the-accounting-trick-behind-poland-meeting-its-eu-renewable-energy-target/>).

Global Environmental Protection

Global
Environmental
Policy
Score: 4

Poland has signed the Paris Climate Agreement and has committed itself to phasing out coal power in line with Glasgow Summit agreement in November 2021. Poland has hosted several high-level conferences on climate change in the past. Within the European Union, the primary focus of Poland's environmental policies is somewhat restrictive. It has opposed the von der

Leyen European Commission's Green Deal, and along with Estonia, Hungary and the Czech Republic, blocked a declaration to achieve environmental neutrality by 2050. Some initiatives have been brought forward under the Visegrad cooperation framework, such as a November 2021 joint declaration stating that the four Visegrad countries plan to collaborate further to achieve climate neutrality and engage together in the construction of new nuclear energy plants.

Robust Democracy

Electoral Processes

Candidacy
Procedures
Score: 8

Provisions regarding the registration of parties and candidates are liberal and ensure a fair registration procedure. Every Polish citizen has the right to stand for election. Senators need to be at least 30 years old, while presidential candidates must be at least 35. Candidates for the Sejm (the lower house of the Polish parliament) can be proposed by organizations such as parties or by voters themselves. A group of 1,000 individual citizens or more can form a so-called electoral committee by signing the proper documentation and submitting it to the National Electoral Commission. Parties representing ethnic minorities receive favorable treatment, as they are allowed to collect fewer signatures than required of “normal” parties in order to take part in elections. The election code also introduced a gender quota, mandating that men and women each must account for at least 35% of Sejm candidate lists.

The 2019 changes to the mode of selecting members of the National Election Commission (Państwowa Komisja Wyborcza, PKW) and its executive body, the National Election Office (Krajowe Biuro Wyborcze, KBW), which came into effect after the parliamentary elections in the same year, have increased the government’s influence over these two bodies. First, the members of the PKW are no longer judges, instead, seven out of nine members are members of parliament. Second, the head of KBW is selected by the PKW from a list of three candidates nominated by the minister of the interior. Third, the minister of the interior is responsible for nominating the 100 commissioners who manage elections on the ground.

There was no formal discrimination against specific candidates in the 2020 presidential election (OSCE/ ODIHR 2020, 13-14). The PKW ultimately approved the candidatures of 11 candidates, one following the annulment of a PKW rejection by the Supreme Court. The quarrels over the timing and the procedure of the presidential election complicated preparations for the election. At the same time, the postponement allowed the Civic Platform (PO), the main opposition party, to change its candidate. In May 2020, Małgorzata Kidawa-Błońska, the previous nominee, was replaced by Rafał Trzaskowski, the mayor of Warsaw.

Citation:

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>).

Media Access
Score: 4

Legally, parties and candidates have equal access to public and private media. At least for nationwide candidate lists, the election code requires public TV and radio stations to reserve time for the free broadcasting of campaign materials and televised candidate debates. While government influence on the public media has always been a problem, this has tremendously increased since the PiS came to power. Public media reporting now has a clear partisan bias and media access is more difficult for opposition parties. This was once again evident in the 2020 presidential election campaign (OSCE/ ODIHR 2020). The governing PiS used its control over the media to promote nationalist and homophobic rhetoric, and run a smear campaign against opposition candidates. Since there are private media who report more openly, other means of information exist. However, it is difficult to counterbalance the image depicted in the public media.

Citation:

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>).

Voting and
Registration
Rights
Score: 7

Almost all adult citizens above 18 years of age in Poland have the right to vote. While there are some controversial restrictions for people with disabilities, there is no blanket disenfranchisement of convicts or individuals who have been declared incapacitated. All Polish citizens are automatically registered to vote, so there is no need for registration before elections. These lists are generally considered to be coherent, complete and valid. Changes to the election code in 2018, which were criticized due to its quick decision-making and lack of public consultation, made some procedures for voting more difficult. Since the local elections in autumn 2018, postal voting is only open to disabled voters and no longer for citizens living abroad. Citizens who live abroad have to vote in specific ballot offices in their consulates or embassies. Since citizens residing abroad have tended to be critical of the PiS in previous elections, the amendment has been regarded as strongly biased in favor of the PiS.

The PiS's instrumental approach towards postal voting became evident in the case of the 2020 president election (OSCE/ ODIHR 2020; Tatarczyk/ Wojtasik 2022). Because of President Duda's strong showing in the polls and the opposition's low visibility during the lockdown, the PiS, 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 critical of postal voting, the government introduced a bill making it possible. As it was constitutionally impossible to change the format of an election at such short notice, this step met with strong criticism even inside the governing coalition. As a result, the election was postponed to June, and a mix of postal and in-person voting was applied.

After the election, around 6,000 complaints were submitted regarding difficulties in voter registration, on-time deliveries from ballot boxes and votes from abroad. They had to be directed to the Supreme Court within seven days of the election result's announcement. The Supreme Court ruled that the election procedures were legitimate and that President Duda, who won with a margin of only 500,000 votes, was correctly elected. The fact that the new president of the court has been close to the government has cast some doubt on the independence of the court's decision.

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>).

Tatarczyk, D., W. Wojtasik (2022): The Incumbency Advantage during the COVID-19 Pandemic: Examining the 2020 Polish Presidential Election, in: East European Politics and Societies and Cultures, forthcoming (<https://doi.org/10.1177/08883254221085307>).

Party Financing
Score: 6

Party and campaign financing regulation as such is clear and regulated by the 2001 Political Parties Act and the 2011 election code. Parties depend heavily on public funding, which is provided only to parties that win at least 3% of the vote or at least one seat in parliament. Party spending is monitored by the National Election Office (KBW), the executive body of the National Election Commission (PKW). Monitoring is strict, but focuses exclusively on spending financed by public funds. According to the election code, only registered voters' electoral committees can be financed from private funds, parties have to rely on party budgets, private donations are limited and anonymous donations are forbidden. There is also a maximum spending limit for campaign purposes of approximately €7 million. In practice, most Polish parties are unwilling to disclose their accounts, and separating party and campaign financing remains challenging (OSCE/ ODIHR 2020: 15–18). Other problems include the insufficient coverage of pre-campaign spending, the short window of time in which objections can be raised by the National Election Commission, and the lack of detailed transparency in commission reports of electoral committee revenues and finances. The changes to the PKW and its more partisan composition have raised doubts about its independence. In addition, there is the broader problem of distinguishing between the money PiS has at its disposal in accordance with party finance rules and the semi-formal support that comes through various forms of financial assistance from state-owned enterprises controlled by PiS.

Citation:

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>).

Popular Decision-Making
Score: 6

Polish law provides for various forms of direct democracy. On the local and regional level, a referendum is called when it is supported by 10% of the electorate. On the national level, referendums can be called only by the lower house of parliament (the Sejm), or the president. The Sejm must decide on whether to call a referendum when 500,000 voters back a referendum petition. In addition, a total of 100,000 voters can collectively submit a draft bill (“popular initiative”), which the Sejm then has to pass or reject. Since 2019, the parliamentary standing orders say such initiatives must be considered within six months of the constitution of a new parliament.

Since the 2015 elections, no national referendums have been held. However, various groups have used popular initiatives to submit draft bills to the Sejm. In 2017, the PiS majority in the Sejm rejected a referendum on the government’s controversial education reform for which the teachers’ union had collected more than 900,000 signatures. In November 2017, a “pro-life” initiative presented 830,000 signatures in favor of the “Shut Down Abortion” (*Zatrzymaj aborcję*) bill, which proposed banning abortions in all but severe cases of physical damage to the fetus. The strong public protests prompted by this proposal led the governing coalition to take a dilatory approach. It initially ignored the proposal, then sent it to the parliamentary committees for health, and social policy and family in April 2020, but has refrained from passing the proposed bill. In turn, a pro-choice initiative started to collect signatures in February 2021 to make abortion legal within the first 12 weeks of pregnancy. Controversies also rage over an initiative to limit sex education in schools. As with the ban on abortions, the government has so far confined itself to sending the proposed bill to a committee for further discussion.

Access to Information

Media Freedom
Score: 3

Since entering office in 2015, the PiS government has intensified its grip on the media (Guzek/ Grzesiok-Horosz 2021). It has transformed the public media into a PiS propaganda mouthpiece and has weakened the remaining independent private media by forcing state-owned enterprises to refrain from placing advertisements in newspapers considered leftist or liberal. Public gas stations and other businesses have been urged not to sell particular newspapers.

In 2020 and 2021, the PiS government launched a number of attempts to further weaken independent media outlets. In December 2020, the state-owned

oil company PKN Orlen, led by Daniel Obajtek, a close ally of Jarosław Kaczyński, bought Polska Press for €27 million from the German Verlagsgruppe Passau. The deal included 140 local and regional newspapers, and 500 internet portals with 17.4 million users. PKN Orlen has largely ignored an April 2021 court decision suspending the approval of the purchase by the competition authority UOKiK and has revamped the editorial structures of Polska Press (Klimkiewicz 2022). Two other initiatives of the government have been less successful. In February 2021, it announced the imposition of a “solidarity” tax of up to 15% on the advertising revenues of all TV, radio, print and internet media. Officially justified as an attempt to raise funds for the healthcare system, pandemic challenges and Polish culture, this move was widely perceived as another strike against independent media and stirred massive protests. When the Senate rejected the bill and the junior coalition partner Porozumienie refused to support it, the governing coalition did not follow up on the issue. A second initiative was pursued more persistently by the government. In July 2021, it launched a new attempt to get rid of the U.S.-owned private TV channel TVP. The bill foresaw that media enterprises who are situated outside the European Economic Area should not be allowed to own more than a 49% stake in Polish media. This time the government tried to over-ride the Senate’s rejection and did so violating parliamentary procedures. However, on December 27, President Duda vetoed the bill.

The PiS government’s lack of respect for media independence is also shown by the large number of lawsuits against critical journalists. After the 2020 presidential election, President Duda’s administration temporarily revoked the press passes of several journalists involved in publishing critical articles about him. During pro-government and far-right rallies, the police have done little to protect journalists. After the introduction of a state of emergency at the Polish-Belarusian border in September 2021, journalists were banned from entering the emergency zone.

Citation:

Guzek, D., A. Grzesiok-Horosz (2021): Political Will and Media Law: A Poland Case Analysis, in: East European Politics and Societies and Cultures, forthcoming (<https://doi.org/10.1177/08883254211049514>).

Klimkiewicz, B. (2022): Orlen’s Takeover of Polska Press: Media Market and Pluralism Issues Are Intertwined. Florence: EUI, Centre for Media Pluralism and Media Freedom (<https://cmpf.eui.eu/orlens-takeover-of-polska-press-media-market-and-pluralism-issues-are-intertwined/>).

Media Pluralism
Score: 5

Poland’s media market is one of the largest in Europe, offering a diverse mix of public and private media organizations and still reflecting a broad spectrum of political opinions. While the public TV station TVP and its four channels claim a large, though declining share of the market, and local authorities often publish newspapers and magazines, most Polish print media and radio are privately owned. Compared to other countries in East-Central Europe,

Poland's media-ownership structures are relatively transparent, diversified and still characterized by substantial foreign ownership. For a long time, there have been no "media moguls" in the market who use their ownership positions to further a political agenda.

Media pluralism suffered a blow in late 2020 when the state-owned oil company PKN Orlen, led by Daniel Obajtek, a close ally of Jarosław Kaczyński, bought Polska Press for €27 million from the German Verlagsgruppe Passau. The deal included 140 local and regional newspapers, and 500 internet portals with 17.4 million users. It followed an earlier acquisition of PKN Orlen, which had already brought the company control over the news agency business Ruch with its nationwide kiosks. In April 2021, the approval of the purchase of Polska Press by the Polish competition authority, UOKiK, was suspended by the Court of Competition and Consumer Protection. However, PKN Orlen has continued the restructuring of the media conglomerate and has not awaited the court's still pending final decision. A further decline in media pluralism was prevented by President Duda vetoing government attempts to force the U.S. media conglomerate Discovery to give up control over TVN, the largest private broadcaster, or risk losing its broadcasting license. On a positive note, in January 2022, the Dutch investment group Pluralis BV in which George Soros holds around 17% bought 40% of the Polish publisher Gremi Media for PLN 97 million (€21.4 million). Their leading titles are Rzeczpospolita, Poland's second-largest non-tabloid daily, and Parkiet, a business and finance newspaper.

Citation:

Klimkiewicz, B. (2022): Orlen's Takeover of Polska Press: Media Market and Pluralism Issues Are Intertwined. Florence: EUI, Centre for Media Pluralism and Media Freedom (<https://cmpf.eui.eu/orlenstakeover-of-polska-press-media-market-and-pluralism-issues-are-intertwined/>).

Access to
Government
Information
Score: 5

Access to public information is guaranteed in Article 61.1 of the Polish constitution, and the Law on Access to Public Information provides for far-reaching access to official information. The law defines public information as information on public matters and covers trade unions and political parties as well as the government. In response to an EU directive, a September 2011 amendment facilitated citizens' reuse of government information and called on public institutions to provide resources enabling citizens to access information. While the PiS government has left the legal framework more or less untouched, it has been more restrictive than its predecessors in granting public access to information and has sometimes openly misinformed the public. The government attempts to restrict public access to information have been partly offset by the courts, which have typically ruled in favor of citizens or journalists so far.

In 2021, the government launched an attempt to change the legal framework. The new president of the Supreme Court, Małgorzata Manowska, a controversial judge close to PiS, asked the Constitutional Tribunal to declare significant parts of the Law on Access to Public Information as unconstitutional, with a view to constraining access to public information (Article 19 2021). A Constitutional Tribunal hearing on the issue was originally scheduled for December 15, but then postponed.

Citation:

Article 19 (2021): Poland: Access to public information must not be constrained. November 15, London (<https://www.article19.org/resources/poland-access-to-public-information-must-not-be-constrained/>).

Civil Rights and Political Liberties

Civil Rights
Score: 4

There is not much trust in the government's respect for civil rights due to its grip on the judiciary and frequent attacks on the Commissioner for Human Rights, and the xenophobic, discriminatory and offensive rhetoric used by prominent members of the government against minorities, women activists and other people who do not fit into their worldview. In addition, the legislation on NGO financing enacted at the end of 2017 has made it more difficult for NGOs to monitor respect for civil rights. Access to public money is controlled by a new institution, the National Freedom Institute – Center for the Development of Civil Society. NGOs who try to defend civil rights are also increasingly confronted with hate speech, criticism of their activities and lawsuits. With the ongoing judicial reforms, the unlawful installment of government-friendly judges, the transferal of critical judges to other courts against their will and especially the Disciplinary Chamber of the Supreme Court, which allows the government to accuse judges out of political motivation, courts are not always able to protect civil rights. The judgment of the Constitutional Tribunal from October 2021 that several articles of the Treaty of the European Union would not be compatible with EU law is another impediment to the protection of civil rights. This was also demonstrated in a judgment by the European Court of Human Rights in May 2021, which found that the Constitutional Tribunal had not sufficiently protected a plaintiff's rights. However, there are still many independent judges who try to defend the rule of law and civil freedoms.

In the course of the Belarus border crisis, an amendment by the minister of the interior and administration in August 2021 changed regulations concerning the temporary restriction or suspension of border traffic at certain crossings. This action was framed as a security issue, but was understood by several experts as a means to legalize the pushback of immigrants, which would violate the Geneva Convention. Moreover, a motion by President Duda to prolong the

state of emergency for another 60 days was passed by parliament. However, the parliamentary vote did not meet the required procedures, since only half of the members of parliament were present. Massive civil rights concerns have also been prompted by revelations in January 2022 that the government had used the Israeli Pegasus spyware to spy on opposition politicians, lawyers and public prosecutors.

Political Liberties
Score: 6

The Polish constitution does protect political liberties and all options for citizens to express themselves freely in public. However, under the PiS government, violations of these rights have increased and opportunities to use them have been impeded. First, the Law on Public Assembly has been more restrictive by privileging state-organized and regular public events over demonstrations organized by social actors. Since December 2016, assemblies of citizens cannot be held simultaneously and place as gatherings organized by the public authorities or churches. This means that counter-demonstrations to periodic assemblies, typically devoted to patriotic, religious and historical events, are forbidden, which prioritizes governmental or government-supported assemblies. A second reason for concern is that the treatment of demonstrators by the police has worsened, as evidenced by an increasing number of interrogations and arrests and growing police violence. In addition, the ongoing changes in the court system make it more difficult to defend political liberties or act against violations of them.

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. 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 for 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 nationalistic slogans. Government propaganda framed the events by blaming feminist groups for provoking hooligans to use

violence and fight the police. In 2021, the government likewise made sure that the “march of independence” could take place.

Non-discrimination
Score: 4

A comprehensive Anti-Discrimination Act in line with EU directives has been in effect since the beginning of 2011. The implementation of the Act on Equal Treatment largely rests with the Commissioner for Citizens’ Rights (Rzecznik Praw Obywatelskich), which was initially established in 1987. This body’s effectiveness has suffered, as it has assumed more responsibilities without a corresponding increase in resources and indeed the government has even cut its budget. This is mostly due to the PiS’s resentment of the office. The anti-discrimination policy has not featured prominently on the agenda of the PiS government. In addition, the PiS government has engaged in strong anti-Muslim and anti-migrant rhetoric, and has spoken out against the LGBT community and “gender ideology.” The legislation on the financing of NGOs already disables those NGOs that campaign against discrimination to access public money, and the Polish Society of Antidiscrimination Law (PSAL) has reported plenty of cases of individual, group-based or institutional discrimination. In October 2021, the five Polish regions that had declared themselves “LGBT-free” gave in to the European Commission’s demand to annul that declaration, because they did not want to lose recovery funds amounting to €126 million in post-COVID-19 aid. At the same time, however, a bill submitted by the Foundation for Life and Family, dubbed “stop LGBT,” discussed in the Sejm in October 2021, would further infringe on the rights of same-sex couples and trans-gender people.

Rule of Law

Legal Certainty
Score: 3

Under the PiS government, legal certainty has strongly declined. Some of the government’s many legal initiatives, including major parts of the “Polish Deal” announced in May 2021, have been so half-baked that they had to be amended or suspended. The protracted conflicts between the government and important parts of the judiciary have meant that justices and citizens have had to deal with opposing interpretations of the legal status quo (Baczyńska 2021). Frequent conflicts between the judges’ association and the partisan Constitutional Tribunal have created a situation in which many citizens are simply bewildered in trying to assess which legal institutions are legitimate and which are not. The controversial creation of a new disciplinary chamber in the Supreme Court, which has the power to initiate disciplinary investigations and sanctions against justices of ordinary courts judges based on the content of their judicial decisions, has further increased legal uncertainty. Legal uncertainty has been further exacerbated by the ignorant responses of PiS politicians to critical rulings by the Court of Justice of the European Union and the European Court of Human Rights, and the October 2021 ruling by the

Constitutional Tribunal that questioned the supremacy of EU over national law (Łazowski/ Ziółkowski 2021).

Citation:

Baczyńska, B. (2021): Zwischen Verfassung und Präsidentenwillen. Der Umbau des Justizsystems in Polen, in: Polen-Analysen Nr. 283, 2-8 (<https://www.laender-analysen.de/polen-analysen/283/zwischen-verfassung-und-praesidentenwillen-der-umbau-des-justizsystems-in-polen/>).

Łazowski, A., M. Ziółkowski (2021): Knocking on Polesit's door? Poland, the Constitutional Tribunal and the battle over the primacy of EU law. CEPS, October 21 (<https://www.ceps.eu/knocking-on-polesits-door/>).

Judicial Review
Score: 4

Polish courts are relatively well-financed and adequately staffed, but have increasingly come under government influence under the PiS government (Baczyńska 2021). The takeover of the Constitutional Tribunal in the PiS government's first year in office has been followed by a series of reforms that have limited the independence of the National Council of the Judiciary, the Supreme Court and ordinary courts, and have been pushed through despite massive domestic and international protests. The laws have given the minister of justice, as well as the general prosecutor, far-reaching powers to appoint and dismiss court presidents and justices. Filled with government-friendly judges, the Constitutional Tribunal did not question the weak justification and limited specification of the government's emergency measures during the COVID-19 pandemic, which did not meet constitutional requirements (Jaraczewski 2020). Meanwhile, the Supreme Court was quick to declare the 2020 presidential elections valid, despite almost 6,000 complaints regarding difficulties in voter registration, on-time ballot deliveries and voting abroad. The struggle between the Polish government and the European Union over judicial reform has continued. Poland has been urged to abolish the newly created Disciplinary Chamber of the Supreme Court as well as the January 2020 "muzzle law," which allowed judges who sent preliminary references to the Court of Justice of the European Union to be punished. In autumn 2021, the Court of Justice of the European Union sued the Polish government, arguing that Poland should pay a fine of €1 million per day because it had not dissolved the Disciplinary Chamber yet.

Citation:

Baczyńska, B. (2021): Zwischen Verfassung und Präsidentenwillen. Der Umbau des Justizsystems in Polen, in: Polen-Analysen Nr. 283, 2-8 (<https://www.laender-analysen.de/polen-analysen/283/zwischen-verfassung-und-praesidentenwillen-der-umbau-des-justizsystems-in-polen/>).

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-namemeasures-against-the-covid-19-pandemic-in-poland/>).

Appointment of
Justices
Score: 2

The appointment of justices to the Constitutional Tribunal and the Supreme Court has been a major political issue since PiS came to power in 2015. By manipulating and/or changing the appointment processes, the government has gradually succeeded in staffing both courts with loyal justices (Sadurski 2019).

Formally, the Constitutional Tribunal has 15 justices, which are elected individually by the Sejm for terms of nine years on the basis of an absolute majority of votes with at least one-half of all members present. The president of the republic then selects the president and the vice-president of the Constitutional Tribunal from among the 15 justices, on the basis of proposals made by the justices themselves. Upon coming to office, the PiS government questioned the appointment of the five judges elected in the final session of the old parliament. Conversely, the sitting justices did not accept the justices appointed by the new parliament. The resulting stalemate lasted until December 2016, when the term of Constitutional Tribunal President Andrzej Rzepliński expired and the government succeeded in installing Julia Przyłębska as his successor by legally dubious means. Like most of their predecessors, the two new justices appointed in 2020 have been criticized for their lack of independence from the government.

The justices of the Supreme Court are appointed by the president of the republic upon a motion of the National Council of the Judiciary. In order to gain control over the Supreme Court, which remained highly critical of the government's judicial reforms for a long time, the PiS first changed the rules governing the National Council, so that its members are no longer chosen by justices, but by the Sejm. In addition, the PiS government for some time tried to get rid of unwanted justices by lowering the retirement age for justices. When the term of Małgorzata Gersdorf, the first president of the Supreme Court since 2014 and an outspoken critic of the government's assault on judicial independence, expired in April 2020, the government succeeded in making a justice loyal to PiS her successor.

Citation:

Sadurski, W. (2019): Polish Constitutional Tribunal Under PiS: From an Activist Court, to a Paralyzed Tribunal, to a Governmental Enabler, in: *Hague Journal on the Rule of Law* 11(1): 63-84.

Corruption
Prevention
Score: 4

Corruption has remained a major political issue under the PiS government. On the one hand, the latter has continued to accuse the opposition, especially representatives of the previous government, of corruption, and has emphasized its own commitment to the fight against it. On the other hand, the government has itself been under fire for corruption and cronyism (Makowski 2020). Many PiS members and followers have been placed in positions in the state administration or in state-owned enterprises, so a widespread clientelistic network has emerged. However, only a few senior politicians have been

convicted of abuses of office or investigated for failing to declare income from dubious economic activities. Since the public prosecutor is also the justice minister and the high courts are no longer politically independent, there is a lack of checks and balances, and control over state institutions. The government itself lacks the political will to fight or prevent corruption. The latest GRECO rapporteurs were not satisfied with their application and found that only one out of 21 recommendations from previous evaluations had been fully implemented (GRECO 2021). In autumn 2020, the government tinkered with the idea of passing a COVID-19 impunity law, which would have exempted anyone from punishment for breaking the law if they did so in the public interest in order to tackle the COVID-19 pandemic.

Citation:

Council of Europe, Group of States against Corruption (GRECO) (2021): Fifth Evaluation Round. Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. Compliance Report Poland. Strasbourg (<https://www.coe.int/en/web/human-rights-rule-of-law/-/poland-greco-publishes-two-compliance-reports>).

Makowski, G. (2020): Poland's hidden corruption, in: Notes from Poland, February 28 (<https://notesfrompoland.com/2020/02/28/polands-hidden-corruption/>).

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 5

Motivated by EU demands and by the objective of improving the country's absorption and use of EU funds, the planning capacities of the Chancellery of the Prime Minister (Kancelaria Prezesa Rady Ministrów, KPRM) were expanded following EU accession. When Mateusz Morawiecki became prime minister in December 2017, the Center for Strategic Analysis was created in the Chancellery. Beginning with the 2016 Strategy for Responsible Development, the PiS government has presented various medium- and long-term reform programs. While planning capacities have existed, however, policymaking under the PiS government has ultimately been guided by the visions and inspirations of PiS party leader Jarosław Kaczyński.

Expert Advice
Score: 4

Under the PiS government, policymaking has been ideologically driven rather than evidence based. While the government does consult with experts, these consultations are selective and not very transparent. The government listens to Ordo Iuris, an anti-choice group of conservative lawyers, but refuses to consult experts on climate change. In response to the COVID-19 pandemic, the government set up a COVID-19 advisory council, but has increasingly ignored its recommendations. This marginalization led 13 out of 17 council members to resign in January 2022. The government's ideological approach has led many experts who once showed some sympathy for PiS to break with the party.

Interministerial Coordination

GO Expertise
Score: 6

While the Chancellery of the Prime Minister is well-staffed and evaluates most draft bills, its policy expertise has declined under the PiS government, as the main criterion for staff employment is political obedience, not expertise or professionalism.

Line Ministries
Score: 6

Under the PiS government, the Chancellery of the Prime Minister has kept its enhanced formal involvement in preparing policy proposals by the line ministries. Inside the Chancellery, the Legislative Process Coordination Department is the most crucial coordination point. It edits the final versions of bills, while the Government Work Programming Department considers the timeline of the government's program and monitors drafts from the ministries. Since the 2015 change in government, however, the actual gatekeeping role of the Chancellery has declined. First, a large amount of coordination has been done informally by Jarosław Kaczyński. Second, under the PiS government, many bills are formally submitted by individual members of parliament rather than by ministries. This procedure allows for a swifter legislative process with fewer consultation requirements so that the PiS leadership can more effectively control lawmaking.

Cabinet
Committees
Score: 4

The number and role of cabinet committees under the PiS government have been limited. Conflicts among ministries are ultimately resolved not by cabinet committees but by PiS leader Kaczyński and his immediate circle, including Prime Minister Morawiecki. Since Kaczyński joined the cabinet as deputy prime minister in October 2020, he has been head of the newly created Committee of the Council of Ministers for National Security and Defense Affairs, a position that has given him formal oversight of the justice, defense and interior ministries.

Ministerial
Bureaucracy
Score: 5

Senior ministry officials play a substantial role in interministerial coordination. All meetings of the Council of Ministers, the Polish cabinet, are prepared by the Council of Ministers' Permanent Committee, which is made up of deputy ministers from the ministries. The Committee for European Affairs, which is in charge of EU coordination, also relies strongly on coordination by top civil servants. In contrast, bureaucratic coordination at lower levels of the hierarchy is still relatively limited, even though the joint administration of EU funds has helped intensify interministerial exchange. Changes in personnel have always secured the dominance of the government over administration.

Informal
Coordination
Score: 8

Informal mechanisms of coordination have played an essential role under the PiS government. PiS Chairman Jarosław Kaczyński makes many important decisions himself, and government ministers' standing strongly depends upon their relationship with him. Kaczyński initially served as the gray eminence behind the scenes, but officially entered the government in October 2020 as deputy prime minister. Prime Minister Morawiecki's informal power has grown, but still highly depends on his personal relationship with Kaczyński.

Digitalization for
Interministerial
Coordination
Score: 6

The PiS government has been eager to increase digitalization in the country and use digital technologies to support interministerial coordination (European Commission 2021). On entering office, the PiS government established a separate Ministry of Digital Affairs. In the course of the government reshuffle in October 2020, when the number of ministries was reduced from 20 to 14,

the ministry was merged with the Chancellery of the Prime Minister, which since then has continued its mission and pending activities with regard to digital development. Despite some shortcomings, the ministry succeeded in improving internet access and the use of digital technologies in public administration and the government.

Citation:

European Commission (2021): Digital Public Administration factsheet 2021. Poland. Brussels (<https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/digital-public-administration-factsheets-2021>).

Evidence-based Instruments

RIA Application
Score: 4

Poland had a relatively well-established system of regulatory impact assessment (RIA) when the PiS government came to power. The PiS government has slightly amended this system. In 2018, the requirement for assessing the impact of economic laws on SMEs was strengthened by the Law for Entrepreneurs Act. Since its creation in 2018, the Center for Strategic Analysis in the Chancellery of the Prime Minister has been in charge of overseeing RIAs (OECD 2021). However, the PiS government has not taken RIAs seriously. It has bypassed RIAs by relying strongly on fast-track legislation and legislative initiatives submitted by individual members of the Sejm. Between 2017 and 2020, 217 out of 603 bills were submitted by members of parliament.

Citation:

OECD (2021): Poland. Indicators of Regulatory Policy and Governance 2021. Paris (<https://www.oecd.org/gov/regulatory-policy/poland-country-profile-regulatory-policy-2021.pdf>).

Quality of RIA
Process
Score: 2

The quality of the RIA process has strongly declined under the PiS government. Legally, stakeholders are required to be involved, and results must be publicized and communicated; however, such efforts have become rather selective. The quality of individual RIAs is evaluated by the Chancellery of the Prime Minister, not by an independent body.

Sustainability
Check
Score: 2

Although Article 5 of Poland's constitution enshrines the principle of sustainable development and the state's responsibility to protect the environment, sustainability checks are not an integral part of regulatory impact assessments. The PiS government has been less concerned with issues of sustainability than were its predecessors.

Quality of Ex
Post Evaluation
Score: 3

According to the RIA rules, ex post evaluations can be requested by the Council of Ministers and subsidiary bodies; since 2019 by the Center for Strategic Analysis or the Ombudsman for SMEs; and since 2020 by the president of the Government Legislative Center. By the end of 2020, no

evaluation had been conducted according to these recent procedures (OECD 2021: 2). In general, primary laws and subordinate regulations are rarely evaluated. Even when such procedures are carried out, the review's outcome is not used to improve the quality of laws.

Citation:

OECD (2021): Poland. Indicators of Regulatory Policy and Governance 2021. Paris (<https://www.oecd.org/gov/regulatory-policy/poland-country-profile-regulatory-policy-2021.pdf>).

Societal Consultation

Public
Consultation
Score: 3

The Polish government is obliged by law to consult all parties affected by the proposed legislation. In addition, there is a Council of Social Dialogue, composed of trade unions and employers, whose members are appointed by the president. Consultations both inside and outside the Council have been largely formal. The government's clear majority in parliament has reduced the need to win over social actors since the government also perceives many of them as enemies. Public consultation has been bypassed by introducing legislative initiatives through members of parliament since such initiatives do not require regular consultation mechanisms and therefore exclude experts and the public.

Moreover, the quick passage of major laws has reduced the time available for meaningful consultation. Unlike the employers' associations and other trade unions, the NSZZ Solidarność trade union has enjoyed a special relationship with the government. Several of its representatives were given positions in the Ministry of Family, Labor and Social Affairs, and it has supported controversial reforms such as pension reform. Frequently, even NSZZ Solidarność has complained about the government's lack of responsiveness. In stark contrast to the trends at the national level, many municipalities have expanded public consultation, for example, by introducing participatory-budgeting processes.

During the COVID-19 pandemic, the Anti-Crisis Shield and many other laws were not consulted in advance (Szarfenberg 2020). The legislation even empowered the prime minister to dismiss members of the Council for Social Dialogue (Rogalewski 2020). Controversies over the appointment of new members of the council, following the cabinet reshuffle in October 2020, led to the resignation of the trade union NSZZ Solidarność. Entrepreneurs and employers' associations were also critical of the government's ignorance. A more inclusive approach respecting advice was taken for the vaccination roll-out.

Citation:

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>).

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

Policy Communication

Coherent
Communication
Score: 4

Ministerial communication is coordinated by the Government Information Center, a department of the Chancellery of the Prime Minister. It regularly reports on government activities and connects to other ministries' press departments. However, information provided by ministries has tended to be selective and highly propagandistic. As conflicts within the governing coalition have increased, government communication has become less coherent. Justice Minister Zbigniew Ziobro (Solidarna Polska) has often clashed with Jarosław Gowin (Porozumienie), first minister of science and higher education, later minister of economic development, labor and technology, and Prime Minister Morawiecki. In the case of the "Polish Deal," numerous open conflicts among ministers have erupted.

Implementation

Government
Effectiveness
Score: 6

During the 2015–2019 term, the PiS government has been quite effective in implementing its policy objectives. Favored by its absolute majority in parliament and PiS's internal discipline, it succeeded in realizing its major campaign pledges, such as the increases in the minimum wage and the family allowance, tax relief for small businesses, the lowering of the retirement age or the reversion to a higher age for entering school, and it realized them rather quickly. Precisely because so many bills have sailed so quickly through parliament, however, the quality of legislation was often very poor, requiring immediate amendments.

Since the 2019 parliamentary elections, the PiS government's effectiveness has declined, as the rifts within the governing coalition have grown. Due to widespread criticism from both inside and outside the governing coalition, the government eventually had to give up its original plan to hold presidential elections in May 2020. While the government, despite its dependence on independent members of parliament since August 2021, found a parliamentary majority for adopting its "Polish Deal" program, the legislation has suffered from massive internal inconsistencies and frequent amendments. At the end of 2021, President Duda vetoed the government's controversial legislation on media ownership ("lex TVN").

Ministerial
Compliance
Score: 7

For a long time, the PiS government's need to use specific organizational devices to pressure ministers to stay in line with the government's program was limited, as the cabinet consisted of a group of people who were more or less hand-picked by PiS party Jarosław Kaczyński, and Kaczyński managed to handle internal debates and power struggles. Since the 2019 parliamentary elections, the situation has changed. In particular, ministers Ziobro and Gowin, both leading PiS's smaller coalition partners, have become more assertive. To foster ministerial compliance, Kaczyński has entered the government as vice-prime minister following a major reshuffle in autumn 2020.

Monitoring
Ministries
Score: 7

Ministries are obliged to keep the Chancellery of the Prime Minister informed about legislative progress regularly. The Center for Strategic Analysis helps Prime Minister Morawiecki and PiS party leader, and since October 2021 Deputy Prime Minister Kaczyński to monitor line ministries' implementation activities. However, as PiS's coalition partners have become more assertive and rifts within the government have increased, monitoring has become less effective.

Monitoring
Agencies,
Bureaucracies
Score: 7

There is a large number of executive agencies in Poland. Agencies report to ministries, and ministries have special units responsible for monitoring agencies' activities and auditing their finances. Under the PiS government, the leadership of state agencies has become highly politicized, with many of these positions being filled by party representatives or allies. As a consequence of the new civil service act that came into effect in January 2016, all employment contracts of previous directors turned invalid, and the positions were no longer filled by open competition but by personal appointment. An earlier provision was canceled, requiring directors of state institutions to have not been members of a political party for five years before assuming a leading position in state administration. Thus, compliance between ministries and administration has become easier, but the administration has also become dependent on the political will of the majority. The increase in oversight has led to a decline in professionalism, and an erosion of checks and balances. The PiS government has privileged some agencies. The Institute of National Remembrance (IPN), which helped the government to push through its national-conservative agenda, for instance, received a record financial contribution in 2020.

Task Funding
Score: 3

Since 1999, Poland has supported three tiers of subnational governments: municipalities, districts and regions. Since 2015 and even more so since the municipal elections in October 2018, the relationship between the central government and the majority of local governments has been tense, as the majority of larger cities are controlled by opposition parties. Several reforms have shifted costs to the subnational governments or have deprived them of much needed money. Despite their strong role in healthcare and education, municipalities received little budgetary support from the central government during the COVID-19 pandemic. While the Local Investment Fund of July

2020 provided PLN 12 billion (€2.68 million) of non-refundable support for infrastructure, education and digitalization, the money came late and the process was opaque. Subnational governments' fiscal problems have been exacerbated by a decrease in the availability of EU funds at the local level.

There were discussions between 12 of Poland's larger cities about suing the government due to the government's failure to ensure adequate task funding. And in the course of the debate on the rule of law instrument for the EU recovery fund and the budget in general, several municipalities wrote a letter to the European Commission in December 2020 in which they distanced themselves from their government's veto position (Zalan 2020). In summer 2021, the Association of Polish Cities strongly criticized the tax changes envisaged in the government's "Polish Deal," arguing that the changes would impose substantial revenue losses on municipalities.

Citation:

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

Constitutional
Discretion
Score: 3

Despite the existing level of decentralization in Poland, the PiS government has perceived local governments as a bastion of the opposition. A view that was reinforced by the 2018 local election results. Thus, the PiS government has tried to restrict local government powers. It has restricted rather than encouraged locally adopted responses to the COVID-19 pandemic, and has complicated the cooperation of Polish and German regions and municipalities regarding cross-border commuters and healthcare. Moreover, the central government has distributed funding and support not on merit, but has selectively supported PiS-leaning municipalities. Since the higher courts – which could normally be called on in cases of conflict between national and local or regional levels of government – are politically loyal to the government, representatives of the municipalities are unlikely to win judicial support.

National
Standards
Score: 6

Institutionally, the regions have a centrally appointed head of regional administration (voivode) who is responsible for ensuring that national policies are implemented and that state institutions operating in the region perform their functions properly. The politicization of the civil service under the PiS government has reduced the fulfillment of these standards by reducing professionalism within the regional administrations. Conflicts between the voivode and locally elected representatives, who often have other political priorities, have increased. Moreover, the financial problems of regional and local governments, which have been aggravated by the central government, make it more difficult to achieve high public service standards. Additional

investment in infrastructure might help to mediate these problems, but they are rather directed primarily toward the more undeveloped eastern parts of Poland, which are regions in which people tend to vote for PiS.

Effective
Regulatory
Enforcement
Score: 5

Decision-making and the enforcement of decisions generally follow lines of political affiliation within the current Polish government. As government agencies do not act independently, but instead follow the responsible ministry and the party line, it is difficult for outside interests opposing the government to win a hearing. Thus, their attempts to influence government agencies are rarely fruitful, while economic interest groups that are close to the government have more success. For this reason, while government agencies do not act in a strictly unbiased manner, they can be effective in implementing the decisions the government wants to be enforced.

Adaptability

Domestic
Adaptability
Score: 4

Poland's government structures have been adapted to international and supranational developments, most notably because of NATO and EU membership. Before the PiS government came to power, Poland enjoyed a good reputation within the European Union, and its growing influence showed that adaptation had been successful. The PiS government has been more inward-looking, and has not only been much more reluctant to adopt domestic government structures to international requirements (and EU requirements in particular), but states that adaptation is unnecessary. It even opposes further EU harmonization and argues that more national independence is favorable in recent years.

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. While Prime Minister Morawiecki has been more urbane than his predecessors, the government's basic approach toward the European Union has not changed. Poland wants to play an active role within NATO and has tried to establish a closer bilateral relationship with the United States, which has also been perceived as a form of side-diplomacy outside the usual channels. This has received only half-hearted responses from both the Trump and Biden administrations. Within the Visegrád group (Czech Republic, Hungary, Poland and Slovakia) collaboration is closer and more collective – a tendency that also stretches to other countries in the region – although differing attitudes toward Russia are a source of division between these countries. Regarding climate change measures and energy policy, the government also stresses national interests, which follow the coal industry's interests, but slowly seems to be making a policy shift. While Poland blocked any progress at the European Council summit in June 2019 on the issue of

becoming CO2 neutral by 2050, the government is now adapting its course to become more environmentally friendly. However, Poland did not coordinate its actions with other EU member states or EU agencies such as Frontex during the COVID-19 pandemic or during the Belarus border crisis in autumn and winter 2021/22.

Citation:

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-trillionpackage/>).

Organizational Reform

Self-monitoring
Score: 4

The PiS government has not monitored the institutional arrangements of government in a systematic and regular way. Its goal is not to improve or professionalize institutions but to increase political power and employ personnel that follow the party line.

Institutional
Reform
Score: 4

Upon entering office, the PiS government has changed the institutional arrangements of governing. It has changed the portfolios of ministries several times, set up new cabinet committees, overhauled the Civil Service Act and strengthened the position of central government vis-à-vis subnational governments. However, the strategic capacity of the PiS government has primarily rested on its political power: its majority in parliament, its strong party discipline and the uncontested role of party leader Jarosław Kaczyński. No reforms have been introduced to improve strategic capacity through an open involvement of, for example, scientific expertise.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 5

The average level of knowledge regarding government policy within the Polish public is limited. Many citizens have little knowledge regarding major political and public institutions and are unfamiliar with basic political facts (Cześniak/ Wenzel 2018). Reasons for this low level of policy knowledge include a tendency toward infotainment in many media outlets, the populist propaganda produced by the government party, and a general detachment from politics among citizens. Moreover, political parties (most of which lack a broad membership base), trade unions, and most other professional associations do not adequately perform their socialization function and do not

work to improve their members' policy knowledge. However, an important segment of society has become more interested in politics due to strong dissatisfaction with the PiS government's policies and the polarization of society. This has become visible, for example, in public participation in demonstrations and campaigns, and the relatively high electoral turnout in the 2020 presidential elections.

Citation:

Czeński, M, M Wenzel (2018): Wiedza polityczna Polaków w perspektywie porównawczej, in: Athenaeum. Polskie Studia Politologiczne 57: 103-123 (<https://czasopisma.marszalek.com.pl/images/pliki/apsp/57/apsp5706.pdf>).

Open
Government
Score: 5

Poland is not a member of the Open Government Partnership. Still, the PiS government has expanded digital access to public administration and government data, and runs an open data portal (<https://dane.gov.pl>). In response to the European Commission's new 2020 European Data Strategy, the government adopted a new medium-term data opening strategy in March 2021. This strategy aims to increase the number of available data resources from 19,000 in 2021 to 55,000 in 2027. However, the provision of data does not primarily aim to foster citizens' participatory competence. This is clearly shown by the government's selective and biased publication of information related to the COVID-19 pandemic. The government ignored calls by the Presidium of the Main Council of Doctors (Naczelna Rada Lekarska) to regularly publish data on COVID-19 infections among medical staff. Likewise, when Michał Rogalski, a 19-year-old high school student gathering data on the COVID-19 pandemic, found out that the infection numbers published by the subnational 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 official data, many epidemiologists have preferred to work with the data gathered by Rogalski and his supporters.

Citation:

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/>).

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

The members of the Sejm, the Polish parliament, have permanent support staff and can draw on the Sejm's library and the expertise of the Sejm's Bureau of Research (BAS). In addition to researching legal issues, the BAS publishes a newsletter, discussion papers, and a peer-reviewed quarterly Law Review (*Zeszyty Prawnicze BAS*). Since PiS's victory in the 2015 and 2019

parliamentary elections, however, the BAS has been progressively streamlined so as to reflect the political will of the ruling party. As a result, the quality of its expertise has declined, and it no longer issues critical studies.

Obtaining
Documents
Score: 6

On paper, parliamentary committees have full access to government documents. Members of parliament may demand information from government officials, either in written or verbal form, at the Sejm plenary or a committee meeting. Since the 2015 change in government, however, it has become increasingly difficult for opposition members of the Sejm to obtain government documents and receive them in good time. The government has also failed to deliver the correct documents in some cases.

Summoning
Ministers
Score: 7

Ministers and heads of the supreme organs of state administration (or their representatives) are obliged to participate in committee meetings whenever issues are discussed that fall within their domain. Groups comprising at least 15 members of parliament and parliamentary party groups have the right to ask for up-to-date information from members of the government. The PiS government has taken the summoning of ministers less seriously than previous governments. Ministers have occasionally refused to follow invitations or to answer questions.

Summoning
Experts
Score: 7

Parliamentary committees have the right to invite experts to give statements on hearings on particular issues or to take part in ordinary committee proceedings. However, suppose bills are introduced by individual members of parliament (as has often been the case under the PiS government). In that case, the summoning of experts must be supported by a majority of members of parliament. The PiS majority in the Sejm has used this procedural rule to limit the invitation of experts close to the parliamentary opposition. Given the maneuvering of the PiS in the Sejm, some experts have refrained from participating in what they consider political manipulation.

Task Area
Congruence
Score: 8

The number of Sejm committees exceeds the number of ministries. However, most ministries, including the more important ones, have only a single oversight committee, a so-called branch committee. Thus, the distribution of subject areas among committees does not infringe upon parliament's ability to monitor ministries.

Media

Media Reporting
Score: 5

In Poland, the division of the media is less about information or entertainment than about political divides. Government decisions are widely covered by all main TV and radio stations, but there are few print outlets, and TV and radio stations that have been able to resist political pressure. Due to its biased approach, the public TVP is often referred to as TV-PiS. Jacek Kurski, a PiS party ideologist, is still the TV director, and he hired several party loyal journalists to be anchors for the news shows and other relevant positions. The

leading news show on TVP – Wiadomości – has lost almost 20% of its viewers since 2015. In the private media, despite a tendency toward infotainment, the quality of reporting, especially of the two major TV companies, POLSAT and TVN, has increased. Rzeczpospolita, the second-largest daily paper in Poland, has benefited from a change in ownership and editorial staff and has become less politically partisan. Generally, survey respondents’ party affiliations continue to influence the level to which they trust public or private TV and radio organizations (CBOS 2020). In 2020, 86% of PiS supporters thought the TVP public TV station is “good,” while only 8% of the supporters of the oppositional Civic Coalition (KO) held the same opinion. By contrast, 82% of KO supporters trusted TVN, for PiS supporters at least 45% supported that view.

Citation:

CBOS (2020): Opinie o stacjach telewizyjnych i radiowych. Komunikat z Bada, No. 147/2020, Warsaw (https://www.cbos.pl/SPISKOM.POL/2020/K_147_20.PDF).

Parties and Interest Associations

Intra-party
Decision-Making
Score: 5

For the last decade, political parties have functioned under legislation that strictly defines the role of a political party and how parties are financed. Since most funding is public, the government mandates that democratic principles govern parties themselves. However, the reality is mixed, with some parties meeting democratic standards while others fall short (Winławska et al. 2021). While in the 2015 parliamentary elections, only two parties – the Law and Justice Party (PiS) and the Civic Platform (PO) – received more than 10% of the votes, in October 2019, the social-democratic Democratic Left Alliance (SLD) also managed to overcome this threshold. The three parties differ enormously from one another in their internal decision-making processes. PiS, led by Jarosław Kaczyński since 2003, is characterized by a hierarchical model of organization. Legal statutes and bodies notwithstanding, all important decisions are ultimately made directly or indirectly by Jarosław Kaczyński. By contrast, PO, the second-largest party in parliament, and SLD have given members a more significant say, which has allowed for more far-reaching internal debates. The SLD was renamed the New Left (NL) in 2020 and has merged with the Spring party in 2021.

Citation:

Winławska, M., A. Paczeński, B. Brodzińska-Mirowska, M. Jacuński (2021): Party Management from the Perspective of Party Members: Evidence from Poland, in: *Problems of Post-Communism* 68(4): 315-326 (<https://doi.org/10.1080/10758216.2020.1757466>).

Association
Competence
(Employers &
Unions)
Score: 6

Poland has a relatively developed universe of interest associations. Business associations and trade unions have become increasingly professional over time. The trade unions, especially NSZZ Solidarność, used to have quite friendly relations with the PiS government, which have now deteriorated due to the government bypassing trade unions over decisions regarding COVID-19 measures. Trade unions are also more critical of the school reforms and have supported the various teachers' strikes. Leading business associations such as the Konfederacja Lewiatan and the Business Center Club (BCC) have the expertise and resources to carry out research and formulate elaborate reform proposals. Konfederacja Lewiatan monitors many draft bills, and its spokespeople maintain a strong media presence. There are also a number of smaller associations that organize internationally known events such as the European Forum for New Ideas (EFNI), which annually invites leading public intellectuals, academics, and politicians, both Polish and European, to the EFNI conference in Sopot. All associations complain about not being involved in government policy discussions, despite the formal existence of the Council of Social Dialogue.

Association
Competence
(Others)
Score: 6

Poland has many interest associations beyond business associations and trade unions. However, compared to other countries, there are comparatively few environmental groups. However, the existing groups have become more important in the current discourse on how to mediate the effects of climate change. Most independent non-governmental organizations are relatively small and do not benefit from the funds distributed by the National Freedom Institute, the official organization in charge of helping NGOs with capacity-building. However, many NGOs have good international contacts, can rely on academic expertise, and can thus develop full-blown policy proposals. The Catholic Church, still the most influential interest group in Poland, pursues relatively narrow interests, and is primarily preoccupied with stabilizing its influence within an increasingly secular society and has to deal with cases of sexual abuse. It currently has good access to the new government, but some of its priests also asked for more national solidarity, peaceful cooperation and a friendlier approach toward refugees. In recent times, some interest groups have become more publicly outspoken. The Polish Doctors' Council frequently complains about the government's actions and that their expertise is not being heard. Similarly, the judges' associations Iustitia and Themis opposed changes to the judiciary and court system. The All-Polish Women's Strike (Ogólnopolski Strajk Kobiet, OSK) has become very vocal against the abortion law, and in general about women's rights and PiS's illiberalism.

Independent Supervisory Bodies

Audit Office
Score: 8

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, and 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, Marian Banaś, a former PiS minister of finance, has headed NIK.

Shortly after Banaś assumed office, accusations emerged that he had provided irregular information on his income and had contact with criminal circles in Craców. As no real evidence has been found as of today, he has stayed on. Under his leadership, the NIK has continued to behave professionally and independently (Wilczek 2021). Since 2020, the NIK has reported on several cases in which the government misspent money. This includes the unlawfully organized postal votes for the presidential election, which wasted PLN 130 million. A further PLN 280 million (€1 million) was misspent by the Justice Fund, which belongs to the Justice Ministry. Instead of helping crime victims, the funds were used for political purposes that benefited the government. The NIK has also played a major role in uncovering, and putting on the agenda, the government's use of the Israeli Pegasus spyware (Wanat 2022). The governing coalition has responded to the NIK's activities by increasing the pressure on Banaś. Various government members have asked Banaś to step down, Justice Minister Ziobro, in his function as prosecutor general, requested that legal immunity be lifted from Banaś, and Banaś and his family have frequently been the object of investigations by the Anti-Corruption Office (CBA).

Citation:

Wilczek, M. (2021): 'Armored Marian' — the man who has Poland's Law and Justice party in his sights, in: Politico, May 13 (<https://www.politico.eu/article/marian-banas-poland-takes-on-law-and-justice-government/>).

Wanat, Z. (2022): Poland's Watergate: Ruling party leader admits country has Pegasus hacking software, in: Politico, January 7, <https://www.politico.eu/article/kaczynski-poland-has-pegasus-but-didnt-use-it-in-the-election-campaign/>

Ombuds Office
Score: 10

The Commissioner for Citizens' Rights, the Polish ombuds office, is an independent state organ and is accountable exclusively to the Sejm. The commissioner is elected for five years and can be re-elected once. The office has substantial investigative powers, including the right to view relevant files or contact the prosecutor general and send any law to the Constitutional Court. Because of its strong engagement for citizens' rights ever since its creation in 1987, the ombuds office has traditionally been accorded a good reputation. However, the effectiveness of the ombuds office has suffered insofar, as the institution has been assigned new tasks in the field of anti-discrimination policy, but did not achieve more funds to perform the tasks properly.

Adam Bodnar, who served as ombudsman from September 2015 to July 2021, was a very active defender of civil and political rights. He was responsible for appealing the Anti-Terror Law and new laws on high-ranking civil servants, the Constitutional Court, and the media to the Constitutional Court. He was also fighting for the rights of his own office since the Sejm passed a law in 2016 that makes it easier to remove the serving commissioner. When Bodnar's term of office ended in September 2020, it took six attempts to elect a successor and until July 2021, so he stayed in office until then. A new commissioner can only be elected with the consent of the Senate and the opposition holds a small majority of 51 out of 100 seats in the Senate. After all the unsuccessful attempts, the Sejm and the Senate elected the lawyer Marian Wiącek in his second round of candidacy. He had been nominated by the opposition parties.

Data Protection
Authority
Score: 6

In May 2018, a new act on data protection entered into force. The law has renamed the supervisory authority in Poland, the Office of Personal Data Protection (Urzędu Ochrony Danych Osobowych, UODO), which replaced the Inspector General for Personal Data Protection. The president of this office is appointed for a four-year term by the Sejm, with the consent of the second chamber, the Senate. The current president, Jan Nowak, came into office in May 2019. While a lack of resources has limited the effectiveness of the UODO, Nowak, like his predecessor, has acted quite independently. In August 2019, the UODO 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, as well as against the government's use of Pegasus spyware.

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