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Wydział Nauk Politycznych
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ul. Krakowskie Przedmieście 26/28
00-927 Warszawa
e-mail: przeglad.europejski@uw.edu.pl
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02-678 Warszawa, ul. Smyczkowa 5/7
wuw@uw.edu.pl
Dział Handlowy: tel. (48 22) 55-31-333
e-mail: dz.handlowy@uw.edu.pl
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The impact of *European Green Deal* on liberal democracy: a perspective through the lens of Hayek's book *Road to Serfdom*

Jürgen Wandel, *SGH Warsaw School of Economics (Warsaw, Poland)*

E-mail: jwande@sgh.waw.pl

<https://orcid.org/0000-0002-3258-8668>

Abstract

In his bestseller book *The Road to Serfdom*, published 80 years ago, F.A. Hayek argued that any form of collectivist governmental planning of the economy not only fails to deliver sustainable prosperity, but also poses a serious threat to democracy. With the *Green Deal*, the European Union attempts for the first time in its history to subordinate all economic activity under an overarching goal, namely environmental and climate protection. Against this background, the author of this article revisits Hayek's arguments and – based on a qualitative analysis of documents and web-resources of major political actors – answers the following research questions: why, how and to what extent the *Green Deal* contains the potential to turn European societies to the road to serfdom, with special focus on Germany. The author argues that while the *Green Deal* contains many elements of the Hayekian explanation that push the EU's societies down the road to serfdom, democracy has so far proved resilient.

Keywords: European Union, Green Deal, economic policy, democracy, political economy

Wpływ Europejskiego Zielonego Ładu na liberalną demokrację: spojrzenie przez pryzmat książki Hayeka *Droga do Zniewolenia*

Streszczenie

W swojej bestsellerowej książce *Droga do Zniewolenia* (ang. *The Road to Serfdom*), opublikowanej 80 lat temu, F.A. Hayek argumentował, że każda forma kolektywistycznego planowania gospodarki przez rząd nie tylko nie zapewnia trwałego dobrobytu, ale także stanowi poważne zagrożenie dla demokracji. Poprzez *Zielony Ład* Unia Europejska po raz pierwszy w swojej historii próbuje

podporządkować całą działalność gospodarczą pod jeden nadrzędny cel, jakim jest ochrona środowiska i klimatu. Na tym tle autor niniejszego artykułu powraca do argumentów Hayeka i udziela odpowiedzi, w oparciu o jakościową analizę dokumentów legislacyjnych i publikacji dostępnych w zasobach internetowych głównych aktorów politycznych, na następujące pytania badawcze: skąd, w jaki sposób i w jakim stopniu *Zielony Ład* ma potencjał kierowania europejskiego społeczeństwa na drogę do zniewolenia, ze szczególnym uwzględnieniem Niemiec. Autor dowodzi w badaniu, że chociaż *Zielony Ład* zawiera wiele elementów teorii Hayeka, które kierują społeczeństwa UE na drogę zniewolenia, to jednak demokracja zachodnia okazała się odporna.

Słowa kluczowe: Unia Europejska, Zielony Ład, polityka gospodarcza, demokracja, ekonomia polityczna

"To imagine that the economic life of a vast area comprising many different people can be directed or planned by democratic procedure betrays a complete lack of awareness of the problems such planning would raise. Planning on an international scale, even more than is true on a national scale, cannot be anything but a naked rule of force..."

(Hayek 1944/2006: p. 229).

1. Introduction

This article includes the introduction with literature review and research methodology, two sections presenting research results, and conclusions. In section 2, the author provides the analytical framework and explains why and how governmental planning of all kinds poses a threat to liberal democracy, and what factors can minimise this threat by revisiting Hayek's major arguments included in the book *The Road to Serfdom*. In section 3, the author examines through this lens: to what extent the *Green Deal* has turned the EU to the road to serfdom, by highlighting selected features of the mechanism that Hayek has described on his book. Section 4 contains conclusions.

1.1. Literature review

In 1944, the Nobel Prize Winner in Economics of the year 1974, Friedrich August Hayek, has published his bestseller book *The Road to Serfdom*. Addressed to the "socialists in all parties", Hayek explains why any form of economic planning according to overarching goals is not only detrimental to economic prosperity, but also to individual liberty and democracy. This explanation not only holds for national socialism of Nazi Germany and Marxian socialism in the former Eastern bloc of Central and Eastern Europe. It also applies to softer forms of governmental paternalism over the economy, where private ownership of the means of production is nominally maintained, but the government forces the private owners to employ their means of production in a different manner than they otherwise would in order to align economic activity with the declared goals of the government (Coyne, Boettke 2020).

Such interventionist policies enjoy again increasing popularity worldwide,¹ not the least in the European Union (EU). In 2019, the President of the European Commission, Ursula von der Leyen, has announced the *Green Deal*. For overcoming the consequences of climate change, she set the ambitious goal to transform the economies of all EU Member States in order to make Europe the first carbon-neutral continent by 2050. Following the 2015 *Paris Agreement* of the *United Nations Framework Convention on Climate Change* (UNFCCC), political leaders in other countries have announced similar green agendas (Booth, Stagnaro 2022). For example, in 2020, the President of the United States, Joe Biden, has announced a plan for a "clean energy revolution" and programme for "environmental justice" in order to achieve carbon neutrality by 2050.² This was followed by the 2022 Inflation Reduction Act, which increases support for the "green" transformation of the U.S. economy (see: The White House 2023). However, the EU is positioning itself as a global standard setter in the green transformation (see: von der Leyen 2019) for which it seeks to mobilise all its regulatory capacity and power (Eckert 2021: p. 82). Germany, the largest and economically most powerful EU Member State, is considered as an agenda-setter in the EU. It is, in fact, the country that pursues the green transformation with particular vigour, especially under the current governmental coalition of social democrats, liberals and greens under Chancellor Olaf Scholz (Gavas, Koch 2021).

The political and academic discussion on interventionist policies is focused mainly on the justifications and economic impact of this style of economic policy (Boettke 1995: p. 13). This also applies to the *European Green Deal*. What is largely neglected are the backlashes on and the interdependencies with the political system. Already Ludwig von Mises (1940/1988: p. 80) paid attention to this point in his study on interventionism. Later, other authors occasionally addressed this issue. For example, the German ordoliberal legal scientist Franz Böhm (1958/1980: p. 258) cautioned against the refeudalisation of society as a result of rent-creating interventions. Mancur Olson (1982) warned of the resulting institutional sclerosis that may lead to the decline of nations, and in the book *Power and Prosperity* he briefly discusses the conditions for stable democracies (see: Olson 2000). More recently, Holcombe (2018) demonstrated how governmental interventions can alter the nature of capitalism into political capitalism. Wegner (2020) reassessed the dependence of capitalism on democracy regarding the case of Imperial Germany and the Weimar Republic. Acemoglu and Robinson (2006, 2012, 2019) also emphasised the importance of both economic and political institutions for economic prosperity and argued that democracy is a necessary and sufficient condition for capitalism. In their book *The Narrow Corridor* (Acemoglu, Robinson 2019) they argue that liberty and prosperity need a delicate balance between a powerful state and an equally powerful society to prevent the state from becoming oppressive. However, none of these authors

¹ The Heritage Foundation underscores in its 2024 edition of the *Index of Economic Freedom* that by 2024 the index has never been so low globally during last 23 years with only at 58.6 out of 100 points (see: Heritage Foundation 2024).

² The Biden's *Plan for a Clean Energy Revolution and Environmental Justice* was accessible at <https://joebiden.com/climate-plan/#>

has elaborated in detail a mechanism why and how both comprehensive and piecemeal governmental interventions into the economy could alter the polity from democracy to dictatorship as Hayek did in his bestseller.

1.2. The aim of the article and used methods

Against this background, **the aim of the article** is to revisit Hayek's arguments in the book *Road to Serfdom* and to apply them as analytical framework to assess: how and to what extent the *Green Deal* could endanger liberal democracy in the European Union, with special focus on the case of Germany. The assessment is based on a qualitative analysis of documents, position papers, speeches, and web-sources of political institutions, parties and relevant interest groups.

This article contributes to the academic literature in two ways. Firstly, it adds to the history of economic thought by revisiting major insights of one of the main figures of the Austrian School of Economics applied to the case of the EU's green transformation. Secondly, the article makes a contribution to institutional economics and public choice theory by focusing on the incentives in economic policy decision-making and the ensuing impact on the polity. As Holcombe (2018) pointed out, such political economy aspects are still largely neglected in mainstream academic economic policy analyses.

2. Pushing and restraining factors on the road to serfdom

In the book *Road to Serfdom* Hayek explains in detail, why and how the consistent implementation of overarching goals tends to produce negative consequences for the polity.

2.1. Why governmental planning threatens liberal democracy?

The implementation of overarching goals for the whole economy through governmental planning endangers democracy, because the democratic decision-making process becomes an obstacle in directing all activities according to the declared goal (Hayek 1944/2006: p. 74). Arrow's impossibility theorem explains why it is difficult to reach agreement on *what* overarching goal shall be pursued, taking into account that preferences of individuals in a society differ and actually cannot be aggregated consistently through majority voting into a collective will (Arrow 1950). Therefore, "in the end somebody's view will have to decide whose interests are more important" (Hayek 1944/2006: p. 77), which then have to be imposed upon the people with the coercive apparatus of government.

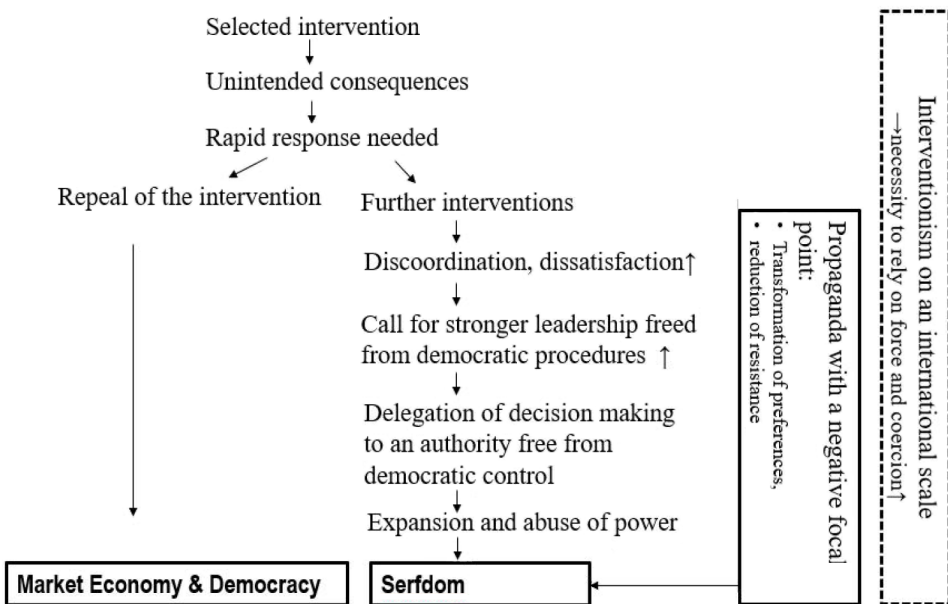
It is commonly believed, that in democracies free, fair and secret elections give the majority the right to do so. However, as Butler (2021) has pointed out, in liberal democracies, there are basic human values and rights, such as the sanctity of people's lives, freedom and property, usually specified formally in a constitution and enforceable by independent courts, which even an overwhelming majority must always respect. Yet, the priority of these rights over the majority view can obstruct the implementation of the

unitary goal, which triggers efforts to restrict these rights. Even given the overarching goal that has been decided democratically, there must still be reached agreement on the appropriate policy measures on how best to achieve the chosen goal. This is actually the crux of the mechanism that drags down the road to serfdom.

2.2. The mechanism dragging down the road to serfdom

Figure 1 presents the mechanism, which is described by Hayek in the book *Road to Serfdom*. Because of the knowledge of the problem in the complex and ever-changing market system³, which was a central topic in Hayek's entire work (e.g. Hayek 1945, 1978, 1989), any selected intervention into the market process causes unintended side effects (Mises 1940/1998; 1950/2018), which in turn require quick reaction.

Figure 1: The mechanism behind the road to serfdom.



Source: own elaboration based on publication: Hayek (1944/2006).

There are two options: either to undo the intervention, so that there will be no further impact on the economic and political system, or to undertake further interventions, which is more likely, because politicians typically will not easily give up on their ideals (Mises 1950/2018; 1976/1996: p. 30). Yet, long debates in parliament on

³ Hayek pointed out that the relevant knowledge needed to satisfy consumer needs and, thus, to ensure an efficient use of resources is inherently personal, context specific, dispersed, often tacit, and constantly changing. Due to insurmountable cognitive limits of every human being, no single person or authority is able to collect that kind of knowledge in totality.

what is the appropriate further measure hinder quick action. As dis-coordination and stagnation in the economy grows, and the achievement of the declared overarching goal comes ever more out of reach, dissatisfaction in the public and among political actors increases. Therefore, calls for stronger leadership freed from the shackles of the democratic process and the respect for fundamental freedom rights become louder (Hayek 1944/2006: p. 65).

If that call is heeded, decision-making process might be delegated to an authority of selected experts or politicians unbound by democratic control. This gives them a huge amount of discretionary power to address unforeseen situations, which expands as the need to intervene increases. At the same time, that power creates space for abuses (Hayek 1944/2006: p. 74). If this is taken to the extreme logical end, society will find itself in serfdom, where the individuals are no longer ruled and protected by general rules of law that apply to everyone, the authorities included, and where large, if not all parts of the economy are under governmental control. If this is the case, it means that citizens' everyday life is ever stricter controlled, because, "economic control is not merely control of a sector of human life which can be separated from the rest; it is the control of the means for all our ends" (Hayek 1944/2006: p. 95). And whoever has sole control of the economic resources can also determine "what men should believe and strive for" (Hayek 1944/2006: p. 95).

The increase of interventions into the economy is usually accompanied by propaganda of certain ideologies or narratives, mostly with a negative focal point, like threats from foreign competition or ecological catastrophes (Hayek 1944/2006: p. 143). The aim is to persuade the citizens to accept a larger role for government in the economy and to reduce resistance to their policies (Hayek 1944/2006: p. 157). For this, political leaders tend to resort to (pseudo-)scientific theories about causal relationships whether they are true or not, and try to suppress "everything which might cause doubt about the wisdom of the government and creates discontent", because this weakens public support (Hayek 1944/2006: p. 164). Alongside with the effective extension of governmental control over everyday life, successful propaganda can change the attitudes of the people and make the process that moves politics down the road to serfdom self-reinforcing (Boettke 1995: p. 11).

The threat to individual liberties and democracy becomes even greater, if overriding goals are tried to implement on international scale, e.g. at the EU level, because views across different countries differ even more, so that "the necessity to rely on force and coercion increases" (Hayek 1944/2006: p. 228).

2.3. Factors restraining the road to serfdom

Hayek (1944/2006: p. 4) underscored, that, firstly, the prescribed mechanism is a slow and gradual process that for a long time goes unnoticed, and secondly, it does not contain an iron-clad inevitable slippery slope determinacy. If it did "there would be no point in writing this." Reversals, instituting more liberal economic policies, are possible, "if people realise in time where their efforts may lead" (Hayek 1944/2006: p. 4).

Turning around, however, is not easy, as public choice theory informs. Since intervening implies redirecting the means of production, it inevitably creates special benefits in the form of rents and job privileges for one group of individuals at the expense of another (Butler 2021). As Holcombe (2018) explains in his political capitalism approach, such systems of special benefits are generally quite stable and powerful to resist changes. The reason is, that the mass of the voters that would benefit from another policy is not only rational ignorant (Downs 1957), but it also faces much higher costs to organise itself compared to the individual benefits that they could receive from a policy change than the established entrenched nexus of political and economic interests. The resistance to a policy change is in particular fierce, when the reversal is expected to lead to existential losses of income and jobs (Tullock 1975). Therefore, one of the prerequisites for a reversal is that entrenched vested interests that benefited from the *status quo* have become effectively weakened. Further prerequisites are that the economic situation has worsened so much that no other choice than free markets (Böhm-Bawerk 1914/2010: p. 54; Olson 1982), and that prevailing narrative to justify the interventions has profoundly lost its persuasiveness and is replaced by another.⁴

3. The Green Deal's potential to lead into serfdom

The *European Green Deal* and the way the EU hitherto tried to implement it contains many elements of the Hayekian framework to push European societies down the road to serfdom.

3.1. Stipulating an overarching goal

The first element is the submission of the whole economy of the European Union under a single overarching goal, namely to fight climate change through the green transformation of the economy. This constitutes a paradigm shift of EU policy, because never before EU officials did not subordinate economic development in the Union under an all-encompassing goal (Bongardt, Torres 2022). The *Green Deal* sets the binding target to cut greenhouse gas emissions by 55% in 2030 compared to 1990, and as intermediate target – a reduction by 90% until 2040 in order to achieve carbon-neutrality by 2050 (European Commission 2023a).

In Germany, the biggest and probably the most ambitious Member State in ecological transformation efforts, the judgment of the Federal Constitutional Court of March 2021 gives the fight against climate change a similar overriding priority. It ruled that Germany's Climate Protection Act of 2019 (germ. *Klimaschutzgesetz*) was insufficiently far-reaching and obliged the federal government to pass stricter regulations to reduce greenhouse gases effectively beyond 2030, as well as to consider in all policy measures their effect on climate change (Bundesverfassungsgericht 2021). This urged the ruling German traffic light coalition government under Chancellor Olaf Scholz to set even more ambitious tar-

⁴ On the power of ideas to change policies – see e.g. Keynes 1936; North 1988, 1994; Hayek 2008; Acemoglu, Robinson 2012; Boettke 2017; Holcombe 2018; Butler 2021.

gets. The 2024 revision of Germany's 2019 Climate Protection Act aims to achieve climate neutrality already by 2045. For this it envisages to reduce greenhouse emissions until 2030 by at least 65% compared to 1990 and until 2024 by 88%, for which it prescribed annually decreasing emission targets for six sectors of the economy (Bundesministerium der Justiz 2024a). Already in January 2019, Germany's federal grand coalition government of Christian Democrats (CDU) and Social Democrats (SPD) decided to phase out coal-fired power plants completely until 2038 in addition to the ban of nuclear power production (Pinzler 2019). Target fulfilment of the *Green Deal* in the Member States is controlled through a detailed monitoring process by the European Commission (Regulation (EU) 2021/1119).

3.2. Superseding the market mechanism

The second element of the Hayekian framework to be found in the *European Green Deal* is the application of numerous interventionist policies. Following Mises (1976/1996) and other scholars from the Austrian School of Economic (e.g. Rothbard 1970/2006; Coyne, Boettke 2020) interventionist policies are measures such as regulations, prohibitions, and financial incentives that influence prices, profits and hence behaviour in order to compel the private owners of the means of production to employ their resources in a different manner than they otherwise would, so that economic activity is aligned with the declared goals of the government. Coyne and Boettke (2020: p. 38) call these interventions into the free market mechanism "non-comprehensive planning" or "piecemeal economic planning". However, this approach is incompatible with the Hayekian understanding of the competitive market process as a discovery procedure (Hayek 1978: p. 179) that is used precisely to find out what is unknown, namely: what, how, where, when to produce to best satisfy consumer needs. If the concrete outcome of this discovery process was known in advance, referring to competition would be unnecessary. The task of the government in this context is to provide the institutional prerequisites for sustaining competition as a discovering procedure, which Hayek called „planning for competition" in the book *Road to Serfdom* (Hayek 1944/2006: p. 43). This leads to the establishment and protection of the impartial rule of law based on the principles of generality, equality, and certainty (Hayek 1960/2011: p. 315), which guarantees private property rights, freedom of contract and free access to the market, and enforces accountability of individual economic agents.

At first glance, the EU seems to follow a Hayekian market-oriented approach for carrying out the green transition, because one of the tools applied on the EU level to reduce emissions is the EU Emissions Trading System (EU ETS), created already in 2003. The tradability of the rights to use the atmosphere generates a price for carbon dioxide, and the annual reduction in the number of emission allowances increases the price, which in turn incentivises abatement activities. Yet, there are three problems with the EU ETS. Firstly, it does not include the whole economy, but has a number of exceptions (see more: European Commission 2024a). This violates the Hayekian principle of generality. Secondly, new emissions trading system ETS2, established in 2023, that covers buildings,

road transport and small industries, is not integrated in the EU ETS (European Commission 2024b; Rusche, Schaefer 2024), leading to different prices for CO₂ for different sectors, which deteriorates the incentives to reduce greenhouse gas emissions. The same applies for Germany's national ETS, which has been launched in 2021 and is also not integrated to the EU ETS. Thirdly, the geographical scope of the EU ETS is limited,⁵ giving EU firms the possibility to relocate their offices to countries outside the EU with less ambitious climate protection regulations. This fact necessitated the EU to introduce the Carbon Border Adjustment Mechanism that will impose tariffs on imports from countries with softer restrictions from 2026 onward (Regulation (EU) 2023/956).

Principally, an emission trading system that covered all sectors of the economy would be sufficient to reduce emissions to the least cost to the economy. Yet, instead of extending the ETS to all sectors without exemption, it is complemented, if not superseded by numerous interventions to micromanage economic processes and certain sectors. *Table 1* provides an overview of many interventions so far undertaken or planned. These interventions set economy-wide and sector specific binding emissions targets and prescribe what and how (as well as what not and how not) to produce, and also what consumers shall consume. For example, the ever tightened fleet-wide CO₂ emission targets across the EU implicitly compel the automotive industry to produce electric vehicles, because only with them it is possible to meet the emission targets (Sinn 2020). The *Renewable Energy Directive* of 2009, which was revised in October 2023 by Directive 2023/2413, mandates a 42.5% share of renewable energy sources in EU energy consumption by 2030, thereby stipulating the phasing-out of coal for energy production. So, instead of allowing economic actors discover the most cost-effective sustainable means of transportation and energy mix through mutually beneficial voluntary actions, politicians choose allegedly "green" technologies and prohibit the production and use of others, which they consider as harmful. Hayek (1989) called such a policy approach "pretence of knowledge" and "the extreme of hubris" pointing out that such "guided progress would not be progress" at all (Hayek 1990: p. 169).

The „dirigiste“ policy approach is supported by a green monetary policy of the ECB, which aim is to steer investment into allegedly green project. This is also the purpose of the EU Taxonomy regulation of July 2020, which lists environmentally compatible economic activities, as well as of the *Corporate Sustainability Due Diligence Directive* of July 2024 (Directive 2024/1760), which requires larger firms to document their international supply chains with regard to human rights, environmental and labour issues. If implemented, it changes fundamentally the way, in which capital is allocated in the EU. Instead of only profitability, sustainability as classified by the European Commission becomes another crucial criterion for private banking lending. This increases the likelihood of malinvestments, because profit-seeking private banks no longer alone decide about the financing of projects, but also a growing EU bureaucracy (Schnabl 2022).

⁵ It applies in all EU Member States, the European Free Trade Association countries (Iceland, Liechtenstein and Norway) as well as Northern Ireland.

Table 1: Selected key regulatory acts of the *European Green Deal*.

Legal Act/Programme	Aim
European Climate Law of July 2021	Cutting greenhouse gases by 55% in 2030 compared to 1990; 90% less emissions by 2040.
Renewable Energy Directive of 2009, revised in November 2023	Share of renewable energy sources in EU energy consumption of 42.5% by 2030.
Farms to Fork (F2F) and Biodiversity Strategy of May 2020	Until 2030 reduction of the use of pesticides and herbicides by 50% and of fertilizers by 20%; set-aside of at least 4% of crop land; increase of total EU farmland under organic farming to 25%, restrictions of the use of farmland for production to protect biodiversity.
The Green Deal Industrial Plan of 2023	Enhancement of the competitiveness of Europe's net-zero industry and support of the fast transition to climate neutrality.
Fleet-wide CO ₂ emission targets in transportation, updated in 2024	Compelling the automotive industry to produce electric vehicles, because only with them is it possible to meet this emission target.
Ban on the sale of new petrol and diesel cars from 2035 of March 2023	Compelling the automotive industry to produce electronic vehicles.
Ecodesign Directive of June 2024	Creation of a circular economy in all sectors; ban of the destruction of unsold clothing by 2028.
Sustainable Finance Disclosure Regulation (SFDR) of 2019	Mandatory ESG disclosure obligations for financial market actors.
EU Taxonomy regulation of July 2020	Setting criteria to qualify investments and economic activities as green.
Corporate Sustainability Due Diligence Directive of July 2024	Obligation under the threat of sanctions for companies with at least 1,000 employees and a turnover of more than €450 million to fully monitor, document and assess their international supply chains with regard to human rights, environmental and labour issues.
Carbon Border Adjustment Mechanism (CBAM)	Imposition of import tariffs for countries with lower climate requirements from 2026 onward.

Sources: the author's own elaboration based on following documents: European Commission (2023b,c, 2024c,d); European Council (2024); Regulation (EU) 2021/1119; Directive (EU) 2022/2464; Directive 2024/1760; Regulation (EU) 2023/956; Regulation (EU) 2024/1781; EU Taxonomie Info (W/W/W).

3.3. Dismissing open discourse

A further element is the constant repetition of a one-sided narrative of the alleged consensus in science on the mortal danger of man-made global warming and the urgent need of far-reaching measures to transform economic life that are worth any cost (Legates 2024a: p. 21). Conflicting views are tried to suppress and silence, e.g. by calling those who held them climate deniers, right-wing extremists,⁶ or refuse funding and publication (Maza 2019; Legates 2024a).

In order to uphold the prevailing narrative, Germany's Federal Environment Agency (Grünwald et al. 2021) has commissioned a research project with the task to develop systematically narratives about the successful transformation of Germany into a resource-preserving and greenhouse gas-neutral country. The political foundation of Germany's Green Party, the Heinrich Böll Foundation, advocates more control on scientific freedom to combat "right-wing narratives" (Schubert 2021), while the World Economic Forum called misinformation the biggest global threat (WEF 2024).

Since critical stances towards climate change and policy are increasingly voiced in alternative information channels on the internet, efforts have been stepped up to increase governmental control over these sources of information. The legal basis for this in the EU is the *EU Digital Services Act* of 19 October 2022 (Regulation (EU) 2022/2065), in Germany – the *Digital Services Act* of 6 May 2024 (Bundesministerium der Justiz 2024b). These laws oblige social network providers under the threat of fines to remove or block access to contents, which are considered by laws as misinformation. Since the term "misinformation" is vague, the laws potentially allow censoring any opinion displeasing to the political and economic establishment that benefit from the *status quo*. This fact narrows the space for an open rational discussion on the adequate response to climate and environment issues (Legates, 2024b). How the constant reiteration of a one-sided narrative has meanwhile altered the atmosphere to express one's opinion reveals a survey conducted in Germany in 2023 by the Allensbach Institute and Media Tenor International. It shows that merely 40% of the surveyed Germans feel free to express their political opinions (Petersen, Schmidt 2023).

3.4. Calls for authoritarian governance

The green transformation of the EU's economy is accompanied by calls to curb basic individual civil liberties and the separation of powers by subordinating legislature to the executive. Remarkably, these calls come mostly from academia and activists, rather than politicians themselves. The common justification is that the climate crisis is urgent, and it requires immediate, drastic action, which, however, the democratic decision-making processes hamper. Examples are: the *Club of Rome* member Jörgen Randers, who points to China's government as a role model (Chi et al. 2022), the German legal scientist prof. Thomas Schomerus (2020), who advocates similar restrictive measures to fight climate

⁶ For example, the former Minister for the Environment in the SPD-led government of Hamburg and natural scientists prof. Fritz Vahrenholt (Speit 2022; Vahrenholt, Lüning 2020) or Physics Nobel Prize holder John F. Clauser (Joselow 2023).

change as in the coronavirus crises, the founder of *Extinction Rebellion*, Roger Hallam, who argues that climate protection is more important than democracy (Thelen 2019), or German history professor Hedwig Richter (2024), who demands that politicians should be much more authoritarian in telling citizens, how they should consume and live. Likewise, advisory councils to the German government, such as the German Advisory Council on the Environment (germ. *Sachverständigenrats für Umweltfragen*) and the German Ethics Council suggest in reports the subordination of individual liberties and democracy to ecological priorities (see: German Advisory Council on the Environment 2019; Deutscher Ethikrat 2024). Striking are the parallels to Hayek's explanation of the socialist roots of Nazism, where he pointed out that the calls for authoritarian control of all aspects of life were "especially popular among [...] certain circles of German scientists and engineers" (Hayek 1944: p. 178).

3.5. Factors slowing down the road to serfdom

The *Green Deal* also contains the international dimension of governmental interventionism, because the EU itself is a supranational organisation that attempts to implement the targets of the *Green Deal* across all EU Member States. However, so far the *Green Deal* has left the competencies of the EU institutions unchanged. There is still neither on the EU nor the national level a single central institution that is exclusively authorised to make economic decisions to improve and enforce the green agenda.

Although the European Commission in cooperation with the European Court of Justice can impose sanctions on Member States for not complying to rules, targets and basic values,⁷ this is a complex multi-stage process and these institutions still have only limited possibilities to enforce the penalties.⁸

There are two further indications that for the time being restrain the move further down the road to serfdom. Firstly, protests of farmers backed by other self-employed workers and the transportation sector against ever stricter environmental rules tying their hands to maintain international competitiveness⁹ that have spread across several EU Member States since December 2023 urged EU institutions to concessions in the *Farm-to-Fork Strategy for Agriculture* (Mathiesen, Wax 2024) and to consider for the CAP period 2024–2029 to prioritise food security over sustainability (Sanchez Manzanaro 2024). This points to a still functioning civil society in the EU.

Secondly, free, fair and secret elections are still regularly held and can bring about changes for majorities. In the elections to the European Parliament of 9 June 2024, par-

⁷ Financial penalties (Article 260(2) of TFEU); suspending voting rights (Article 7 of TEU, Rule of law conditionality regulation of January 2021).

⁸ The authority of the European Court of Justice rests upon voluntary acceptance, since it has no monopoly on the use of force to enforce its decisions on Member States. They submit to the authority of the court only insofar and as long as it is to their advantage (Wagener, Eger 2014: p. 126).

⁹ It shall be noted that farmers' protests were motivated by a multitude of reasons with the farmers' top concerns varying from the Member State to the Member State. For example, while in Germany the protests were prompted by a cut to diesel subsidies, French farmers major concerns were the new free-trade deal with Mercosur and environmental rules. Yet, to a large extent the protesters' complaints overlap, namely about excessive EU regulations, rising input costs and falling incomes (Cokelaere, Brzeziński 2024).

ties from the right-wing political spectrum with a critical stance towards centralisation in the EU and the *Green Deal* made significant gains in 14 of the 27 Member States (Schwarz 2024). If and to what extent this can bring about reductions of regulation remains to be seen and depends on how the EU's political leaders react to the outcome of the EU parliamentary elections.

No profound changes might be expected in the new European Parliament itself. Despite losses, the hitherto two dominant parliamentary groups – the European People's Party and the Progressive Alliance of Socialists and Democrats – still remain the largest fractions (European Parliament 2024) and most likely will stick to the *status quo*. How the majorities will change in the most powerful political body of the European Union (the European Council – the assembly of the national leaders of the 27 Member States) depends on the results of upcoming national elections, in particular in the two largest Member States – France and Germany. Only the replacement of governments with a left-green political agenda could gradually create more favourable conditions for a policy change. While a complete repeal of the green transformation is not very likely, at least a more market-oriented approach in implementing the *Green Deal* could be adopted.

In France, the snap elections of June 2024 in response to the considerable losses of president Emanuel Macron's governing party in the EU elections, resulted in a majority of seats for an alliance of extreme and center-left parties, even though Marine Le Pen's right-wing party the National Rally received the largest share of votes. Yet, the parties of the alliance advocate moving on with the *Green Deal*, so that from France no major impetus for a policy change is to be expected (Schwarz 2024).

On 23 February 2025, Germany also held early federal elections after the three-party government of Chancellor Olaf Scholz collapsed in November 2024 due to growing internal disagreements. Even before the coalition's collapse, trust in three coalition partners had declined, and dissatisfaction with their greening agenda had increased, as the regional elections in Saxony and Thuringia of 1 September 2024 had revealed. The federal elections in February 2025 resulted in a clear majority for the parties on the right political spectrum. The centre-right *Christian Democratic Union* (CDU), together with its Bavarian sister party, the *Christian Social Union* (CSU), won the election with 28.6% of the popular votes. The second came the *Alternative for Germany* (AfD) with 20.8%, while the *Social Democrats* (SPD) fell to only 16.4% of the vote, and the *Greens* – to 11.6 %. Together CDU/CSU and AfD hold 360 of 630 seats in parliament (see: The Federal Returning Officer 2025). However, because of the "firewall" (germ. *Brandmauer*) erected by German traditional parties, which have agreed not to co-operate with any party deemed as extremist, the AfD cannot become a part of the government. Instead another grand coalition of CDU and SPD will be formed, and it remains to be seen, whether and to what extent they will scale back the green agenda.

This resilience of democracy in the EU, despite increasing interventionism, seems to be in line with the view of some scholars that think that Hayek's believe in the threat of democracy drifting into oppression is overstated. For example, Alves and Meadowcroft (2014) found that moderate democracies with mixed economic systems are widespread

and stable. These authors argue that there is an interventionist optimum that limits the size and power of the ruling elite. This is reached when the future gains of further rent seeking enabled by interventionist policies, become smaller than the costs of the political action required to obtain the rents. In addition, they claim (Alves, Meadowcroft 2014: p. 855–857) that only if “public policy is guided by an extremely strong, pervasive and univocal ideology”, strong governmental involvement in the economy can lead to totalitarianism. Otherwise, the interests in interventionist policies are too diverse to converge and submit them to a unified ideal.

Daron Acemoglu and James Robinson (2006, 2012, 2019) found that democracy can survive as long as civil society remains as strong as the government to maintain a mutually-beneficial balance between them. Yet, as Lemieux (2021) pointed out in a critical review of *The Narrow Corridor*, Acemoglu and Robinson (2019) largely neglect public choice insights on how the real-world democratic political process itself contains incentives for governmental interventions into the market process that increase the power of the government, and that “the mass” of society faces much higher organisational costs than the ruling elites that makes it difficult to shackle those in power (Holcombe 2018), as well as how “society” could stop Leviathan once it managed to run ahead.

Apolte (2024) argues that a democracy remains sustainable as long as there are self-enforcing rules of the underlying power-sharing arrangement, which in most modern democracies had long existed prior to the introduction of democracy. Yet, he also contends that even long-lasting sustainable democracy may be subject to demise, if, for whatever reasons, the cost of breaching the rules of the power-sharing arrangement have fallen below a critical value.

Conclusions

The *European Green Deal* contains many elements of the Hayekian framework to drag European societies down the road to serfdom: the overarching goal of fighting climate change, numerous detailed regulations that cover ever larger parts of the economy accompanied by a green monetary policy of ECB, as well as dominance of one-sided narrative of the danger of climate change and how to solve this problem, while silencing different views. But democracy in this bloc has so far proved quite resilient. The *Green Deal* has not yet led to new, uncontrolled competencies of EU institutions. Free and fair elections take place and change majorities in supranational and national parliaments, and the protests of farmers demonstrated, that the threat of electoral defeat can still lead to concessions and, perhaps in the long perspective, to a reversal of EU policies towards more market-principles.

However, that empirical observation does not invalidate Hayek’s arguments. The Hayekian mechanism that leads on the road to serfdom does not postulate an iron-clad slippery slope determinacy, but rather an instability and incompatibility argument of increasing governmental interventionism in the economy and liberal democracy in the long term (Boettke, Candela 2017). At some time, policy makers have to make the deci-

sion either to move on with governmental control of the economy and go further down the road to serfdom, or to turn around and go in the other direction, adopting more liberal economic policies. Admittedly, it is hard to tell, when that "at some time" is. It requires more theoretical and empirical research on causes of the relatively long coexistence of interventionism and functioning democracy, as well as what conditions must be given before a democracy switches into a dictatorship.

In the view of Austrian economics, at the end, there are only two alternatives: "Submission to the impersonal and seemingly irrational forces of the market or submission to an equally uncontrollable and therefore arbitrary power of other men" (Hayek 1944/2006: p. 210). "Either capitalism or socialism; there is no middle of the road" (Mises 1976/1996: p. 9).

The case of the Weimar Republic in Germany after World War I, where increasing interventionism to satisfy various interest groups stifled economic growth and increased dissatisfaction with democracy, which eventually led to the election of Adolf Hitler, who then abolished democracy, matches pretty well the Hayekian framework (Wegner 2020). Likewise does the case of Venezuela, where the suppression of economic freedom ended in the loss of political freedom (Zitelmann 2019). Yet, also the reversal towards more capitalism is possible, given a favourable political economy constellation as the case of Argentina under its new president Javier Milei recently indicates (Bagus 2024; Figueroa 2024).

Taking into account the stagnation of the EU's economies, particularly in Germany, it is more topical than ever to recall what Ludwig Erhard (1962/1988: p. 770) asserted 60 years ago with regard to European integration: it does not need a planning program but an agenda for freeing markets in order to unleash and strengthen competition as a discovery procedures throughout the economy. This is not only conducive to economic prosperity, but also allows overcoming efficiently the negative external ecological effects (Booth, Stagnaro 2022). It stabilises democracy and the rule of law, because "the competitive system is the only system designed to minimise by decentralisation the power exercised by man over man" (Hayek 1944/2006: p. 149).

Jürgen Wandel – PhD, economist, university professor at the SGH Warsaw School of Economics. Research interests: institutional change and economic development, European integration, Polish-German economic relations, economic policy, public choice theory, institutional economics, Austrian school of economic thought.

Jürgen Wandel – doktor nauk ekonomicznych, profesor Głównej Szkoły Handlowej w Warszawie. Zainteresowania badawcze: zmiany instytucjonalne i rozwój gospodarczy, integracja europejska, polsko-niemieckie stosunki gospodarcze, polityka gospodarcza, teoria wyboru publicznego, ekonomia instytucjonalna, austriacka szkoła myśli ekonomicznej.

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The evolution of the model of Poland's economic diplomacy in the early 21st century

Edward Molendowski, *WSB University (Dąbrowa Górnicza, Poland)*

E-mail: edward.molendowski@wsb.edu.pl

<https://orcid.org/0000-0003-0803-1592>

Wojciech Polan, *Krakow University of Economics (Cracow, Poland)*

E-mail: polanw@uek.krakow.pl

<https://orcid.org/0000-0003-1749-7220>

Abstract

Economic diplomacy remains an underexplored issue in Polish academic literature, despite its growing role in international economic relations. The aim of this article is to clarify definitional ambiguities and examine the origins and evolution of Poland's economic diplomacy, with particular emphasis on the transition period. It follows from this analysis that, despite efforts to modernise its structure and functions, economic diplomacy in Poland still lacks organisational coherence and measurable business impact. The study is based on the hypothesis that, despite various efforts to adjust the organisational model, tasks and functions of economic diplomacy to the requirements of the modern economic environment, it is still difficult to speak about its organisational consistency and measurable business-oriented performance. The authors conclude that in the face of ongoing globalisation and the growing needs of Polish enterprises in terms of internationalisation, further reforms of Poland's economic diplomacy system are necessary, including strengthening institutional coordination, professionalising the staff of foreign economic missions, and optimising the service model offered by Polish Investment and Trade Agency.

Keywords: economic diplomacy, commercial diplomacy, export promotion, organisation of diplomacy in Poland, business

Ewolucja modelu polskiej dyplomacji gospodarczej na początku XXI wieku

Streszczenie

Dyplomacja gospodarcza jest nadal zagadnieniem niedostatecznie eksplorowanym w polskiej literaturze naukowej, mimo jej rosnącej roli w międzynarodowych stosunkach gospodarczych. Niniejszy artykuł ma na celu wyjaśnienie niejasności definicyjnych oraz zbadanie genezy i ewolucji polskiej dyplomacji gospodarczej, ze szczególnym uwzględnieniem okresu transformacji. Z tej analizy wynika, że pomimo wysiłków zmierzających do modernizacji jej struktury i funkcji, dyplomacji gospodarczej w Polsce nadal brakuje spójności organizacyjnej i mierzalnego wpływu na biznes. Badanie opiera się na hipotezie, że pomimo różnych wysiłków zmierzających do dostosowania modelu organizacyjnego, zadań i funkcji dyplomacji gospodarczej do wymagań nowoczesnego środowiska gospodarczego, nadal trudno mówić o jej organizacyjnej spójności i mierzalnych wynikach zorientowanych na biznes. Autorzy dochodzą do wniosku, że w obliczu postępującej globalizacji oraz rosnących potrzeb polskich przedsiębiorstw w zakresie internacjonalizacji, konieczne są dalsze reformy systemu dyplomacji gospodarczej Polski, w tym wzmocnienie koordynacji instytucjonalnej, profesjonalizacja kadr zagranicznych placówek gospodarczych oraz optymalizacja modelu usług oferowanych przez Polską Agencję Inwestycji i Handlu.

Słowa kluczowe: dyplomacja gospodarcza, dyplomacja handlowa, promocja eksportu, organizacja dyplomacji gospodarczej w Polsce, biznes

1. Introduction

In the increasingly complex landscape of international relations, economic diplomacy has emerged as an important element of statecraft. Defined broadly as the use of diplomatic channels and instruments to achieve national economic objectives, it has evolved significantly over the past decades, reflecting transformations in global trade, investment flows, and geopolitical dynamics. In Poland, economic diplomacy gained particular importance after 1989, when the country began its political and economic transformation combined with entry into global markets. However, despite its growing importance, economic diplomacy remains an underexplored field in Polish academic literature, especially in relation to its organizational evolution and effectiveness.

The article attempts to answer the following **research questions:** to what extent has the model of Poland's economic diplomacy evolved in the 21st century, and how coherent and effective is its current institutional structure?

The aim of the article is to fill a gap in the literature by analysing the changes in Poland's economic diplomacy framework, with a particular focus on the years after 2016, when significant reforms were implemented under the *Strategy for Responsible Development of 2017*.

The current state of research presents divergent interpretations and conceptual ambiguities regarding the scope and organisation of economic diplomacy. While some scholars focus on its macroeconomic dimension (Rana 2007; Berridge, James 2003), others emphasise its practical, enterprise-oriented applications known as commercial

diplomacy (Kostecki, Naray 2007). In the Polish context, these approaches are often blurred, with overlapping terminologies and institutions performing similar or redundant functions (Molendowski, Polan 2007; Dumala 2013). Moreover, recent studies highlight a lack of coordination, weak institutional design, and inadequate impact assessment mechanisms in the Polish model (NIK 2022).

This article contributes to the academic debate by offering a structured overview of the Polish experience in economic diplomacy. It critically assesses three major phases: (1) the formative period of 1989–2016, (2) the post-reform period initiated by Agreement between the Minister of Foreign Affairs and the Minister of Economy of 7 February 2006, and (3) the structural changes introduced after 2016. The research is based on primary sources, governmental documents, and relevant academic literature.

The article is structured as follows. The first section of presented research results outlines the theoretical framework and definitional debates surrounding economic diplomacy. The second part traces the institutional development of the Polish model from the early 1990s. The third section is focused on the reforms introduced after 2016, particularly the creation of the Polish Investment and Trade Agency (pl. *Polska Agencja Inwestycji i Handlu*, PAIH) and the Foreign Trade Offices (FTOs). The final section evaluates the effectiveness of the reforms in light of audit findings by the Supreme Audit Office (pl. *Narodowa Izba Kontroli*, NIK) and proposes recommendations for further improvement.

2. Materials and methods

The authors base the presented study on a qualitative analysis of strategic, legal, and institutional documents related to the organisation of economic diplomacy in Poland from 1989 to 2023. The research employed document analysis as its primary method, focusing on publicly available official acts, government strategies, reports by the Supreme Audit Office (hereinafter also: NIK), inter-ministerial agreements, and academic publications.

In the first stage, the authors analysed a comprehensive set of sources, including relevant legislation (e.g. *Dziennik Ustaw*, *Monitor Polski*), strategic documents such as the *Strategy for Responsible Development for the period up to 2020 (including the perspective up to 2030)*, and audit reports published by NIK. These documents were analysed to identify chronological stages of institutional transformation and changes in the division of competences among key actors: the Ministry of Foreign Affairs, the Ministry of Economy (and its successors), and the Polish Investment and Trade Agency (hereinafter: PAIH).

To ensure substantive accuracy of the study, the literature review included academic sources published predominantly during the past ten years. However, in cases where foundational definitions and classifications were presented, older publications were cited appropriately (e.g., Berridge, James 2003; Molendowski, Polan 2007).

The methodological framework is focused on tracing legal-institutional changes over time, identifying inconsistencies or overlaps in responsibilities, and evaluating the ef-

fectiveness of reforms based on documentary evidence and performance assessments from public audit reports.

This approach allowed the authors to reconstruct the trajectory of reforms in Polish economic diplomacy and to assess their alignment with declared strategic objectives of promotion of Polish economy and internationalisation of enterprises.

3. Research results

3.1. The essence of economic diplomacy – major components

Diplomacy, as one of the oldest forms of interstate activity, has evolved alongside state development and global complexities. Globalisation has spurred the rise of economic diplomacy, which is focused on maximising national economic benefits through trade, investment, and international cooperation (Molendowski, Polan 2007: p. 9). Researchers define *economic diplomacy* as state-led efforts to shape international economic policy, negotiate agreements, and promote national economic interests, while *commercial diplomacy* is more operational, supporting domestic businesses in foreign markets through trade facilitation, investment promotion, and dispute resolution (Rana 2007).

Economic diplomacy, referred to as economic statecraft, involves ministries of foreign affairs and other governmental bodies working within global institutions like the World Trade Organization (WTO), the Organisation for Economic Co-operation and Development (OECD), and the European Union (EU) (see: Berridge, James 2003). Some definitions extend its scope to include economic policy tools such as development aid and sanctions (Pinder 1976). Commercial diplomacy is more enterprise-oriented, providing direct support through trade missions, legal advisory services, and investment promotion. Though conceptually distinct, these two forms of diplomacy are closely interwoven, necessitating strong coordination (Surmacz 2008).

The authors of the first (and so far only) Polish monograph on this subject (Molendowski, Polan 2007: p. 64) define *economic diplomacy* "as pursuing activities aimed at improving the international position of the state through broad promotion of its comprehensive economic interests and of particular interests of its individual entities for state representatives – professional economic diplomats" (Molendowski 2018: p. 131).

In Polish literature, several terms with different meanings are simultaneously used: pl. *dyplomacja gospodarcza* (Krzymiński 2002: p. 171–174), pl. *dyplomacja ekonomiczna* (Gawin 2008: p. 101–118) – both translated as eng. *economic diplomacy*, and pl. *dyplomacja handlowa* – eng. *commercial or trade diplomacy* (Kunikowski, Turek 2011: p. 28–29). The emergence of these terms is connected with increased importance of the economic factor to modern international relations and concepts of national security (Orzechowski 2002; p. 18–19; Marchewka-Bartkowiak 2014: p. 2). Regardless of their respective contents, they mean diplomatic instruments of pursuing foreign economic policy.

Economic diplomacy seems to mostly have a macroeconomic dimension, whereas commercial diplomacy should serve to achieve microeconomic objectives. "However,

it is clearly emphasised that in practice it is difficult to separate the tasks of economic diplomacy from those of commercial diplomacy, therefore their close coordination is of the essence" (Molendowski 2018: p. 133; see also: Marchewka-Bartkowiak 2014; Dumala 2013).

3.2. The organisation of economic diplomacy in 1989–2016

3.2.1. Stage 1: 1989–1999

In the Polish People's Republic (1945–1989), foreign trade was strictly controlled by the state: namely by the Ministry of Foreign Trade and Maritime Economy overseeing economic cooperation, as well as the Commercial Counsellor Offices (CCOs) subordinate to it, operating within embassies. In 1989, the Ministry of Foreign Economic Cooperation took over these duties (Ustawa 1997/943). During the first years of the economic transformation of the state, CCOs were still important element of Poland's foreign economic relations, despite criticism and the challenges posed by the privatisation.

In that period, commercial counsellors and their offices were key players in economic diplomacy. Although they were formally part of diplomatic missions, they reported to the Ministry of Foreign Affairs (pl. *Ministerstwo Spraw Zagranicznych*, MSZ) for budget and administration purposes (Molendowski 2017). However, Poland's early post-communist governments did not adopt an export-oriented strategy. For instance, K. Skubiszewski (Minister of Foreign Affairs from 1990 to 1993) was criticised for not prioritising economic diplomacy, as well as in neglecting its importance, leading to a lack of structure and strategy in this area (Zarządzenie 1999).

In 1997, the Ministry of Foreign Economic Cooperation was incorporated into the Ministry of Economy, and economic promotion responsibilities were consolidated under the latter (Tabaszewski 2009).

3.2.2. The 1999 reform and creation of Economic and Commercial Departments

Poland's evolving geopolitical and economic landscape in the late 1990s led policy-makers to refocus on economic diplomacy, prompting a significant restructuring in 1999. A joint regulation from the Ministries of Foreign Affairs and Economy reorganised commercial counsellor offices, reducing them from 103 to 78, and transforming them into Economic and Commercial Departments (ECDs) at the embassies and consulates (see: Sejm RP 2002). This reform was aimed to concentrate efforts on key trading partners, particularly from the European Union.

The selection of countries that retained ECDs was based on criteria such as trade volumes, business interest, market size, and potential for Polish exports. The reorganisation also involved the closing of 25 smaller offices, mostly in Asia, Africa, and Latin America (*PKPP Lewiatan...* 2006). The new economic and commercial sections were integrated into diplomatic missions but operated under the Ministry of Economy. Their tasks included promoting economic cooperation, protecting Poland's economic interests abroad, and supporting Polish businesses seeking to enter foreign markets (Stańczak 2007).

Despite aforementioned changes, conflicts arose between the Ministry of Foreign Affairs and the Ministry of Economy concerning the control of foreign economic activities. While ECDs reported directly to the Ministry of Economy, their staff were still part of the foreign service and formally under the Ministry of Foreign Affairs. This inter-ministerial arrangement, though a compromise, was unsatisfactory for both parties. The Ministry of Foreign Affairs sought greater influence over economic diplomacy, advocating for the separation of purely commercial tasks from state diplomatic activities (Ustawa 2017/1491).

It was a very complicated task to coordinate former activities carried out by such enormous number of institutions engaged in Poland's economic, tourism and cultural promotion. All those institutions mostly performed overlapping tasks and frequently had no knowledge of the same or similar projects implemented by other institutions (NIK 2022). The situation was further aggravated by the absence of a long-term national strategy and implementation plan with regard to promoting Poland's economy and culture. No priority areas for such activities were defined in economic or geographic terms (Dumata 2013).

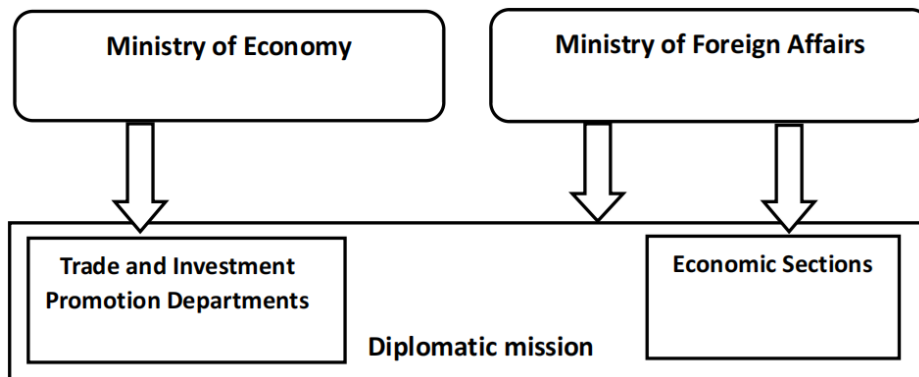
3.2.3. The 2006 Agreement and economic diplomacy reform

Measures proposed by the Ministry of Economy to increase the economisation of the foreign services and to improve the integration of ECDs with other services of embassies included another step in the reorganisation of the model of Poland's economic diplomacy. On 7 February 2006, the Minister of Economy and the Minister of Foreign Affairs signed an *Agreement on the establishment of economic diplomacy* (Molendowski, Polan 2007: p. 459).

The agreement was related to the implementation of the programme *Solidary State* (pl. *Solidarne Państwo*). The agreement, which separated instruments for performing economic tasks for and on behalf of the government administration from those supporting individual businesses, was signed by the then Minister of Foreign Affairs, S. Meller, and the Minister of Economy, P. G. Woźniak. Those governmental decisions resulted in the emergence of economic diplomacy. On 1 July 2006, the majority of the existing ECDs were transformed into the Economic Sections (ECs) of embassies, reporting to the Ministry of Foreign Affairs, performing tasks of the Ministry of Economy and of other departments competent for economic matters, of relevance to the international interests of the state.

At the same time, on the basis of the former ECDs, the Minister of Economy established 45 trade and Investment Promotion Sections (IPSs). It is worth emphasising that the agreement announced that economic sections or economic posts would be created at around 90 embassies worldwide. The text of the Agreement clearly declared a new direction – the creation of the separate agency responsible for economic promotion and support for the internationalisation of Polish enterprises and the establishment of the Economic Promotion Agency (pl. *Agencja Promocji Gospodarczej*).

Figure 1 presents the new structure of Poland's economic diplomacy created during the implementation of the 2006 Agreement between the Minister of Economy and the Minister of Foreign Affairs.

Figure 1: The organisational structure of Polish economic diplomacy after 2006.

Source: own elaboration, Surmacz (2013: p. 252)

The primary responsibilities of Economic Sections of Polish embassies included:

- identifying key economic issues affecting national security,
- analysing regional trade and investment cooperation,
- developing economic ties with strategically important but underexplored markets,
- managing bilateral and multilateral governmental negotiations,
- assisting in trade dispute resolution,
- promoting the national economy and advancing the interests of Polish businesses.

Whereas, as regards Trade and Investment Promotion Departments (TIPD), their main tasks were as follows:

- providing information about market opportunities, challenges, and regulatory barriers,
- assessing the economic climate for Polish business expansion,
- analysing the competitiveness of Polish products and consumer perceptions,
- facilitating connections between business partners,
- informing about available financial support for promotional initiatives.

Due to the instability of the governmental coalition, the bill on the establishment of the new agency was not adopted. Therefore, attempted reforms based on the programme *Solidary State* were not implemented.

4. The changes in the organisation of economic diplomacy introduced in 2016

4.1. The main reasons for the changes introduced

The proposed in 2006 reform was not entirely rejected and forgotten. It was appropriately revised and incorporated into a new strategy of the PiS government. In 2017, a new document was prepared – the *Strategy for Responsible Development for the period*

up to 2020 (including the perspective up to 2030), involving the reform of the economic diplomacy of Poland (hereinafter: SRD).

Foreign expansion proposed under the SRD was aimed to increase the internationalisation of the Polish economy and exports of high-tech products. The implementation of the Strategy comprised the overall reconstruction of the promotion system, with a key role assigned to the newly established Polish Investment and Trade Agency and a network of Foreign Trade Offices (FTOs). Their tasks would be to concentrate support measures on key export-oriented sectors and innovation. Those activities were aimed at enhancing Poland's international competitiveness.

Minister M. Morawiecki decided that the construction of a coherent economic promotion system would be based on measures such as the statutory delegation of responsibilities concerning a promotion of the Polish economy from the Ministry of Economy to a central governmental institution (PAIH) acting as "one-stop shop" and performing export-oriented and investment-oriented tasks, with an efficient network of Foreign Trade Offices.

4.2. The tasks of the *Strategy for Responsible Development* with regard to economic promotion

Adopted in early 2017, the *Strategy for Responsible Development* (Uchwata 2017) indicated five strategic projects for economic promotion in the field of Foreign expansion: the economic promotion system, the *Coherent Export Promotion Portal* (pl. *Spójny Portal Promocji Eksportu*), Polish exporters in foreign markets, GLOBAL Inno-STARS, and EXPO Exhibitions. As markets of particular importance for the development of Polish exports, the SRD recognised countries such as India, Vietnam, Iran, Algeria and Mexico. The Strategy adopted the following objectives of foreign expansion:

- increasing the internationalisation of the Polish economy by enhancing links with international markets, extending the group of entities involved in international trade, particularly with non-EU countries, and developing more advanced forms of cooperation with foreign countries;
- increasing exports of high-tech products (with an assumption that the long-term competitiveness of Polish products in foreign markets would depend primarily on their technological level rather than on prices only).

The SRD strategic project for the creation of a new economic promotion system was supposed to comprise the building of integrated and coherent system of promotion for the Polish economy, centrally coordinated and oriented towards stimulating Polish exports, increasing Polish investment abroad, supporting investment in Poland, strengthening the international image of Poland.

The assumptions of economic promotion system included the following:

- the extension of the powers and responsibilities of the entity to integrate measures related to support for enterprises in their internationalisation, i.e. PAIH;
- the adoption of a statutory act laying down the rules on performing certain economic promotion tasks by specialised entity;

- the setting up of foreign offices of PAIH, adapted in their legal form to the relevant market situation and intended to replace, within several years, the then functioning trade and investment promotion departments;
- the extension, modernisation and tailoring to business needs of financial support instruments for Polish exports and outward investment.

4.3. The establishment of the Polish Investment and Trade Agency (PAIH)

A vital role in implementation of the SRD's objectives was to be played by the Polish Investment and Trade Agency (pl. PAIH), established as a result of a transformation of the Polish Information and Foreign Investment Agency.

On 18 August 2017, the Act of 7 July 2017 on the performance of tasks related to the promotion of the Polish economy by the Polish Investment and Trade Agency entered into force (Ustawa 2017/1491). The Act was aimed to remove the main drawback of economic promotion in Poland, namely the institutional weakness and the lack of a professional entity comprehensively performing tasks in the area of the promotion of the Polish economy in collaboration with a network of foreign representations and offices (NIK 2022).

The main objective of PAIH was defined as a public mission of promoting the Polish economy. PAIH took over tasks related to the promotion of the Polish economy set out in Article 2 of the PAIH Act (Ustawa 2017/1491), e.g. export-oriented and investment-oriented activities. Those activities include:

- promoting exports of Polish businesses, particularly of small and medium-sized enterprises;
- promoting Polish industries;
- supporting inward foreign direct investment and outward investment;
- providing undertakings with economic and commercial information on foreign markets and foreign investors with information on the conditions and legal regulations on the pursuit of economic activities in the territory of Poland, including the operation of informational portal;
- organising informational and promotional projects within and outside the territory of Poland;
- publishing activities.

The economic promotion tasks of PAIH would be performed through Foreign Trade Offices, established in place of wound-up trade and investment promotion departments. Individual FTOs were planned to be set up by PAIH in the legal and organisational form dependent on the legal and economic conditions of their respective countries of establishment. The PAIH tasks performed by Foreign Trade Offices could be financed from the funds referred in the PAIH Act, e.g. as targeted subsidies (Article 3).

4.4. The establishment of Foreign Trade Offices (FTOs)

For the new government, a significant problem faced in the process of promoting and supporting Polish enterprises was its institutional weakness, that is, the lack of a professional body or entity comprehensively performing tasks serving the promotion of the

Polish economy. Another material issue was the geographical distribution of TIPD, mismatched with the needs of Polish businesses and the requirements of the new government policy oriented towards strengthening Polish economic activities in non-European markets. The above-mentioned arguments called for the designation in the economic promotion system of a single institution (PAIH), where an enterprise would be able to obtain full access to information and advisory services related to foreign expansion.

FTO would operate in the following:

- the locations offering the best prospects from the point of view of SMEs, i.e. in non-European markets and in global business centres in Europe;
- markets with no coverage by TIPD and significant export potential;
- the prospective markets indicated in sub-measure 3.3.2 of the *Smart Growth Operational Programme* (pl. *Program Operacyjny Inteligentny Rozwój*, PO IR) – Algeria, India, Iran, Mexico and Vietnam;
- the markets selected for accelerating programmes of the *Smart Growth Operational Programme* – sub-measure 3.3.1. *Polish Technological Bridges* (pl. *Polskie Mosty Technologiczne*): the United States, China, Mexico, Turkey, Hong Kong, Russia, Norway, India, Iran, the United Arab Emirates, Ukraine, Algeria, the Republic of South Africa, Canada, Japan, South Korea, Vietnam, Saudi Arabia.

The Ministry of Foreign Affairs (pl. *Ministerstwo Spraw Zagranicznych*, MSZ) was not actively involved in this institutional reorganisation of the system of promoting the Polish economy abroad. There was no consultation with Ministry's representatives on the decision to wind up or the time limits for winding up trade and investment promotion departments, or concerning the locations, territorial competences of newly established Foreign Trade Offices of PAIH. Nevertheless, MSZ and the foreign missions reporting to it monitored the process. The embassies of the Republic of Poland notified the authorities of the relevant receiving states of the winding up of TIPD and provided support to PAIH in formal and legal matters related to the establishment of FTOs.

Initially, PAIH planned to set up 66 FTOs in place of the 49 trade and investment promotion departments operating in 44 countries. The revised PAIH Strategy of November 2020 resulted in decisions such as increasing the coverage to 70 markets and dividing the FTO network into seven regions: Africa and the Middle East, Latin America, North America, Central Asia, Asia and the Pacific, Europe and Eastern Europe. By 2023, 69 FTOs (93%) started activities.

4.5. Key challenges faced by PAIH in creation of the new FTO network

Prior to the setting up of a Foreign Trade Office, the PAIH requested and obtained the approval of the Supervisory Board for the FTOs' location and organisation. However, those requests gave no substantive reasons showing that their contents were based on identified interests of the Polish economy in the country (or region) concerned, Poland's foreign policy needs or on any other grounds. There were no analyses indicating the criteria for selecting FTOs' locations or allowing to evaluate whether the created FTO network and the locations of particular offices matched the actual needs of the

economic promotion of Poland or met the assumptions of the Minister competent for economic affairs.

PAIH had problems with the preparation of procedures related to the establishment, creation and organisation of FTOs. There was no identification of necessary activities to be carried out in the processes or the desirable time limits for those offices to become fully operational, the assumed employment size, the geographical coverage of offices, the rules of selecting the form of operation.

PAIH prepared no analyses of the legal, economic or other conditions regarding the countries, in which FTOs were supposed to be set up. A reliable identification of such circumstances prior to obtaining corporate approvals would enable the preparation of necessary documents and the fulfilment of the required formalities, mitigating the risk of failure.

The lack of a fully reliable identification of the conditions prevailing in the country of the planned location and the lack of adequate preparation for the process of organising and launching FTO also contributed to delayed fulfilment of all the formalities necessary for FTO to start operations. The period between the relevant decision establishing the Foreign Trade Office concerned and the actual launch of activities in the market widely varied; in extreme cases, it was one day (Taipei) and two weeks (Toronto) to nearly two years (Manila) and eighteen months (Stockholm).

The main reasons prolonging those processes were the formal and legal conditions necessary to register FTOs' operations. For example, they included the following: being a national of the receiving state (having a residence permit) as a requirement for business registration, a very wide scope of the relevant power of attorney for the agent to act for the purposes of registration, a lengthy process of recruiting the head and staff of FTO (NIK 2022).

5. Reforms as assessed by the Polish Supreme Audit Office

Conducted by the Polish Supreme Audit Office (pl. NIK) in 2015, audit P/15/023 *Promocja gospodarcza Polski* (en. *The economic promotion of Poland*) presented findings such as the lack of a coherent system of promoting the Polish economy. As assessed by NIK's auditors, the government administration performed tasks related to the promotion of the Polish economy with no designed concept or sufficiently reliable analysis of needs. Public funds allocated to promotion were spent without setting strategic objectives or assumed outcomes of the financed projects. Neither was there any monitoring of such financial assistance in terms of project performance. There was no impact assessment of projects with regard to export expansion and outward investment. No mechanisms were created to coordinate activities of the institutions providing support for businesses in foreign markets.

The Office of the Minister and PAIH improperly documented or failed to document decision-making processes regarding the facts of and reasons for taking key economic promotion decisions. Due to various organisational and staff changes at the Office of the

Minister competent for economic affairs and the Agency, there was no possibility to reliably reconstruct the relevant processes and tasks performed.

Furthermore, the 2017–2018 reorganisation of the institutions in charge of economic promotion lacked in-depth substantive preparation and rationale. The process of winding up the network of foreign missions reporting to the Minister competent for economic affairs and replacing it with a network of Foreign Trade Offices of the Polish Investment and Trade Agency was carried out with no detailed examination of the functioning of the TIPD network, no identification of its defects and weaknesses and no analysis of the costs involved in and benefits of creating a new FTO network. Decisions establishing Foreign Trade Offices in particular countries were not based on any clear substantive grounds, indicating the interests of the Polish economy in the state (or region) concerned or Poland's foreign policy needs.

It is worth noting that the assumption adopted at the stage of preparing the provisions of the PAIH Act (Ustawa 2017/1491) was that the average cost of running one Foreign Trade Office would be around 2 million PLN per year. As demonstrated by the NIK's audit for the period in analysis, the funds allocated to FTOs were below 45% of the initially estimated cost.

The Supreme Audit Office found it indispensable to build an economic promotion system based on a separate and coherent strategic document, defining economic promotion, identifying the Minister competent for economic affairs as the system coordinator, specifying members of the system with their respective tasks, the financing scheme and interrelations.

6. The new policy of Poland's economic promotion of 2025

The new document *Polish Economic Promotion Policy of 2025* (pl. *Polityka Promocji Gospodarczej Polski*, see: MRiT 2025) contains the answers to a number of critical assessments listed in the NIK's report. Above all, it undelined awareness of institutional challenges related to the internationalisation of the economy and export promotion. This policy proposed better coordination among government institutions and greater transparency in the division of responsibilities, which directly responds to NIK's allegations about the lack of coherence and inefficiency in the economic promotion system.

Criticisms regarding the insufficient promotion of services offered by the PAIH have also been partially addressed. The document announces intensified informational and educational efforts aimed at entrepreneurs, including the development of electronic forecasting tools and the promotion of "exporter development path."

However, the document lacks clear declarations regarding the reform of the costly and criticised model of Foreign Trade Offices (FTOs), which remains extremely important issue in light of NIK's recommendations. Similarly, although the strengthening of staff competencies is mentioned, it is not clearly specified whether measures will be adopted to introduce the diplomatic status of specialists, employed in FTOs.

Conclusions

The model of the economic diplomacy of Poland introduced during the economic transformation emerged in response to the growing internationalisation of Polish businesses, increased awareness of the necessity to expand internationally among micro-, small and medium-sized enterprises. Due to ongoing globalisation and increasing competition in the internal market, firms are forced to seek growth opportunities in international markets. Therefore, there is a growing demand for services supporting the internationalisation of companies, the promotion of Polish brands in other countries. It is further fuelled by the available national and Community (EU) funds.

There are substantial opportunities for Polish enterprises in the macroeconomic environment, e.g. high demand in foreign markets, a more favourable perception of Polish products abroad, good quality and attractive design of goods supplied from Poland to international markets, Poland's attractiveness and stability in terms of foreign direct investment.

Given the specific characteristics of a globalising world, the intensification of international economic, social and political relations, wider business internationalisation and the flexibility of diplomacy itself as a social phenomenon, the coming years will certainly witness further reforms adapting the currently functioning system of economic diplomacy to the continuously changing geoeconomic and geopolitical reality.

In an assessment of the actual organisational model of economic diplomacy in Poland, it seems useful to emphasise the following:

- In the implementation of the reform of Poland's economic diplomacy as a result of implementing the *Strategy for Responsible Development*, there was a division of responsibilities of the diplomatic service performing tasks in economic diplomacy (MSZ) and commercial diplomacy (PAIH). The relevant changes included the introduction of (still not very effective) mechanisms for coordinating cooperation between the institutions in charge of foreign policy, business support and economic promotion tasks.
- In order to effectively perform their economic diplomacy tasks, foreign offices (the economic sections of embassies) should increase their employment of skilled staff responsible for the economic statecraft of the Republic of Poland (both economic diplomacy and commercial diplomacy), taking account of the market size and importance to Poland's economic interests. The staff should be assigned to specific embassies by the Minister of Economy. The scope of their powers, responsibilities and ongoing tasks should be set out in the relevant agreement between the ministers competent for foreign affairs and for the economy. For improved residence and task performance conditions, they should enjoy diplomatic status or be transferred to the economic sections of embassies.
- It seems indispensable to examine the economic performance of the Foreign Trade Offices established by PAIH S.A. Their operation costs seem to be disproportionately high (particularly in comparison with those of trade and investment promotion departments).

- The business service model implemented by PAIH S.A. lacks greater promotion and raising awareness among beneficiaries of the benefits related to the new business service method, i.e. careful examination of the potential of the company concerned, advisory services regarding the selection of a suitable market or investment destination, adapting products or services offered by Polish enterprises, providing necessary knowledge and assisting firms in the early stages of implementing their internationalisation strategies.
- Foreign markets and the activity of the Polish economic diplomacy will gain in importance in the coming years. Infrastructure investments and organisational adjustments will be vital to the development of logistics, trade in goods and services.
- It seems that the existing organisational model of Polish economic diplomacy, particularly lack of commercial diplomacy, will be insufficient to meet those challenges.
- The 2025 strategic document responds to NIK's criticism in many respects; however, its effectiveness will depend on the actual implementation of the proposed changes, particularly regarding the organizational efficiency of PAIH and the reform of the FTO system.

Edward Molendowski – Professor Emeritus of the Krakow University of Economics, where in 2012–2018 he was a head of the Department of International Economic Relations. Since March 2023, he is a university professor at the WSB University in Dąbrowa Górnicza. In the years 1991–2011, he was a head of the Economic and Commercial Department at the Embassy of the Republic of Poland in Budapest, initially with the rank of Commercial Counsellor, and since 1997 – with the rank of Minister Plenipotentiary. He is the author or co-author of over 160 scientific articles in national and foreign journals and 8 monographs. He has presented many papers at the national and international conferences. He specialises in the issues of economic transformation in the countries of Central and Eastern Europe, integration processes in Europe, economic diplomacy, as well as diplomatic protocol and business etiquette. He is a co-author of the first (and so far the only) monograph on this subject in Poland entitled *Economic diplomacy – the role and significance in the foreign policy of the state* (Wolters Kluwer, 2007).

Edward Molendowski – profesor emerytowany Uniwersytetu Ekonomicznego w Krakowie, gdzie w latach 2012–2018 pełnił funkcję kierownika Katedry Międzynarodowych Stosunków Gospodarczych. Od marca 2023 – profesor uczelni w Akademii WSB w Dąbrowie Górniczej. W latach 1991–2011 był kierownikiem Wydziału Ekonomiczno-Handlowego w Ambasadzie RP w Budapeszcie, początkowo w randze radcy handlowego, a od 1997 r. – w randze ministra pełnomocnego. Jako autor lub współautor, opublikował ponad 160 artykułów naukowych w czasopiśmie krajowych i zagranicznych oraz 8 monografii. Wygłosił kilkadziesiąt referatów na konferencjach krajowych i międzynarodowych. Specjalizuje się w problematyce transformacji gospodarczej w krajach Europy Środkowo-Wschodniej, procesów integracyjnych w Europie, dyplomacji gospodarczej oraz protokołu dyplomatycznego i etykiety w biznesie. Jest współautorem pierwszej w Polsce (i jak dotąd je-

dynej) na ten temat monografii pt. *Dyplomacja gospodarcza – rola i znaczenie w polityce zagranicznej państwa* (Wolters Kluwer, 2007).

Wojciech Polan – PhD in Economics, assistant professor at the Krakow University of Economics, where he teaches at the Department of International Economic Relations. His research interests are focused on economic diplomacy, geopolitics, sales and negotiations in international business. He is the author of several books and over twenty scientific articles published in national and international journals. At the same time, he holds the position of Commercial Director at the company *Pamapol*. He is currently working on a series of scientific articles on the automation of negotiations using AI algorithms.

Wojciech Polan – doktor nauk ekonomicznych. Pełni funkcję adiunkta na Uniwersytecie Ekonomicznym w Krakowie, gdzie wykłada w Katedrze Międzynarodowych Stosunków Gospodarczych. Zajmuje się badaniami i nauczaniem w obszarach dyplomacji gospodarczej, geopolityki oraz sprzedaży i negocjacji w biznesie międzynarodowym. Jest autorem kilku książek i ponad dwudziestu artykułów naukowych, opublikowanych w krajowych i zagranicznych czasopismach. Równocześnie pełni funkcję Dyrektora Komercyjnego w firmie *Pamapol*. Obecnie pracuje nad cyklem artykułów naukowych dotyczących automatyzacji negocjacji z wykorzystaniem algorytmów AI.

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The rise and fall of the *EU Pilot* – an instrument for cooperation and dialogue¹

Karolina Boiret, *University of Warsaw (Warsaw, Poland)*

E-mail: k.boiret@uw.edu.pl

<https://orcid.org/0000-0002-9488-2205>

Abstract

The aim of this article is to answer the question: why the *EU Pilot* (the European Commission's platform for eliminating infringements of EU law and preceding the procedure under Article 258 TFEU) has been reduced year by year by 77% fewer newly opened cases, while its effectiveness has remained consistently above 70%? By means of an analysis of relevant documents and a quantitative study of statistical data, the author of the article considers the issues of the platform's effectiveness, its presumed nature, the timeliness of responses, as well as the Commission's new policy towards infringements of states and the results of the European Ombudsman's inquiries into cases concerning the Commission's use of the platform *EU Pilot*.

Keywords: *EU Pilot*, infringement procedure, European Commission, enforcement, compliance

Wzlot i upadek platformy *EU Pilot* – instrumentu współpracy i dialogu

Streszczenie

Celem artykułu jest odpowiedź na pytanie, dlaczego *EU Pilot* (platforma Komisji Europejskiej służąca usuwaniu naruszeń prawa UE i poprzedzająca procedurę z art. 258 TFUE) została z roku na rok zredukowana o 77% mniej nowo-otwartych spraw, podczas gdy jej skuteczność utrzymywała się niezmiennie na poziomie powyżej 70%. Za pomocą analizy właściwych dokumentów oraz badania ilościowego danych statystycznych, autorka rozważa kwestie skuteczności platformy, jej domniemanego charakteru, czasowości odpowiedzi, jak również rozpatruje nową politykę Komisji wobec naruszeń państw oraz analizuje wyniki dochodzeń Europejskiego Ombudsmana w sprawach dotyczących stosowania przez Komisję platformy *EU Pilot*.

Słowa kluczowe: *EU Pilot*, skarga o naruszenie traktatów, Komisja Europejska, egzekwowanie prawa

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The *EU Pilot* is an “instrument for cooperation and dialogue” created by the European Commission for resolving issues of state non-compliance in the European Union (EU), existing outside or besides the infringement procedure under Article 258 TFUE (see: European Commission 2022b: p. 18). It was launched in 2008 as a pilot programme and, after some substantial improvements to its operation and scope, by mid-2012 it became the obligatory compliance measure preceding the Treaty infringement procedure by default, but with some exceptions (European Commission 2012b: p. 2). At its peak in 2013, the Commission was very satisfied with its resolution rate staying above 70%, however, since then, the amount of newly-opened files at the *EU Pilot* has been steadily dropping. In 2016, the Commission announced that it was moving away from its widespread reliance on the *EU Pilot* (European Commission 2016b: p. 10–20) and a year later it initiated 77% fewer cases at the *EU Pilot* than the year before, despite its success rate still remaining above 70% (European Commission 2017). From 2018 onwards, the Commission maintained the practice of opening only a limited number of files at the *EU Pilot*.

The aim of this article is to answer the question: why the Commission has been moving away from the *EU Pilot*, when it was satisfied with its operation and success rate? The answer to this question will be sought by examining the relevant documents such as communications, reports and complaints, as well as by means of quantitative analysis of the data from *EU Pilot*. The *EU Pilot* generates little (if any) interest in the academia, and for that reason this article is based almost entirely on the legal and quantitative sources.

The birth and evolution of the *EU Pilot*

The Commission launched the *EU Pilot* in 2008 with 15 volunteering Member States (European Commission 2010a: p. 2). It was devised as an online platform for dealing with issues that require the “clarification of the factual or legal position” through the establishment of national contact points and providing “more rapid answers to citizens and businesses and solutions to problems, including correction of infringements” (European Commission 2007: p. 7–8). In its original version, the Commission’s role was limited only to launching the *EU Pilot*, while subsequent interactions with national officials were to be carried out by complainants themselves, and only the final resolution communicated back to the Commission (European Commission 2007: p. 7).

In its first *EU Pilot Evaluation Report* (European Commission 2010a) a little less than two years after the *EU Pilot*’s commencement, the Commission ambiguously concluded that “this method of communication ha[d] not proved appropriate for all files” (European Commission 2010b: p. 8). The Commission was overall satisfied with the *EU Pilot*, claiming that it allowed for early resolution of compliance issues and, alternatively, prepared good ground for infringement proceedings, considering it as “a very effective complement to the range of means dedicated to ensuring the application of EU law” (European Commission 2010c: p. 7). Nonetheless, it did revise the operation of

the *EU Pilot* by introducing the possibility that, if a Member State felt it appropriate, it could communicate its response to the Commission, which would further it to the complainant, as well as provide both parties with its own evaluation of the response. At the same time, the Commission expanded the *EU Pilot*'s scope of application by including not only complaints but also own-initiative cases (European Commission 2010b: p. 8). This was when the Commission shifted the order of procedures, underlining the priority of the *EU Pilot* before the infringement proceedings under Article 258 TFEU (European Commission 2011a: p. 8).

Such transformation of the *EU Pilot* proved successful, in the Commission's view, and a year later (in 2011) in its *Second Evaluation Report on EU Pilot* (European Commission 2011b), it switched the *EU Pilot*'s optional nature into obligatory, making its application a "general rule" whenever there might be recourse to Article 258 TFEU (European Commission 2011b: p. 2, 5). By 2012, the Commission changed the way it talked of the infringement procedure, underlining how it first cooperated in a partnership with the Member States to resolve compliance issues and how Article 258 TFEU was a possibility only if those efforts failed (European Commission 2012b: p. 2). It also progressively extended the use of the *EU Pilot* to other members and, by mid-2012, all EU Member States participated in the new measure (European Commission 2013: p. 7). From then on, whenever an issue concerning state non-compliance arose, the relevant Commission department sent a request to the Member State for clarification and a solution to the presented problem. The competent authority had 10 weeks to respond and suggest a solution, and the Commission had another 10 weeks to assess that response. It could close the case, when the reply was satisfactory, ask for further information or launch the infringement procedure (European Commission 2011b: p. 3, 2010b: p. 4–7). The Commission was very specific about its discretionary power to initiate proceedings, when the *EU Pilot* failed to provide a result. In *Monitoring the application of Union law 2014 Annual Report* the Commission explicitly stated: "If no solution is found, the Commission pursues the bilateral discussion and may launch formal infringement proceedings" (European Commission 2015: p. 5). Consequently, the *EU Pilot* did not prevent the Commission from resorting to negotiations or other compliance measures (Ballesteros et al. 2013: p. 19).

Therefore, the *EU Pilot* became the EU-wide enforcement instrument that preceded infringement proceedings by default. Its main objective was voluntary compliance by means of "bilateral dialogue" obtained quickly² and without recourse to Article 258 TFEU (European Commission 2011b: p. 3). It applied to all problems concerning state non-compliance with EU law with the exclusion of non-communication cases and failures to respect judgments of the Court of Justice of the EU (CJEU), as well as urgent instances and those, where an overriding interest required an immediate launch of the infringement procedure (European Commission 2011b: p. 2; European Commission 2010b: p. 8–9). Its success rate was spectacular. At its peak in 2013, out of

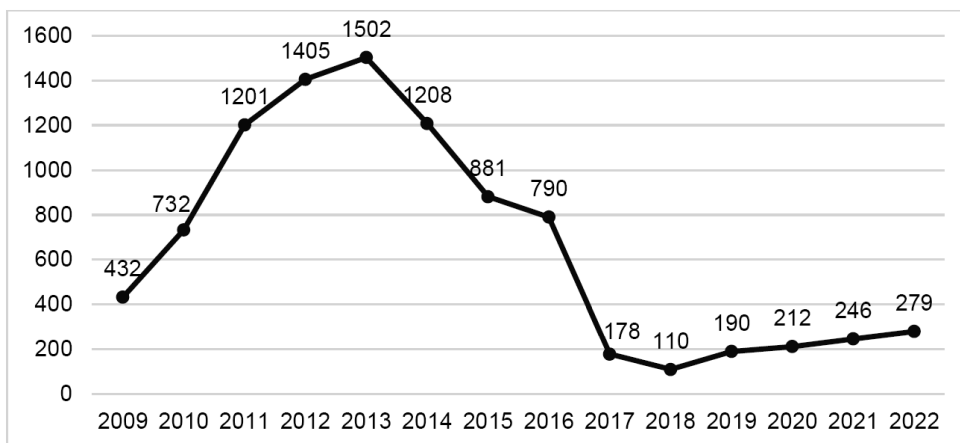
² Within 12 months from the registration or creation of the file.

1330 processed files, 945 were closed with a “satisfactory response” from the Member States, and only 385 files were proceeded to the infringement procedure, which placed its resolution rate at 71% (European Commission 2014: p. 9–10).

The downfall of the *EU Pilot*

As visible in *Figure 1*, after the peak in 2013, the amount of files at the *EU Pilot* started dropping. In 2014 the Commission registered 19,5% fewer cases. In 2015 that amount decreased by another 27% and in 2016 by another 10%. Neither of the Commission's reports on monitoring for years 2014 and 2015 presented an explanation for this downward trend, and the Commission remained satisfied with the *EU Pilot*'s success rate of 75% for years 2014 and 2015. Only the Commission's report for 2016 stated that the *EU Pilot* was not supposed to add a “lengthy step to the infringement process” (European Commission 2017: p. 20).

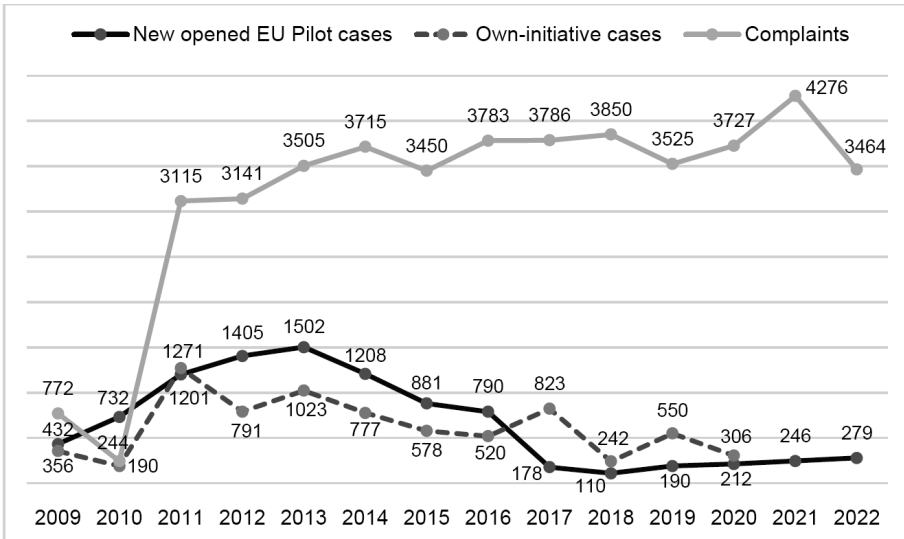
Figure 1: The number of files at the *EU Pilot* opened each year.



Source: European Commission 2010c, 2011a, 2012b, 2013, 2014, 2015, 2016a, 2017, 2018, 2019, 2020a, 2021, 2022a, 2023.

The turning point came in 2017, when the amount of new files at the *EU Pilot* decreased by a staggering 77%. In the report from that year the Commission said that the *EU Pilot* was no longer the default mechanism to engage in dialogue with the Member States on alleged breaches of EU law (European Commission 2018: p. 5). Year 2018 registered a further drop by 38% compared to the previous year. From 2019 onwards there was a slight increase each year, but the overall number of newly opened files at the *EU Pilot* remained nonetheless visibly low. As a result, over the course of nine years from its peak in 2013 to 2022, the number of newly opened files at the *EU Pilot* decreased by 81% despite its success rate staying almost uninterruptedly above 70%.

Figure 2: The number of newly opened EU Pilot files per year compared to the number of newly opened own-initiative cases and new complaints registered.³



Source: European Commission 2010c, 2011a, 2012b, 2013, 2014, 2015, 2016a, 2017, 2018, 2019, 2020a, 2021, 2022a, 2023.

Where did the decrease in EU Pilot files come from? *Figure 2* demonstrates that it has been partially paralleled by the decrease in the Commission's own-initiative cases, although not so radically. Would that mean that the Member States had become better at complying with EU law, and the Commission no longer had to pursue them as vigorously? Firstly, complaints did not mirror this downward trend. Secondly, if we assumed that the number of own-initiative cases could be somehow reflective of general trends in state non-compliance (since complaints in the majority of cases do not concern factual violations of EU law⁴), then it would suggest that Member States' non-compliance decreased in years 2013–2019 by 46%. It is hard to imagine that this could be the truth. The downward trend in the amount of files at the *EU Pilot* (as well as own-initiative cases) was rather due to political decisions.

Efficiency

The beginning of the *EU Pilot's* downfall coincided with the nomination of the Juncker Commission in 2014 and was accompanied by a general shift in the enforcement policy

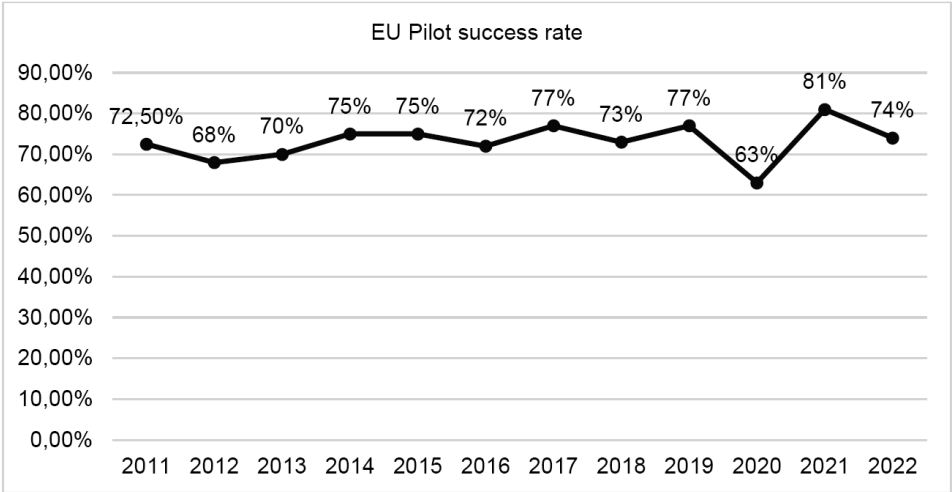
³ *Figure 2* does not include non-communication and Article 260(2)(3) TFUE cases as those are excluded from the scope of the *EU Pilot*. Own-initiative cases and complaints can, on the other hand, be subjected to the *EU Pilot*, indicating how many potential violations could warrant the involvement of that instrument. From 2021 onwards the Commission has no longer been reporting on how many of the opened cases were own-initiative.

⁴ For example, in 2019 out of 3813 handled complaints, 3663 were closed, because the EU law wasn't breached (2712), correspondence did not qualify as a complaint (829), complaints were withdrawn (112) or transferred to other redress mechanisms such as SOLVIT (10). As a result, only 150 complaints were pursued further by means of the *EU Pilot* or the infringement procedure (European Commission 2020a: p. 15–16).

elaborated in the communication entitled *EU law: Better Results through Better Application* (European Commission 2016b). There, the Juncker Commission announced that, on the one hand, state compliance with EU law was vital for the general interest of the EU, and the process of enforcement was as important as decision-making. This meant that the EU needed “a robust, efficient and effective enforcement system” (European Commission 2016b: p. 1). On the other hand, the Commission was adopting “a more strategic and efficient approach to enforcement in terms of the handling of infringements” (European Commission 2016b: p. 5). Specifically, with respect to the *EU Pilot*, this meant that: “Infringements must be dealt with promptly. The Commission and the Member States need to proceed expeditiously in investigating breaches of the law. The structured problem-solving dialogue between the Commission and the Member States, known as *EU Pilot*, was set up to quickly resolve potential breaches of EU law at an early stage in appropriate cases. It is not intended to add a lengthy step to the infringement process, which in itself is a means to enter into a problem-solving dialogue with a Member State. Therefore, the Commission will launch infringement procedures without relying on the *EU Pilot* problem-solving mechanism, unless recourse to *EU Pilot* is seen as useful in a given case” (European Commission 2016b: p. 3).

What stands out in the above citation is the Commission’s focus on efficiency. This is the need to expeditiously investigate breaches of EU law, to resolve them quickly and refrain from adding another lengthy step to the infringement procedure. Where did this concern for efficiency come from?

Figure 3: The percentage rate of EU Pilot files closed with a satisfactory reply from a Member State.⁵



Source: European Commission 2010c, 2011a, 2012b, 2013, 2014, 2015, 2016a, 2017, 2018, 2019, 2020a, 2021, 2022a, 2023.

⁵ Figure 3 includes data only from year 2011 onwards, when the Commission’s reports on monitoring began detailing the success rate of the *EU Pilot*.

Looking at the statistics of the Commission's success rate depicted in *Figure 3*, it is visible that the *EU Pilot* was quite successful in years 2011–2016 leading up to the shift in policy with an average rate of 72% of cases closed with a satisfactory reply from a Member State. The Juncker Commission's problem could have then concerned the remaining 28% of cases where the *EU Pilot*, having failed to bring compliance, had indeed added an additional step to the infringement procedure, which has never been particularly short. It could be said that in those 28% of cases at the *EU Pilot* the Commission had incorrectly estimated the need for the informal, conciliatory measure. Instead of launching the *EU Pilot* by default, it should have transferred those cases directly to the infringement procedure. Was then the problem with the default nature of the *EU Pilot*?

The very fact that the Juncker Commission removed its default nature suggests as much. However, how 'default' was the *EU Pilot* really? Throughout the course of its existence, non-transposition cases, as well as failures to comply with the CJEU judgments, have correctly remained outside its scope, but these weren't the only declared exceptions to the *EU Pilot's* application. According to the Commission, with respect to all other types of infringements, urgency or overriding interest also justified the immediate launch of the infringement procedure. Did the Commission make such exceptions in its practice? In its annual reports on monitoring the application of EU law, it regularly mentioned that possibility, but the provided data suggests that between mid-2012 and 2016 all of its own-initiative cases were subjected to the *EU Pilot*.⁶ The same would seem to concern complaints withstanding initial scrutiny, but the Commission's reports are somewhat inconsistent about it.⁷

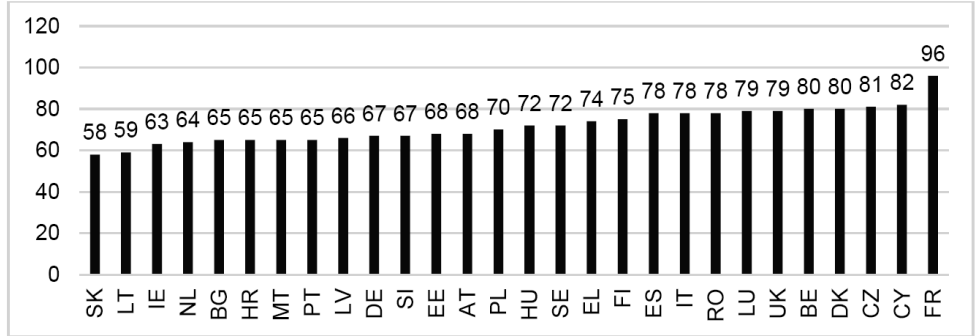
If, however, the Commission had indeed been utilising the *EU Pilot* in all eligible but not necessarily warranting cases, then it could be said that it had taken the concept of a default measure a little too literally, and a change in policy was necessary to bring more flexibility to its application. After all, it could be expected that at least some of the breaches subjected to the *EU Pilot* had either been serious or urgent enough to require immediate action by automatically initiating the procedure under Article 258 TFEU (such as in the environmental sector, where some infringements lead to irreversible consequences). However, aside from gaining access to the Commission's internal files, there is no way of verifying whether the data provided in the reports is complete, and how many of cases at the *EU Pilot* had to do with urgent or serious infringements warranting an exclusion from its scope. The shift came only with the change in policy, where – from 2017 onwards – the Commission began distinguishing between breaches eligible for the *EU Pilot* and those necessitating automatic launch of the infringement procedure.

⁶ In the reports for years 2013–2016, where own-initiative cases were discussed, the Commission never mentioned that any of them had indeed led to the immediate launch of the infringement procedure, only ever talking about the numbers, which opened investigations at the *EU Pilot* (European Commission 2016a: p. 17). The shift is visible with the report from 2017 onwards, where the Commission distinguished between own-initiative cases eligible for the *EU Pilot* and Article 258 TFEU.

⁷ In its report for 2015, the Commission suggests that all complaints which fulfilled the conditions (i.e. EU law breached, formal requirements met, etc.) were subjected to the *EU Pilot*, but this amount (462) does not match the number of new *EU Pilot* files triggered that year by complainants. The observed difference could, however, be explained by delays in the opening *EU Pilot* files (European Commission 2016a: p. 18–20).

It should be asked: whether the aforementioned average rate of failed cases at the *EU Pilot* (28%) justified such a considerable decrease in its usage from one year to the next by as much as 77%? In other words, if the Juncker Commission's problem with the *EU Pilot* stemmed from a too literal reading of its default nature, shouldn't it have decreased the application of the *EU Pilot* only by those infringements, which tended to fail under the informal measure and which amounted to only 28%? Looking at the provided data, of all infringements kept out of the *EU Pilot* in 2017 (77% of EU Pilot files from the previous year) approximately more than half had been likely to end with a satisfactory solution in the *EU Pilot*. Why then did the Juncker Commission choose so holistically to limit its reliance on the *EU Pilot* for efficiency's sake if only 28% of EU Pilot cases had been inefficient, requiring follow-up in the form of the infringement procedure?

Figure 4: Member States' average response time (in days) to EU Pilot inquiries in years 2014–2016, the deadline being 70 days.



Source: European Commission 2015, 2016a, 2017.

The answer may lie in the timeliness of the *EU Pilot*, which was expected to bring rapid solutions within the timeframe of one year. The application of this deadline is, however, difficult to assess, because the type of data presented by the Commission in its annual reports on monitoring is not uniform across the years of the *EU Pilot's* operation. For example, data on the Member States' response time to the Commission's inquiries under the *EU Pilot* is available only for three years: 2014–2016. However, it can be deduced from this data depicted in *Figure 4* that the time limit of ten weeks (or, otherwise, 70 days, during which the Member States were expected to respond to the Commission's inquiries) was respected by exactly 50% of the Member States, with Slovakia (58 days) and Lithuania (59) sporting the shortest response time.

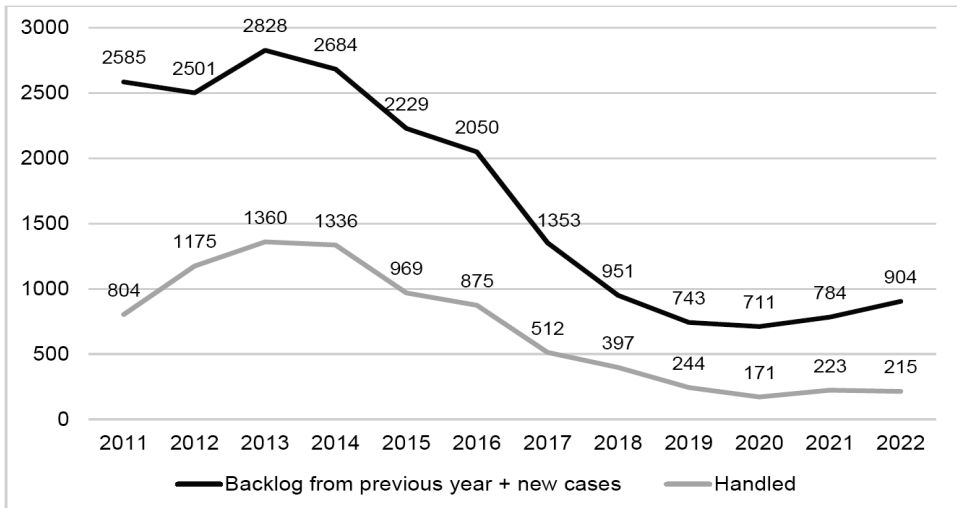
The fact that a half of the Member States did not on average fit within the time limit does not necessarily make the *EU Pilot* an inefficient measure. *Figure 4* demonstrates that the majority of negligent Member States were delayed no more than under ten days. This does not seem a severe postponement, with the exception of France, which had achieved the average rate of 96 days, exceeding the set deadline by almost four weeks. The average response rate for all Member States was 72 days, which was barely more

than the expected time limit. As a result, it can be said that the states' delays, although impacting the *EU Pilot's* efficiency, were not of a level to justify such a wholesome decrease in the *EU Pilot's* application.

The efficiency of the *EU Pilot* cannot be assessed by looking only at its general success rate and Member States' response time. The Commission's own respect for time limits is also important. Interestingly, the Commission has never published data on its own response times in assessing state replies, which should equally fit within the 70 days benchmark. However, some information on its performance can be glimpsed from the data it provided with respect to the ratio of handled EU files.

Figure 5 demonstrates, on the one hand, the amount of files at the *EU Pilot*, which the Commission had to process each year, including the backlog from the previous year and, on the other hand, the number of files the Commission handled each year. What is visible in Figure 5, is that the Commission was able to close only a percent of awaiting cases. While this was obviously impacted by the Member States' aforementioned (dis) respect to the 70 days' benchmark, their delays cannot account in their entirety for such a large disparity between opened and closed cases. It is possible that the Commission itself was unable to process files at the *EU Pilot* promptly, and the ratio between awaiting and handled cases decreased only after the Commission had considerably reduced the amount of newly opened files at the *EU Pilot* in 2017.

Figure 5: Comparison between the number of EU Pilot files handled each year by the Commission and the number of files needing handling that year (including backlog from previous years and newly opened files).⁸



Source: European Commission 2012b, 2013, 2014, 2015, 2016a, 2017, 2018, 2019, 2020a, 2021, 2022a, 2023.

⁸ Commission's reports on monitoring for years before 2011 do not provide the relevant data.

The Commission's reports – aside from showing the above build-up of the *EU Pilot* files each year – do not contain any other data, which could allow to understand what was truly happening with the *EU Pilot* and how efficient it really was or was not. If anything, the Commission seemed to be satisfied with its success rate, but its selective and deficient method of reporting does not allow to draw any more conclusions, not even with respect to the actual length of the investigations at the *EU Pilot*. We know that 50% of the Member States were delayed in their replies, but we can only guess how late was the Commission. Finally, what also cannot be interpreted from the Commission's reports, but which would have an impact on the *EU Pilot*'s efficiency, is the comprehensibility of state replies, quality of achieved solutions or the ratio of non-infringements in the *EU Pilot*'s success rate. However, answers to these questions can be glimpsed from complaints to the European Ombudsman and his own investigations.

Efficiency of the *EU Pilot* according to the European Ombudsman

During the study on effectiveness of the Commission's enforcement tools (commissioned by the European Parliament in 2013) there were conducted a series of interviews with state authorities and stakeholders regarding the functioning of the *EU Pilot*. National officials enjoyed the clarity and predictability of the *EU Pilot*'s rules and considered it as a good incentive for resolving non-compliance issues, because it created a partnership between the state and the Commission without the element of coercion that is present in the infringement procedure (Ballesteros et al. 2013: p. 70–71). Stakeholders, *inter alia*, questioned the Commission's practice of measuring the success rate of the *EU Pilot* according to the number of closed cases and pointed to formalistic, shallow justifications of "satisfactory" closures (Ballesteros et al. 2013: p. 71), which was strengthened by the Commission's nomenclature, where it talked of "acceptable" state responses that sufficed to close cases (European Commission 2011b: p. 3). Similarly, the European Parliament itself doubted whether the high success rate was, in fact, the result of increased state cooperation or rather compromises (European Parliament 2015).

In 2011 the European Ombudsman (EO) launched an own-initiative inquiry (see: European Ombudsman 2012) in order to encourage the Commission to include the *EU Pilot* in updating communication on the handling of complaints (see: European Commission 2002; updated communication – European Commission 2012a). In 2016 the Ombudsman initiated a strategic inquiry (see: European Ombudsman 2017) to investigate whether there were underlying systemic problems in the Commission's handling of complainants under the *EU Pilot*. It is from this investigation that we can learn the most about the Commission's practice with the *EU Pilot*.

The European Ombudsman reviewed many *EU Pilot* files during its strategic inquiry and challenged the Commission on the timeliness of its conduct. It discovered that in years 2014–2015 only 15% of investigations at the *EU Pilot* were completed within the expected one-year deadline. Furthermore, at the end of 2015, as many as 21% of pending cases had remained open for more than three years. The EO also uncovered that, while

the Member States' average response time was 72 days, the Commission's response time was 91 days, which meant that it was on average three weeks delayed in assessing state replies. According to the Ombudsman, this meant that respecting deadlines by the Commission in the *EU Pilot* was a "serious challenge" (European Ombudsman 2017). The Commission was to be "blamed", after all.

The uncovered numbers are more indicative of the *EU Pilot*'s efficiency problems than any information contained in the Commission's reports, and it is hard to resist the feeling that the Commission may have intentionally refrained from publishing information, which could have put the *EU Pilot* in bad light. This, however, does not mean that the Commission bears the sole responsibility for the *EU Pilot*'s impaired efficiency. Yes, there were cases of unnecessarily excessive delays such as when it had failed to take action within 11 months from the registration of the complaint (European Ombudsman 2013b) and, after being questioned by the EO, was unable to explain why. However, some delays in the *EU Pilot* were due to reasons beyond the Commission's control, such as when the end of an infringement required infrastructure or an amendment to national law. Delays could also be impacted by organisational issues such as heavy workload or translations, states' incomplete or unsatisfactory replies, the volume of submitted files, etc. (European Ombudsman 2017: par. 8–10). The final result was, however, such that in the opinion of the Ombudsman – whether these delays were justified or not – the *EU Pilot* was not fulfilling its goal of finding "rapid and better solutions for infringement complaints" (European Ombudsman 2017: par. 10). In other words, it was not efficient enough for solving compliance problems. It would seem that it was in reaction to that investigation that the Commission decided to move away from its widespread use of the *EU Pilot* (European Ombudsman 2017: par. 12).

More than efficiency

The *EU Pilot* had been created at the peak of the Commission's criticism coming from stakeholders (Judgment of the Court 1999, 2007), the European Ombudsman (European Ombudsman 2002, 1997, 1996) and the Academia (Smith 2010; Krämer 2009; Harlow, Rawlings 2006; Mastroianni 1995). This criticism was focused *inter alia* on the Commission's insufficient respect for complainants' guarantees, the confidentiality of its dialogue with the Member States and the prioritisation of infringements, which brought suspicions of overlooked or dismissed violations, all in the context of such principles as transparency, accountability and good governance. Therefore, it could be postulated that the *EU Pilot* had been meant to be a response, even if only partial, to that criticism within the confines of the Commission's limited time and resources. As an informal and inexpensive but also structured measure, which avoided costly and lengthy infringement proceedings, the *EU Pilot* had the potential of ensuring transparency and respect for complainants' guarantees while allowing to address a larger number of complaints and responding to accusations of disregarded or dismissed infractions. If looked from the perspective of that criticism and taking into account its original shape from 2008, it could

be postulated that the *EU Pilot's* primary goal had been to resolve problems of citizens and business, not to precede the infringement procedure or become a vehicle for the Commission's own-initiative cases.

Of course, the *EU Pilot's* original design from 2008 needed to be improved, but losing sight of that initial goal and expanding the scope of the *EU Pilot* could have overloaded the system. By referring to the *EU Pilot* whenever it was possible, it may have been harder for the Commission to ensure not only the timely resolution of cases, but also respect for time- and resource-consuming complainants' rights. This is visible in types of issues raised by stakeholders. They brought cases before the General Court seeking to challenge the Commission's decisions on closures in the *EU Pilot* (Order of the Court 2014) and complained to the European Ombudsman raising such issues as negligent handling of their files (European Ombudsman 2014, 2015b), excessive delays (European Ombudsman 2013a,b) or failures to properly justify decisions (European Ombudsman 2015a). This fact suggests that problems, which the Commission had experienced in the handling of complaints before the era of the *EU Pilot*, instead of being alleviated, were simply transported to the new measure.

As a result, new enforcement policy was focused on prioritisation, and it shifted the burden of enforcement onto individuals and national courts (European Commission 2016b: p. 2–4, 7–8), while the Commission distinguished between cases on the basis of the added value that the infringement procedure could achieve (European Commission 2017). In other words, having failed to address such issues as complainants' rights with the *EU Pilot*, the Commission decided to shift it to the sidelines and return with double force to its old habits, such as prioritisation and lesser attention to complaints.

Was that a bad decision? Not necessarily as the infringement procedure had never been intended to be a vehicle for individual grievances (Borzsák 2011). In the EU of 27 Member States and 448 million population, it can be questioned whether the European Commission – with its multiple functions and limited resources, staff and time – should be expected to address every breach of EU law, irrespective of its severity and scope. Its growing set of compliance tools demonstrates its desire to tackle as many issues as possible, and this is commendable, but there is a limit to how well this complicated machinery can function with only one institution at its helm. In that regard, it is possible that the *EU Pilot* was flawed at its core by trying to tackle all noncompliance issues arriving at the Commission's registry, and the shift to a more focused policy may have been a reasonable choice. The difference is that the Commission could have been more open about its own failures in the handling of the files at the *EU Pilot*. Critics expecting it to be a vehicle for individual complaints could then have better understood the challenges that the Commission faced in its enforcement function.

Since 2017, the Commission has only minimally increased its reliance on the *EU Pilot* (see: *Figure 1*), but it has also published two more communications (European Commission: 2020b, 2022b), where it clarified the rules on the *EU Pilot's* application. The Commission now resorts to the *EU Pilot* in two instances: "where it is likely to lead to swifter compliance than a formal infringement procedure," such as when the issue is of a technical nature or

"where the Commission wishes to collect factual and legal information needed to carry out its assessment" (European Commission 2022b: p. 18).

The first circumstance proves that the Commission's main priority with the *EU Pilot* remains its efficiency. The von der Leyen's Commission has maintained the objectives from 2016. As well it should have. The *EU Pilot* had never been intended to stretch endlessly and, as long as the Commission can guarantee its own respect for time limits, the *EU Pilot* can achieve its results. The second circumstance may seem new, but it ties to one of the original visions of the *EU Pilot* as a platform to clarify "the factual or legal position" (European Commission 2007: p. 7–8). In other words, it is meant to replace the process of information gathering, which often involves first contacts with the Member State, but which used to remain outside any formal constraints. The *EU Pilot* can give it a degree of transparency, structure and deadlines. This choice can be commended too.

The communication *Enforcing EU law for a Europe that delivers* (European Commission 2022b) can be questioned for its enumeration of instances, where the *EU Pilot* will not be used. For example: "where the breach is well-evidenced, obvious or self-acknowledged," or when the issue at stake is sensitive (European Commission 2022b: p. 18). While it can be recognised that sensitive cases are unlikely to lead to swift solutions, it is surprising that "well evidenced, obvious or self-acknowledged" violations are excluded from the *EU Pilot*. If anything, it would seem that specifically such cases have higher chances of evoking state cooperation and achieving swifter compliance than complicated, unobvious or denied violations that could use the European Court of Justice to sort them out.

The changes in the Commission's policy concerning the *EU Pilot* were welcome, but they have not yet resolved all the problems that the Commission encounters in its practice, as is visible in the latest complaints to the European Ombudsman. While nowadays many of those complaints end with the EO's finding of no maladministration (European Ombudsman 2023a,b; 2022a; 2021) as they often concern the Commission's justified refusals to give public access to documents concerning state infringements,⁹ the problem of delays can still be observed, especially in the handling of such requests for access to documents. The Commission has maximum 30 working days to handle confirmatory applications, but in three requests for public access to documents concerning the *EU Pilot* procedures related to procurements in the defence sector, the Commission adopted its replies as many as 109, 118 and 243 working days after the expiry of the deadline (European Ombudsman 2023c: par. 49). Similarly, in another case, where it took the Commission 10 months to issue the final decision, the Ombudsman stated that "the Commission's performance in this case [fell] short of the standards that citizens are entitled to expect from a modern, citizen-friendly, and transparent administration" (European Ombudsman 2022b: par. 19). Interestingly, in a case where the Commission took nine years to conduct an investigation into an infringement complaint against the Netherlands (including the *EU Pilot* and the infringement procedure), the

⁹ The same can be observed in the case law. In years 2017–2022 the General Court gave four judgments (plus one appeal at CJEU) with relation to access to documents in the *EU Pilot* and in each case the application was dismissed: Judgment of the Court 2023; 2018a,b,c; Order of the Court 2019.

Ombudsman found no undue delay due to the "Commission's extensive information gathering and its analysis, and the extent of its engagement with the Dutch authorities and the complainant" (European Ombudsman 2020).

Overall, however, the problem of delays exists. In 2022 the Ombudsman opened an own-initiative inquiry regarding the time taken by the European Commission to deal with requests for public access to documents (European Ombudsman 2023d). In the course of its inquiry the Ombudsman discovered that in 2021 the Commission was delayed with respect to initial requests only in 16% of cases, and in 5% the delay took more than 60 days. Seeing the sheer number of requests submitted that year (8420), the timeliness of the Commission's responses does not look bad. The situation gets worse with confirmatory applications (355 cases in 2021). Here, as many 85% of decisions were delayed, and 60% took more than 60 working days (European Ombudsman 2023d: par. 8–10). This fact led the Ombudsman to the finding of maladministration and to a recommendation on how to correct the situation.

Interestingly, the delays predominantly concern nowadays issues of access to documentation, which indicates that the *EU Pilot's* operation no longer generates other problems. For example, in years 2019–2022, there were nine decisions made by the Ombudsman regarding the Commission's handling of complaints and/or infringements, and they were decided in favour of the Commission. The only cases that the Commission lost in those years concerned either aforementioned delays (European Ombudsman 2022b; 2019b) or failure to disclose information (European Ombudsman 2019a). In other words, even when complainants believed that they had reasons to complain about the Commission's handling of the *EU Pilot*, they were ultimately proven wrong, because the Ombudsman found the Commission's practice justified. This, in turn, suggests that the Commission's changes to the *EU Pilot* have indeed improved its operation and efficiency, aside from the never-ending issue of delays. However, even the delays have to do nowadays mostly with requests for documentation and not the Commission's management of the *EU Pilot* itself as used to be the case before.

Conclusions

Looking at the *EU Pilot's* evolution, it can be said that the Commission made some mistakes. It became too engrossed in the *EU Pilot's* success and overreached by ascribing it the default nature, which had the unintended result of overburdening it. As a result, the Commission failed to guarantee the measure's successful operation and had to reshape it once again in order to bring greater efficiency to its enforcement practice. However, this miscalculation was not just the Commission's fault. When analysing its enforcement practice, we should remember that the number of breaches it has to handle each year far exceeds its capacity, and it is in constant demand for finding new ways of managing its workload. More than that, the Commission is trapped between the objective of ensuring formal compliance and the need to achieve it as swiftly and easily as possible, preferably in cooperation with the Member States, which don't always reciprocate that sentiment

and seek to make the Commission's life difficult, all under the watchful eye of complainants who never cease expecting results.

The Commission is obviously more than aware of those difficulties. From one communication to another it expands and amends its array of supportive, preventive and monitoring tools (European Commission 2022b; 2020b) in order to decrease the number of state breaches, as well as lessen its enforcement workload. The Commission also constantly seeks to evolve and adapt its enforcement instruments to increase its own efficiency, but as we have seen in case of the *EU Pilot*, is not always immediately successful at it. That does not mean that it should not try.

Just now, the Commission is in the process of transforming SOLVIT into a default tool for single market dispute resolution with the help of the newly-established European Labour Authority (ELA) that is to assist in ensuring the enforcement of EU rules on labour mobility and social security coordination (European Commission 2020b: p. 13–14). The danger here is that the Commission might be repeating the same mistake that it had made with the *EU Pilot* by awarding SOLVIT a default nature. However, this time it may work in its favour that SOLVIT deals with only a portion of state infringements. At this point, it has also been running for a long time, and EU agency will be involved in its operation, which will hopefully lessen some of the Commission's burden. Whether it achieve its results, is yet to be seen. The lessons learnt with the *EU Pilot* should contribute to its success.

Karolina Boiret – PhD, assistant professor at the Faculty of Political Science and International Studies, University of Warsaw. She was awarded the degree of Doctor in Laws at the European University Institute in Florence. Her research interests include: enforcement of EU law against the Member States, EU judicial system, legal protection in the EU, the protection of the rule of law in the EU.

Karolina Boiret – doktor, adiunkt w Katedrze Prawa i Instytucji Unii Europejskiej na Wydziale Nauk Politycznych i Studiów Międzynarodowych Uniwersytetu Warszawskiego. Stopień doktora nauk prawnych uzyskała w Europejskim Instytucie Uniwersyteckim we Florencji. Zainteresowania naukowe obejmują następujące zagadnienia: kontrola przestrzegania prawa unijnego przez państwa członkowskie, unijny system sądowy, system ochrony prawnej w Unii Europejskiej, ochrona zasady praworządności w UE.

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Koncepcja „sądu” na potrzeby postępowania w sprawie odesłania prejudycjalnego

Magdalena Matusiak-Frącczak, *University of Lodz (Łódź, Poland)*

E-mail: mfracczak@wpia.uni.lodz.pl

<https://orcid.org/0000-0002-6736-8008>

Streszczenie

Przedmiotem badania są kryteria uznania danego organu za „sąd” na potrzeby postępowania w sprawie odesłania prejudycjalnego. Badany w artykule problem przekłada się bezpośrednio na zapewnienie jednostkom prawa do skutecznego środka kontroli sądowej i jednolitego stosowania prawa UE. Co do zasady, kryteria uznania za „sąd” są ugruntowane w orzecznictwie. W pierwszej części analiza dotyczyć będzie tych wybranych orzeczeń, w których TSUE uznał status „sądu” w rozumieniu prawa UE w odniesieniu do różnych komisji, którym prawo krajowe przyznało kompetencje rozpoznawania określonego rodzaju sporów. Przedstawiona diagnoza pozwoli odpowiedzieć na pytanie, jakie są kryteria autonomicznego pojęcia „sądu” w prawie UE. Ze względu na fakt, że w ostatnich latach szczególnie rozwinęło się orzecznictwo w przedmiocie interpretacji kryterium niezawisłości, zagadnieniu temu zostanie poświęcona kolejna, odrębna część badania. W artykule wykorzystano metodę deskryptywną z elementami metod socjologicznych, co pozwoliło na ocenę, jak w praktyce wygląda zastosowanie przez TSUE kryteriów uznania organu krajowego za „sąd” w rozumieniu prawa UE. Analiza wskazuje, że w aktualnym orzecznictwie badaniu TSUE podlega procedura powoływania i odwoływania sędziów. Należy podkreślić, że praktyka Trybunału bywa niekoherentna.

Słowa kluczowe: prawo UE, pytanie prejudycjalne, sąd, niezawisłość, TSUE, orzecznictwo

Concept of a „court” for the purposes of the preliminary ruling procedure

Abstract

The subject of the study is the criteria for recognising a given body as a “court” for the purposes of preliminary ruling proceedings. The problem examined in the article translates directly into ensuring the right to effective means of judicial review and uniform application of EU law. As a rule, the criteria for recognising a body as a “court” are clearly defined in case law. The first part of the analysis will

concern those selected rulings, in which the CJEU recognised the designation of a "court" within the meaning of EU law in relation to various committees, to which national law has empowered competence to resolve specific types of disputes. The presented diagnosis will allow us to answer the question of what the criteria for the autonomous concept of a "court" are in EU law. Due to the fact that in recent years the case law on the interpretation of the criterion of independence has developed particularly, another, separate part of the study will be devoted to this issue. The article uses the descriptive method with elements of sociological methods, which allowed us to assess how the CJEU applies the criteria for recognising a national body as a "court" within the meaning of EU law in practice. The analysis demonstrates that in current case law, the procedure for appointing and dismissing judges is subject to the scrutiny of the CJEU. It should be emphasised that the practice of the Court is sometimes inconsistent.

Keywords: EU law, preliminary question, court, independence, CJEU, case law

Zgodnie z art. 267 Traktatu o funkcjonowaniu Unii Europejskiej (TFUE) sąd krajowy, który nie jest sądem ostatniej instancji, może wystąpić do Trybunału Sprawiedliwości Unii Europejskiej (TSUE) z pytaniem prejudycjalnym dotyczącym wykładni Traktatów lub ważności i wykładni prawa wtórnego, zaś sąd, którego orzeczenia nie podlegają zaskarżeniu zgodnie z prawem krajowym, ma obowiązek wystosowania takiego pytania, jakkolwiek od tego obowiązku istnieją wyjątki, jak nakreślił TSUE w orzeczeniu w sprawie *CILFIT* (Wyrok Trybunału 1982b). Procedura odesłania prejudycjalnego jest niezwykle istotna dla Unii Europejskiej (UE), pozwala ona bowiem na jednolitą interpretację i stosowanie prawa UE we wszystkich państwach członkowskich. Jest ona również mechanizmem umożliwiającym sądom krajowym międzynarodowy dialog sądowy z TSUE (Czaplińska 2017). Procedura pytania prejudycjalnego nie przenosi na TSUE kompetencji do rozstrzygnięcia danego sporu, TSUE jedynie wypowiada się w przedmiocie interpretacji lub ważności prawa UE, zaś ostateczne rozstrzygnięcie należy do sądu krajowego (Rodriguez Medal 2015: s. 109; Boghirnea 2015: s. 121), dlatego pytanie powinno mieć realny związek z rozstrzygnięciem w danej sprawie, a nie być jedynie natury ogólnej i hipotetycznej (Stanevičius 2024: s. 127–132).

Obowiązek wystąpienia z pytaniem prejudycjalnym ma dla Traktatów znaczenie konstytucyjne. Uchybienie temu obowiązkowi godzi w autorytet prawa UE (Millet 2023: s. 13). Odmowa skierowania pytania prejudycjalnego w sytuacji, kiedy na sądzie krajowym ciążył taki obowiązek, może niewątpliwie prowadzić do odpowiedzialności państwa członkowskiego za naruszenie prawa UE (Wyrok Trybunału 2018b).

Kwestia odesłania prejudycjalnego może mieć również znaczenie na gruncie art. 6 ust. 1 *Konwencji o Ochronie Praw Człowieka i Podstawowych Wolności* (dalej w artykule: zamiennie Konwencja oraz EKPC). Z jednej strony EKPC nie gwarantuje prawa do tego, żeby zostało skierowane pytanie prejudycjalne do TSUE. Jednakże, jak wskazał Europejski Trybunał Praw Człowieka (ETPC), odmowa zadania takiego pytania może stanowić naruszenie rzetelności procesu, jeżeli była arbitralna (Decyzja Europejskiego Trybunału 2009), stąd przyjmuje się, że decyzja odmowna w tym przedmiocie, zwłaszcza sądu ostatniej instancji, powinna być należycie uzasadniona (Daka 2020: s. 144, 150–151; Millet 2023: s. 23, 25–27; Majić, Mintas Hodak 2019: s. 5–7).

Jak wynika z powyższych rozważań, pytanie prejudycjalne do TSUE może skierować wyłącznie sąd. Przedmiotem niniejszego artykułu będzie przeanalizowanie autonomicznej koncepcji „sądu” jaką na potrzeby prawa UE wypracował TSUE. W tym celu w pierwszej kolejności zostanie zbadane wybrane orzecznictwo w przedmiocie ogólnych kryteriów uznania danego organu za „sąd”, poczynsz od pierwszej fundamentalnej sprawy w tym przedmiocie, a mianowicie wyroku w sprawie Vaassen-Göbbels (Wyrok Trybunału 1966). W pierwszej części rozważania skupią się wokół tych wybranych orzeczeń, w których TSUE uznał status „sądu” w rozumieniu prawa UE w odniesieniu do różnych komisji, którym prawo krajowe przyznało kompetencje rozpoznawania określonego rodzaju sporów. Powyższe pozwoli odpowiedzieć na pytanie, jakie są kryteria autonomicznego pojęcia „sądu” w prawie Unii Europejskiej. Ze względu na fakt, że w ostatnich latach szczególnie rozwinęło się orzecznictwo w przedmiocie interpretacji kryterium niezawisłości, zagadnieniu temu zostanie poświęcona kolejna, odrębna część opracowania. Badanym w tej części artykułu fenomenem będą próby wzmocnienia przez Trybunał zasady praworządności poprzez ograniczenie możliwości składania pytań prejudycjalnych przez organy będące sądami państwowymi, które na skutek zmian legislacyjnych mogą już nie być postrzegane jako niezależne i niezawiste. Przesłanka ta we wcześniejszym orzecznictwie TSUE miała charakter równorzędny do pozostałych przesłanek, obecnie zaś przybiera znaczenie pierwszoplanowe i fundamentalne. Z tego powodu przedmiotem szczegółowych rozważań w części drugiej artykułu uczyniono interpretację kryterium niezawisłości. W artykule wykorzystano metodę deskryptywną z elementami metody socjologicznej, co pozwoliło na ocenę, jak w praktyce wygląda zastosowanie przez TSUE kryteriów uznania organu krajowego za „sąd” w rozumieniu prawa UE.

Ogólna definicja pojęcia „sądu”

W bogatym orzecznictwie Trybunał Sprawiedliwości Unii Europejskiej odniósł się do tego, jak należy rozumieć pojęcie „sądu” na potrzeby postępowań w sprawie pytań prejudycjalnych. Ze względu na różnice w kształtowaniu systemu rozwiązywania sporów istniejące w państwach członkowskich, TSUE musiał wypracować autonomiczną unijną definicję (Rodriguez Medal 2015: s. 110–111). Sądem w rozumieniu prawa unijnego będą w związku z powyższym nie tylko sądy państwowe (sądy powszechne, sądy administracyjne), ale mogą być nimi różnego rodzaju sądy lub komisje dyscyplinarne utworzone przez samorządy zawodowe, stowarzyszenia, izby gospodarcze, jednakże pod warunkiem, że do ich kompetencji należy rozstrzyganie o prawach jednostek.

Sądem w rozumieniu prawa UE będzie więc organ, który wykonuje funkcje orzecznicze, który działa na podstawie ustawy, a nie tylko umowy stron, który rozstrzyga spory pomiędzy stronami, w związku z czym postępowanie przed nim musi mieć charakter kontradiktoryjny. Organ ten powinien funkcjonować w sposób stały, zaś jego jurysdykcja powinna być obowiązkowa. Orzeka on na podstawie prawa i jest niezawisty w orzekaniu (Wyrok Trybunału 1966; Wyrok Trybunału 1987: par. 7; Wyrok Trybunału 1997: par. 23; Wyrok Trybunału 2018: par. 38; Stanevičius 2024: s. 121). Niemniej nawet jeśli postępowanie

przed sądem krajowym nie obejmowało właściwego kontradyktoryjnego wystuchania stron, na przykład ze względu na etap postępowania, to sąd krajowy nadal ma prawo zadać pytanie prejudycjalne. Ważne, że wykonuje on funkcje orzecznicze oraz że potrzebuje uzyskać interpretację prawa unijnego do przeprowadzenia postępowania na poziomie krajowym (Wyrok Trybunału 1971: par. 4–5).

Mając na względzie tak ukształtowane kryteria TSUE orzekł, że niemiecka Federalna Rada Nadzorcza stanowi „sąd”. Jej działanie ma bowiem podstawę ustawową – *Haushaltsgrundsatzgesetz* (HGrG 1969)¹. Jednocześnie nie ma znaczenia, że ustawa ta nie powierzyła Radzie kompetencji do orzekania w sprawie usług publicznych. Ponadto Rada ta funkcjonuje w sposób stały, a jej jurysdykcja jest obowiązkowa, zaś wydawane przez nią orzeczenia są wiążące. Z kolei kryterium kontradyktoryjności postępowania nie jest bezwzględne, natomiast w tym konkretnym przypadku strony postępowania muszą być przez Radę wystuchane przed wydaniem orzeczenia. Rada wydaje orzeczenia większością głosów i podlegają one uzasadnieniu, co wynika z krajowych przepisów proceduralnych, w związku z czym nie ma znaczenia, że w określonym zakresie Rada sama doprecyzowuje przepisy postępowania. Poza tym Rada, o której mowa, orzeka w oparciu o przepisy prawa, stosuje kryteria przyznawania zamówień publicznych, które są regulowane dyrektywami unijnymi i prawem krajowym implementującym te dyrektywy. W swoim orzekaniu Rada jest niezależna i działa na własną odpowiedzialność, w związku z czym nie ma znaczenia, że jest organizacyjnie powiązana ze strukturą *Bundeskartellamt*², który to urząd z kolei jest poddany nadzorowi Ministerstwa Gospodarki (Wyrok Trybunału 1997: par. 24–38).

W większości przypadków sądy arbitrażowe nie będą spełniały definicji „sądu” w rozumieniu prawa unijnego. Nawet jeśli pod pewnymi względami będzie się można doszukać podobieństw pomiędzy nimi a sądami powszechnymi, chociażby z tego powodu, że mogą one orzekać na podstawie prawa, w postępowaniu kontradyktoryjnym, a ich orzeczenia będą dla stron wiążące. Niemniej najczęściej podstawą funkcjonowania sądów arbitrażowych nie są przepisy prawa powszechnie obowiązującego, lecz umowa stron. Dodatkowo organy publiczne w danym państwie członkowskim nie uczestniczą w żaden sposób w decyzji o wyborze arbitrażu i nie są wzywane do interwencji w postępowaniu przed sądem arbitrażowym, przez co powiązania pomiędzy procedurą arbitrażową a organizacją środków prawnych przez sądy w danym państwie członkowskim nie są wystarczająco bliskie (Wyrok Trybunału 1982a: par. 10–13). Jednakże tam, gdzie podstawą funkcjonowania sądu arbitrażowego będzie właśnie przepis prawa, a nie umowa stron, którego orzeczenia są wiążące dla stron i którego właściwość nie zależy od umowy pomiędzy stronami, TSUE uzna pytanie prejudycjalne za dopuszczalne (Postanowienie Trybunału 2014: par. 18).

¹ Ustawa o zasadach uchwalania budżetu w Niemczech (tłumaczenie redakcji).

² Federalny Urząd Antymonopolowy w Niemczech, organ na poziomie federalnym w Niemczech, któremu w Polsce odpowiada Urząd Ochrony Konkurencji i Konsumentów (UOKiK). W zakresie jego kompetencji znajduje się głównie ochrona konkurencji rynku niemieckiego oraz egzekwowanie przepisów antymonopolowych (tłumaczenie i wyjaśnienia redakcji).

„Sądem” będzie natomiast komisja odwoławcza niderlandzkiego Królewskiego Stowarzyszenia Rozwoju Medycyny Ogólnej, która orzeka w sprawach dotyczących odmowy wpisu na listę lekarzy. Prawo niderlandzkie wyklucza odwołanie się do sądów powszechnych, zaś komisja odwoławcza działa za zgodą władz publicznych i przy współpracy z nimi. Przeprowadza ona postępowania kontradiktoryjne, a jej orzeczenia są ostateczne i wiążące dla stron. Jak zaznaczył TSUE, jeżeli w prawie państwa członkowskiego zadanie stosowania przepisów prawa wspólnotowego zostało powierzone organowi zawodowemu działającemu pod nadzorem rządowym i organ ten, wspólnie z władzami publicznymi, tworzy procedury odwoławcze, które mogą mieć wpływ na wykonywanie praw przyznanych Traktatami, to w celu zapewnienia prawidłowego funkcjonowania prawa wspólnotowego organ ten powinien mieć prawo zadania pytania prejudycjalnego (Wyrok Trybunału 1981: par. 9–17).

TSUE zaakceptował również pytanie prejudycjalne zadane przez litewską komisję *Mokestinių ginčių komisija prie Lietuvos Respublikos vyriausybės*. W sprawie tej komisji rząd litewski podnosił, że Komisja nie jest „sądem”, ponieważ nie jest niezawisła. Jest związana ze strukturą organizacyjną ministerstwa finansów, któremu przedstawia sprawozdania roczne i z którym ma obowiązek współpracować. Trybunał zauważył jednakże, że Komisja ma bezstronnie rozpatrywać odwołania podatników oraz podejmować decyzje zgodnie z prawem i w uzasadniony sposób. Członkowie Komisji są powoływani na sześć lat i powinni mieć nienaganną reputację, w czasie swojej kadencji nie mogą mieć innego zatrudnienia. Zdaniem Trybunału przepisy zapewniają Komisji niezbędną niezawisłość, zaś powiązania ze strukturą ministerstwa finansów nie podważają tego wniosku. Sam rząd litewski wskazał, że nie są mu znane przypadki, w których Komisja otrzymałaby z ministerstwa wskazówki lub instrukcje co do rozwiązania konkretnej sprawy (Wyrok Trybunału 2010: par. 34–40).

Jak wynika z powyższego, z jednej strony kryteria pozwalające uznać organ za „sąd”, w autonomicznym ujęciu prawa UE, są ugruntowane w orzecznictwie TSUE. Jednakże ich zastosowanie w konkretnym przypadku może powodować znaczne trudności i niepewność co do wyniku przeprowadzonej analizy, zwłaszcza że nie wszystkie kryteria mają charakter bezwzględny, jak chociażby wymóg kontradiktoryjności. Powyższe może być problematyczne dla organów krajowych, którym powierzono kompetencję rozstrzygania sporów w określonych dziedzinach, gdyż mogą one nie mieć pewności co do tego, czy przez TSUE zostaną ostatecznie uznane za sąd i czy ich pytanie prejudycjalne zostanie rozpoznane, bowiem o tym za każdym razem Trybunał będzie decydował *ad casu*.

Kryterium niezawisłości

W ostatnich latach w orzecznictwie TSUE szczególnego znaczenia nabrało kryterium niezawisłości, co jest szczególnie istotne z perspektywy wymogów, jakie stawiają sądom art. 19 ust. 1 Traktatu o Unii Europejskiej (TUE) i art. 47 Karty Praw Podstawowych UE. Państwa członkowskie UE są zobowiązane zapewnić, żeby organy należące – jako „sąd” w rozumieniu prawa UE – do systemu środków odwoławczych w dziedzinach objętych

prawem unijnym, odpowiadały wymogom skutecznej ochrony sądowej, dla której konieczna jest niezawistość. Gwarancja niezawistości oznacza zaś, że sąd funkcjonuje w pełni autonomicznie, nie podlegając żadnej hierarchii służbowej ani nie będąc podporządkowanym komukolwiek i nie otrzymując nakazów czy wytycznych z jakiegokolwiek źródła. W ten sposób powinien być on chroniony przed ingerencją i naciskami zewnętrznymi mogącymi zagrozić niezależności osądu jego członków i wpływać na ich rozstrzygnięcia (Wyrok Trybunału 2018a: par. 37, 44). Rozwój orzecznictwa w tym zakresie związany jest z kryzysem praworządności w niektórych państwach Unii Europejskiej i w świetle takiego rozwoju wydarzeń stał się po prostu koniecznością i wymogiem współczesności (Iglesias Sánchez 2022: s. 488). Ma ono znaczenie dla prawa do sprawiedliwego procesu, albowiem zapewnienie jednostkom dostępu do niezależnego i niezawistego sądu stanowi warunek poszanowania innych praw podstawowych przynależnych jednostkom oraz zapewnienia efektywności prawa Unii Europejskiej (Safjan 2020: s. 5–6).

W tym kontekście TSUE w ostatnich latach miał okazję orzekać w przedmiocie pytań prejudycjalnych zadawanych przez różne organy krajowe, co do których pojawiła się wątpliwość właśnie w przedmiocie ich niezawistości. Niniejsze rozważania można podzielić dychotomicznie na te, które odnoszą się do procedury powołania danego organu oraz te, które odnoszą się do sposobu jego odwołania.

Jeżeli chodzi o procedurę mianowania sędziów, to zasadniczo sam fakt udziału władz ustawodawczych lub wykonawczych w tym procesie nie może prowadzić do powstania zależności sędziego od tych władz ani do wzbudzenia wątpliwości co do jego bezstronności, jeśli po mianowaniu sędzia ten nie podlega żadnej presji i nie otrzymuje instrukcji w ramach wykonywania swoich obowiązków. TSUE ocenił również zgodność składu niemieckiej komisji ds. wyboru sędziów z zasadą niezawistości w kontekście tego, że największa część członków tego gremium jest wybierana przez władzę ustawodawczą. Jednakże jak podkreślił TSUE, sama ta okoliczność nie może prowadzić do powzięcia wątpliwości co do niezawistości sądu odsyłającego, ponieważ tę trzeba oceniać z uwzględnieniem wszystkich istotnych czynników. Obecność takiego pojedynczego elementu w procesie powoływania sędziów nie podważa ich statusu jako „sądu” (Wyrok Trybunału 2020b: pkt 54–58).

Sposób powołania nie stał na przeszkodzie uznaniu przez TSUE, że Sąd Dyscyplinarny Izby Adwokackiej w Warszawie jest „sądem” w rozumieniu art. 267 TFUE. W postępowaniu zainicjowanym pytaniem prejudycjalnym tego sądu rząd polski stanął na stanowisku, że sąd ten nie jest sądem w rozumieniu art. 179 Konstytucji RP i nie jest chroniony przed wpływami zewnętrznymi, ponieważ zgodnie z art. 40 pkt 2 prawa o adwokaturze jego członkowie są wybierani przez zgromadzenie właściwej izby adwokackiej. Jednakże w tym kontekście TSUE zauważył, że zgodnie z art. 89 prawa o adwokaturze sąd dyscyplinarny jest niezawisty w zakresie orzekania. Kolektywny sposób wyboru członków sądu dyscyplinarnego przez wszystkich adwokatów danej izby nie budzi zaś wątpliwości co do jego niezawistości i bezstronności, ponieważ sędziowie sądu dyscyplinarnego mają orzekać w interesie ogólnym w przedmiocie ewentualnych naruszeń etyki zawodowej. Funkcja sądownicza tego sądu jest więc wysoce wyspecjalizowana (Wyrok Trybunału 2022a: pkt 69–70, 73).

TSUE stoi na stanowisku, że w zakresie, w jakim z pytaniem prejudycjalnym występuje sąd krajowy, jak w tym konkretnym przypadku polski Sąd Najwyższy (SN), należy domniemywać, że spełnia on kryteria co do uznania za „sąd” w rozumieniu prawa unijnego, niezależnie od tego, w jakim składzie orzeka. Jednakże domniemanie to może zostać obalone w sytuacji, gdyby prawomocne orzeczenie krajowe lub międzynarodowe prowadziło do konkluzji, że sędzia orzekający jako sąd odsyłający nie jest sądem niezawistym, bezstronnym i utworzonym uprzednio na mocy ustawy. Ponieważ na dzień wydawania wyroku TSUE nie dysponował wspomnianym orzeczeniem krajowym lub międzynarodowym, uznał on pytanie prejudycjalne tzw. „neosędziego” polskiego Sądu Najwyższego, czyli osoby powołanej do pełnienia urzędu z udziałem nowej Krajowej Rady Sądownictwa ukonstytuowanej po 2017 r. w sposób sprzeczny z polską Konstytucją (Wyrok Trybunału 2022b: pkt 67–76).

Jednakże już w kolejnym postępowaniu w sprawie odestania prejudycjalnego TSUE doszedł do wniosku, że Izba Kontroli Nadzwyczajnej i Spraw Publicznych (IKNiSP) polskiego SN nie jest „sądem” (Wyrok Trybunału 2023: par. 41–44, 78). Aby poczynić takie ustalenia TSUE odwołał się do dwóch prawomocnych orzeczeń, jednego krajowego i jednego międzynarodowego. Należy nadmienić, że sędziowie IKNiSP zostali przedstawieni prezydentowi do mianowania na podstawie uchwały Krajowej Rady Sądownictwa (KRS) nr 331/2018. Naczelny Sąd Administracyjny najpierw wstrzymał wykonanie tej uchwały (Postanowienie 2018), a następnie ją uchylił stwierdzając, że KRS ukonstytuowana w 2018 r. nie jest tym organem, o którym mowa w polskiej Konstytucji (Wyrok 2021). Pomimo wstrzymania wykonania Prezydent RP dokonał mianowania sędziów. W swoim wyroku ETPC doszedł do konkluzji, że nowa KRS nie daje wystarczających gwarancji niezależności od władzy ustawodawczej i wykonawczej, w związku z czym powołanych z jej udziałem sędziów nie można uznać za niezawistych i bezstronnych (Wyrok Europejskiego Trybunału 2021: par. 283–338). Z tożsamych przyczyn TSUE orzekł, że SN w składzie sędziego Izby Cywilnej, przedstawionego prezydentowi do mianowania przez nową KRS, nie spełnia kryteriów do uznania go za „sąd” w rozumieniu prawa Unii i odmówił odpowiedzi na zadane pytanie prejudycjalne (Wyrok Trybunału 2024b). Powyższe potwierdza, że pierwotnym problemem polskiego sądownictwa jest KRS ukonstytuowana w sposób niezgodny z polską Konstytucją. 15 członków sędziowskich jest bowiem obecnie wybieranych przez Sejm, a nie przez sędziów spośród sędziów. Ze względu na brak niezależności i niezawistości od władzy ustawodawczej i wykonawczej polska KRS została wydalona z Europejskiej Sieci Rad Sądownictwa (Bodnar 2023: s. 304).

Tym samym, przez swoje decyzje w przedmiocie definicji „sądu” w rozumieniu prawa unijnego, TSUE bierze udział w dyskusji o stanie praworządności w państwach członkowskich. Orzeczenia w sprawach polskich oddają kryzys, jaki zapanował w polskim sądownictwie po 2015 r. i które, również w świetle cytowanych wyroków TSUE, wymagają pilnej ingerencji ustawodawcy w zakresie uregulowania statusu tzw. „neosędziów”. Rażące nieprawidłowości w procesie powoływania sędziów skutkują naruszeniem wymogu dotyczącego ustanowienia sądu na mocy ustawy, co może budzić w jednostkach wąt-

pliwości w przedmiocie podatności danego sędziego na czynniki zewnętrzne i podważa zaufanie, jakim sądownictwo powinno się cieszyć w społeczeństwie demokratycznym (Zawidzka-Łojek 2022: s. 205, 208).

Równie istotna jest nieusuwalność sędziów, ponieważ stanowi ona gwarancję niezawisłości (Wyrok Trybunału 2018a: par. 44). Zasada nieusuwalności wymaga, by sędziowie mogli sprawować urząd do momentu ukończenia wieku przejścia w stan spoczynku lub upływu kadencji, jeżeli ich funkcja ma charakter czasowy (Wyrok Trybunału 2019: par. 76). Stąd wszystkie przypadki pozwalające na odwołanie sędziego powinny być oparte na wyraźnych i szczególnych przepisach ustawowych, ustanawiających gwarancje wykraczające poza te, przewidziane w ogólnych przepisach prawa administracyjnego i prawa pracy. Dlatego najbardziej pożądaną sytuacją jest taka, w której przyczyny odwołania są wyraźnie przewidziane przez prawo i enumeratywnie wymienione (Wyrok Trybunału 2015: pkt 11, 20).

Z powyższych powodów TSUE przyjął, że hiszpańskie *tribunales económico-administrativos* (sądy administracyjne do spraw podatkowych) nie spełniają kryterium niezawisłego sądu, ponieważ procedura ich odwołania nie jest określona w drodze wyraźnych i szczególnych przepisów ustawowych, a wynika jedynie z ogólnych zasad prawa administracyjnego. Tym samym ich odwołanie nie jest ograniczone do pewnych wyjątkowych i precyzyjnie opisanych prawem sytuacji, stąd członkowie tych organów nie są chronieni przed naciskami zewnętrznymi ani bezpodstawną interwencją władzy wykonawczej (Wyrok Trybunału 2020a: par. 66–69).

Sposób odwołania nie podważył niezawisłości Sądu Dyscyplinarnego Izby Adwokackiej w Warszawie. Zgodnie z art. 11 ust. 4 prawa o adwokaturze sędziowie sądów dyscyplinarnych mogą zostać odwołani przed upływem kadencji przez zgromadzenie właściwej izby adwokackiej. Jednakże TSUE uznał w tym zakresie, że ta okoliczność nie może co do zasady stwarzać pola do nacisków lub jakichkolwiek bezpośrednich lub pośrednich działań ze strony sił niezwiązanych z samorządem adwokackim, które zmierzałyby do ingerencji w sprawowanie funkcji sądowniczej przez sąd dyscyplinarny (Wyrok Trybunału 2022a: pkt 72, 74). W tym wyroku można zaobserwować pewną niekonsekwencję ze strony TSUE. Żaden bowiem przepis prawa o adwokaturze nie wskazuje, w jakich przypadkach zgromadzenie izby może odwołać sędziego z pełnienia powierzonych mu funkcji, w teorii więc może to być decyzja całkowicie dowolna.

Natomiast w przypadku austriackiej komisji *Unabhängige Schiedskommission* (USK)³ TSUE odmówił odpowiedzi na zadane pytanie prejudycjalne konkludując, że sposób odwołania członków USK przesądza, że nie jest ona niezawista, a tym samym nie jest „sądem”. Członkowie USK są powoływani przez federalnego ministra sztuki, kultury, służby cywilnej i sportu na czteroletnią kadencję i mogą zostać odwołani z ważnych powodów, przy czym owe ważne powody nie są zdefiniowane w stosownych regulacjach prawnych. Decyzję w tym zakresie podejmuje członek organu władzy wykonawczej, czyli wspominany minister (Wyrok Trybunału 2024a: par. 49–54).

³ Niezależna Komisja Arbitrażowa (USK) realizuje głównie właściwość drugiej instancji w postępowaniach antydopingowych w Austrii (tłumaczenie i wyjaśnienia redakcji).

Jak wynika z powyższego, orzecznictwo TSUE w przedmiocie niezawisłości sądów w kontekście procedur odwoływania sędziów nie jest jednolite. Co do zasady TSUE wymaga istnienia enumeratywnie wymienionych kryteriów pozwalających na odwołanie danego sędziego, ale – jak w przypadku pytania wniesionego przez Sąd Dyscyplinarny Izby Adwokackiej w Warszawie – brak takich kryteriów nie zawsze prowadzi do odmowy uznania danego organu za „sąd”.

Problematyczne jest ustalenie, co powinno stać się z postępowaniem w takich sytuacjach, których dotyczyły przytoczone powyżej wyroki TSUE stwierdzające, że ze względu na sposób powołania lub odwołania sędziów nie mamy do czynienia z sądem niezawisłym, w szczególności w sytuacji, gdy takim organem jest sąd krajowy orzekający w ostatniej instancji, jak w przypadku polskiego Sądu Najwyższego. Sprawa wraca bowiem do sądu krajowego, o którym Trybunał właśnie orzekł, że nie spełnia podstawowego kryterium, którym powinien cechować się każdy sąd, a mianowicie wymogu niezawisłości. Z góry więc wiadomo, że wydanie orzeczenia przez ten sąd będzie skutkowało wadą prawną, co nie pozostanie bez konsekwencji. Strony takiego postępowania będą się mogły bowiem odwołać do ETPC, zarzucając Polsce naruszenie art. 6 ust. 1 EKPC i taka skarga najprawdopodobniej będzie skuteczna (Wyrok Europejskiego Trybunału 2021, 2023). W ocenie autorki takie wadliwie powołane osoby powinny powstrzymać się od orzekania i powinny wnioskować o wyłączenie od rozpoznania sprawy (odpowiednio w trybie przepisów o wyłączeniu sędziego), co powinno dotyczyć wszystkich osób powołanych na stanowisko sędziego polskiego Sądu Najwyższego od 2018 r. Inaczej będzie wyglądała sytuacja w przypadku organów, od których orzeczeń przysługuje odwołanie do sądu powszechnego lub sądu wyższego rzędu, które to sądy powinny spełniać wszystkie kryteria niezbędne do uznania ich za „sąd” w rozumieniu prawa UE i będą mogły zadać TSUE pytanie prejudycjalne. Wówczas fakt, że organ na wcześniejszym etapie postępowania nie mógł być uznany za „sąd” na gruncie prawa Unii, nie ma aż tak dużego znaczenia z punktu widzenia zapewnienia jednostkom prawa do skutecznego środka kontroli sądowej i jednolitego stosowania prawa UE, ponieważ to prawo zapewni sąd wyższego rzędu w procedurze odwoławczej. Jeszcze dalej w swoich rozważaniach idzie E. Łętowska, która wskazuje, że w zasadzie każdy sąd powinien badać, czy spełnia gwarancje niezawisłości i bezstronności, zaś takie badanie jest nieodzowne w kontekście zaufania, jakie sądy społeczeństwa demokratycznego powinny wzbudzać u jednostki (Łętowska 2020: s. 41).

Podsumowanie

Przez lata TSUE wypracował kryteria, które służą zdefiniowaniu „sądu” na potrzeby postępowania w sprawie pytań prejudycjalnych. Nadal jednakże decyzje w tym przedmiocie są podejmowane przez TSUE *ad casu* w odniesieniu do konkretnego organu występującego z odestaniem prejudycjalnym. Stąd w literaturze wskazuje się, że kryteria te nie są absolutnymi wymogami, a mają charakter pewnych wskazówek (Rodriguez Medal 2015: s. 139). Dlatego też w okolicznościach konkretnej sprawy może powstać

niepewność co do tego, czy pytanie prejudycjalne zostanie przyjęte do rozpoznania. W szczególności rozwinęło się orzecznictwo ograniczające możliwość zadawania pytań prejudycjalnych przez organy, które nie mogą być uznane za niezawiste i niezależne, i to pomimo tego, że tradycyjnie TSUE był otwarty na dialog sądowy. Niestety zmiany w zakresie praworządności w niektórych państwach członkowskich, w tym w Polsce, zaszyły tak daleko, że Trybunał zdecydował się na znaczne ograniczenie możliwości zadawania pytań prejudycjalnych przez organy, co do których niezależności i niezawistości powstają wątpliwości (Iglesias Sánchez 2022: s. 500).

Powyższa okoliczność może zniechęcać sądy krajowe do zadawania pytań prejudycjalnych. W związku z zadawaniem takich pytań procedura przed sądem krajowym ulega zawieszeniu, co wydłuża czas niezbędny na rozpoznanie sprawy, dlatego sądy, żeby nie ryzykować zbędnej zwłoki, mogą być niechętne zadaniu pytania prejudycjalnego, gdyby istniało ryzyko, że zostanie zakwestionowany ich status jako „sądu” w rozumieniu prawa Unii.

Z drugiej strony pytania takie powinny być zadawane zawsze wówczas, gdy powstaje problem co do interpretacji prawa UE lub odnośnie ważności aktu prawa wtórnego. Procedura prejudycjalna pełni istotną rolę w systemie ochrony prawnej jednostek stworzonym w ramach Unii Europejskiej oraz w zakresie jednolitego stosowania i interpretacji prawa UE. Dlatego też każdy organ, który uważa, że spełnia kryteria nakreślone przez TSUE w orzecznictwie i przed którym zawiśnie pytanie w przedmiocie prawa UE, powinien skorzystać z możliwości wniesienia odesłania prejudycjalnego. Pozwoli to również na uniknięcie odpowiedzialności państwa członkowskiego, zarówno na podstawie prawa unijnego, jak i na gruncie EKPC.

Niewątpliwie również orzecznictwo Trybunału w przedmiocie niezawistości powinno znaleźć przełożenie na ustawodawstwo państw członkowskich w zakresie przepisów regulujących ustrój sądownictwa, w tym mianowanie i, ewentualnie, odwoływanie sędziów z zajmowanych stanowisk. Ten problem unaocznify w szczególności pytania prejudycjalne kierowane przez polski Sąd Najwyższy. Może się okazać, że takie zmiany w prawodawstwie, jakie miały miejsce w zakresie polskiego sądownictwa w latach 2015–2023, będą skutkowały z jednej strony pozbawieniem jednostek prawa do rozpoznania sprawy przez niezależny i niezawisty sąd, a z drugiej strony pozbawieniem ich możliwości rozpoznania ich sprawy przez TSUE w trybie prejudycjalnym, gdyż ten po prostu odmówi udzielenia odpowiedzi na zadane pytania. Wyroki TSUE w przedmiocie kryterium niezawistości, jako przesłanki do uznania za „sąd” w rozumieniu prawa Unii Europejskiej, są kolejnym powodem, dla którego zmiany legislacyjne w przedmiocie polskiego wymiaru sprawiedliwości, w tym sposobu powoływania Krajowej Rady Sądownictwa, stały się niezbędne i konieczne. Orzeczenie o odmowie odpowiedzi na pytanie prejudycjalne powoduje dalsze problemy, albowiem mamy wówczas prejudykat, w świetle którego sprawa jest zawista przed organem, który nie jest niezależny i niezawisty. Dalsze rozpoznanie sprawy przez taki organ (nawet gdyby to był sąd powszechny czy Sąd Najwyższy) będzie skutkowało naruszeniem prawa jednostki do sprawiedliwego procesu zarówno w rozumieniu EKPC, jak i w rozumieniu art. 19 ust. 1 TUE czy art. 47 Karty Praw Podstawowych UE.

Magdalena Matusiak-Frącczak – dr hab., prof. UŁ, Uniwersytet Łódzki. Zainteresowania naukowe: prawo Unii Europejskiej, prawo międzynarodowe. Wybrane publikacje: *Ochrona poufności komunikacji klienta z adwokatem. Standardy międzynarodowe, standard Unii Europejskiej oraz standardy krajowe wybranych państw a prawo polskie* (Warszawa, 2023); *Ochrona wymiaru sprawiedliwości a prawo do obrony (art. 233 § 1 k.k. w świetle standardu EKPC)*, „Państwo i Prawo” 2023, nr 10.

Magdalena Matusiak-Frącczak – habilitated doctor, professor of the University of Lodz. Research interests: European Union law, international law. Selected publications: *Ochrona poufności komunikacji klienta z adwokatem. Standardy międzynarodowe, standard Unii Europejskiej oraz standardy krajowe wybranych państw a prawo polskie* (Warszawa, 2023); *Ochrona wymiaru sprawiedliwości a prawo do obrony (art. 233 § 1 k.k. w świetle standardu EKPC)*, „Państwo i Prawo” 2023, no. 10.

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The role of the EU's macro-regional policy in fostering the competitiveness of the Baltic Sea Region. Assessing the policy frameworks

Marta Czarnecka-Gallas, *University of Gdańsk (Gdańsk, Poland)*

E-mail: marta.czarnecka-gallas@ug.edu.pl

<http://orcid.org/0009-0007-9696-649X>

Abstract

This article presents the analysis of the EU's macro-regional policy as a framework to enhance competitiveness and sustainable development. The Baltic Sea Region (BSR) – a home for the first EU's macro-regional strategy launched in 2009 – is used as a case study. Focusing on the strategy's objective "increase prosperity", the author examines policy changes leading to the *EUSBSR Action Plan* of 2021. Based on a qualitative analysis of EU documents and BSR's institutional potential, two hypotheses are verified: (1) the BSR's approach to competitiveness has evolved to be more proactive, holistic, and sustainability-oriented; (2) this shift aligns with EU political context, EUSBSR maturity and regional socio-economic development. The research demonstrates that the macro-regional framework effectively integrates diverse competitiveness approaches, being a promising tool in fostering competitiveness in the EU.

Keywords: economic integration, macro-regional policy, Baltic Sea Region, EUSBSR, regional development, competitiveness, economic efficiency

Rola polityki makroregionalnej UE we wspieraniu konkurencyjności regionu Morza Bałtyckiego. Analiza ram politycznych

Streszczenie

W artykule przedstawiono analizę polityki makroregionalnej UE, określającej ramy wspierające konkurencyjność i zrównoważony rozwój. Jako studium przypadku wykorzystano region Morza Bałtyckiego (BSR) – obszar, w którym wdrożono pierwszą makro-strategię UE w 2009 roku. Koncentrując się na wskazanym w strategii celu „zwiększenie dobrobytu”, autorka bada zmiany w polityce, które

doprowadziły do przyjęcia *Planu Działani EUSBSR* w 2021 roku. Na podstawie analizy jakościowej dokumentów UE i potencjału instytucjonalnego BSR zweryfikowano dwie hipotezy: (1) podejście BSR do konkurencyjności ewoluowało w kierunku proaktywnego, holistycznego i opartego na zrównoważonym rozwoju; (2) zmiana ta jest zgodna z kontekstem politycznym UE, dojrzałością EUSBSR i rozwojem społeczno-gospodarczym regionu. Badanie pokazuje, że ramy makroregionalne skutecznie integrują różne podejścia do konkurencyjności, stanowiąc obiecujące narzędzie wspierające konkurencyjność w UE.

Słowa kluczowe: integracja ekonomiczna, polityka makroregionalna, region Morza Bałtyckiego, EUSBSR, rozwój regionalny, konkurencyjność, efektywność ekonomiczna

The existing literature reflects a broad spectrum of perspectives on defining, measuring, and conceptualising competitiveness, highlighting the diversity of approaches applied to this concept. Despite significant advancements in competitiveness research, a universally accepted definition and a comprehensive theoretical framework for national competitiveness remain elusive. According to Michael Porter (1998a,b), national productivity serves as the primary indicator capable of capturing national competitiveness. The OECD defines competitiveness as the ability of a country to produce goods and services that can successfully compete in global markets, while concurrently enhancing real domestic income levels. In contrast, the Management Forum interprets global competitiveness as the ability of a nation or corporation to generate greater prosperity relative to its international competitors (Androniceanu et al. 2020: p. 6).

Porter's *Diamond Model* emphasises the microeconomic determinants of international competitiveness, initially outlining key factors influencing competitive advantage at the firm level, however, Porter (1985) later extended this model to incorporate two additional exogenous elements: chance events and government policy, acknowledging their influence on competitive outcomes at the national level. Although, Paul Krugman warns against applying the idea of competitiveness to regions or nations, because they do not compete in the same way that firms do, so too much focus on competitiveness could lead to poor policies (Krugman 1994), there seems to be a consensus on the fact that the prosperity of a region is determined by its productivity and efficiency in using its resources (Gardiner et al. 2004). In this sense, competitiveness means creating the right conditions (infrastructure, education, innovation, regulatory framework) for businesses and workers to be more productive. Moreover, there is a growing postulate to look at competitiveness in terms of sustainability and focus on beyond GDP indicators, like well-being or long-term social performance (Aiginger 2021). This article aligns with the above-mentioned research trend.

The aim of the article is to explain how the EU's macro-regional policy influences competitiveness and to identify its main tools and models of influence, focusing on selected priority areas. The author seeks to analyse the evolution of the EU's macro-regional policy as a framework for enhancing competitiveness and sustainable development, using the Baltic Sea Region (BSR) as a case study. The key research objectives include:

- to assess how and why the EUSBSR's approach to competitiveness has evolved towards a more proactive, holistic, and sustainability-oriented framework;
- to evaluate the alignment of this shift with the broader EU political context, the maturity of the EUSBSR, and the socio-economic development of the region;
- to determine the effectiveness of the macro-regional framework in integrating diverse competitiveness approaches.

The article is divided into five parts. It begins with a literature-based analysis of the evolution of the EU's approach to competitiveness, positioning macro-regional policy in this context with the *EU Strategy for the Baltic Sea Region* (EUSBSR) as a case study. Next, conceptual frameworks are proposed for a dynamic analysis of the EUSBSR, with particular attention to economic and institutional factors determining its competitiveness. In this context, the author conducts a comparative analysis of the approach to competitiveness from the strategy's inception to its current form, by comparing the first and the latest *EUSBSR Action Plans*. In the final section, conclusions are drawn for theory, economic and regional development policy, and practices in managing the economic potential of the region.

Materials and methods

This article employs a case study methodology, which is applicable for gaining an in-depth understanding of real-life phenomena (Yin 2009). A case study was selected as the research approach to provide a rich and holistic picture of how the EU's macro-regional policy influences competitiveness and sustainable development in the Baltic Sea Region (BSR). The BSR was chosen due to its distinctive economic dynamics, characterised by a faster economic convergence than many other EU regions, particularly in terms of income levels.

Following the case study methodology, the research relies on multiple sources of evidence (Yin 2009). Data has been collected from various secondary sources, including statistical databases (Eurostat), European project repositories (keep.eu, Interreg project databases), and policy documents, particularly the *EU Strategy for the Baltic Sea Region* (EUSBSR) and its Action Plans. Additionally, qualitative sources (such as policy papers and internet-based resources) have been used to examine concrete examples of competitiveness-enhancing initiatives under the EUSBSR framework, particularly in selected priority areas.

To set the institutional and economic context for macro-regional competitiveness, a comparative analysis of competitiveness approaches within the EUSBSR is conducted. The analysis involves examining the evolution of the strategy's priorities and tools from its inception to its current form. Specifically, the study compares the first and latest *EUSBSR Action Plans* to assess how the EU's macro-regional approach to competitiveness has shifted towards a more proactive, holistic, and sustainability-oriented framework.

Competitiveness as the policy interest in the EU

The beginning of interest in competitiveness at the European level dates back to the early years of the Community's existence. Since the very beginning, the primary instru-

ment for enhancing EU competitiveness has been the integration process itself (creating the internal market and, subsequently, the economic and monetary union).

The analysis of the source documents demonstrates that the concept of competitiveness was widely present in the EU's political discourse already in 1960s, however, it was referenced not in relation to the economy as a whole, but rather to the specific sectors, particularly energy, exports, selected industries, and business activities. In 1982, the EU published its first report on the competitiveness of European industry, directly linking competitiveness with industry. However, as noted by Sylwia Talar, the characterisation of competitiveness as a "composite" made it practically impossible to draw clear conclusions from these studies, rendering them largely unhelpful (Talar 2016: p. 17). As an answer to rapidly deteriorating growth and employment rates in the early 1990s, the EU, already functioning based on a legal framework provided by the Treaty on European Union (TEU), initiated in 1993 the White Paper, its first initiative aimed at developing a medium-term strategy at the European level, with competitiveness among the main political goals (European Commission 1993). The approach of competitiveness was not well defined and raised some serious doubts, which delivered even more interpretations' problems considering the intrusion of the EU guidelines for industrial competitiveness policy at the same time (Talar 2016: p. 17).

A turning point in European competitiveness policy was the *Lisbon Strategy*, developed to strengthen the internal market and to deal with the low productivity and innovativeness in the EU, through the formulation of various policy initiatives to be taken by all EU Member States (Lucian 2015: p. 55). The objective was formulated very clearly, and was the reference to competitiveness. The *Lisbon Strategy* was intended to transform the EU into "the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion" (European Parliament 2000). Although it was perceived as a failure (Tabellini, Wyplosz 2006; Tausch 2009), it solidified a broader approach to competitiveness and strengthened the pursuance for a more accurate, innovative and efficient policy design in this respect. It also turned the attention to the role of the regions and their contribution to enhancing the EU's competitiveness.

The concept of regional competitiveness occupies an intermediary position between microeconomic and macroeconomic levels. According to the relevant literature, a region is not perceived merely as a simple aggregation of firms or as a scaled-down version of a nation (Gardiner et al. 2004). According to Meyer-Stamer (2016), systemic competitiveness of a territory can be defined as the capacity of a locality or region to generate increasing income levels and enhance the quality of life for its residents. Unlike the definition provided by the World Economic Forum, which emphasises productivity, this definition prioritises the benefits for people living in a region. It posits a strong correlation between competitiveness and overall prosperity.

Competitive regions are characterised not only by output-related metrics such as productivity, but also by level of comparative prosperity (Bristow 2005). They became the subject of the EU policies considering that "strengthening regional competitiveness throughout the Union and helping people fulfil their capabilities will boost the growth

potential of the EU economy as a whole to the common benefit of all" (European Commission 2004). Consequently, regional competitiveness, based on smart specialisation, started to be viewed as a key that will bring together heterogeneous economies in Europe (Voinescu, Moisoiu 2015). The focus on the regional competitiveness resulted in enriching the EU territorial cohesion policy with an additional tool: macro-regional strategies, which novelty laid in representing an integrated framework to allow the Member States "to identify the specific needs and respond to them by using available resources in such a way that the macro-region can benefit from a sustainable environment and optimal socio-economic development" (Liakopoulos 2018: p. 5).

All above-mentioned developments in European policy regarding competitiveness have gone along with another important change, which was articulated in the strategy *Europe 2020* calling for "smart, sustainable and inclusive growth" based on knowledge and innovation, greener and more efficient use of resources, and higher employment combined with social and territorial cohesion (European Commission 2010: p. 5, 10). This shift corresponded to the critics of some concepts "for overemphasising price competitiveness, disregarding social innovations, inclusiveness, and education, as well as modern services or ecological innovations as drivers of growth, new jobs and sustainability" (Aiginger et al. 2013; Aiginger 2021), which proved misleading in analysing national (Perrons 2012) or regional competitiveness. The strong emphasis on sustainability, which has become an element of growth and competitiveness-related discussions on EU level and was streamlined into its various policies, led to the popularisation of the concept of sustainable competitiveness, understood as the ability to generate and maintain the well-being and a decent standard of living for all citizens without reducing the future ability to maintain or increase the current level of wealth (Aiginger et al. 2013). Assessing the national/regional performance through the lens of sustainable competitiveness provides a much brighter picture of the EU, also in relation to the world economic leaders – the USA and China. An evaluation of the competitiveness of the European Union and the United States yields varying results, contingent upon the specific objectives being assessed (Ketels, Porter 2021; Aiginger 2021). When outcomes are measured by GDP per capita or labour productivity, the EU demonstrates underperformance and has failed to narrow the gap with the USA over recent decades. Conversely, if competitiveness is framed as the capacity to achieve societal goals, Europe demonstrates greater progress than the USA, particularly in areas such as sustainability, climate change mitigation, and inequality reduction (Aiginger 2021). However, it is essential to contextualise this performance: while Europe may be better in social and environmental dimensions relative to the USA or China, it still requires further improvement. In this sense, macro-regional strategies aimed at coordination and integration of various policy sectors, while taking a comprehensive approach to very diverse areas, from environment and climate, though connectivity and security to education and innovations, might serve as a good instrument of enhancing competitiveness. Their advantage is also founded on combining the bottom-up initiatives, which strengthen microeconomic competitiveness with top-down solutions, addressing common goals and challenges – and, therefore, requiring policy coordination.

EU Strategy for the Baltic Sea Region as a demonstration of the macro-regional policy's approach to competitiveness

After the enlargement of the European Union in 2004, the Baltic Sea essentially became an internal sea of the EU, providing a strong impetus for further integration processes in the region. Politically, this led to the establishment of the EU's first macro-regional strategy, known as the *EU Strategy for the Baltic Sea Region* (EUSBSR). Macro-regional strategies represent a key component of the EU's long-term development vision articulated in the document *Europe 2020: A Strategy for Smart, Sustainable, and Inclusive Growth* (see: European Commission 2010). This strategy emphasises the importance of European regions as integral participants in political processes, positioning them as "equal to EU Member States and institutions" (Palmowski 2021: p. 141).

Initiated in June 2009, the EUSBSR was seen as an instrument that could respond to growing challenges in the Baltic Sea Region (BSR) and a need for a more coordinated regional cooperation. The EUSBSR has been built around three main objectives: (1) save the sea, focusing on improving the environmental condition of the Baltic Sea, (2) connect the region, focusing on enhancing regional connectivity and infrastructure, and (3) increase prosperity, focusing on promoting innovation, entrepreneurship, and competitiveness (EUSBSR website WWW). Therefore, it is seeking the regional competitiveness in better integration, strong cooperation and intensive knowledge and innovation exchange.

Currently, being in an advanced stage of implementation, the EUSBSR is the most mature example of macro-regional policy in Europe (Szulc 2020), with its greatest strength streaming from the engagement of partners at national, regional levels, and civic society. As noted by Gänzle, although the macro-regional strategies are set up on 'no new institutions' principle, it is evident in the Baltic Sea Region that "a lean governance architecture has been established that strongly draws on existing institutions that have been integrated 'into the texture' of EUSBSR governance" (Gänzle 2018: p. 348). Therefore, the success of the strategy depends largely on the specific regional institutions and the cooperation between them.

Economic and institutional background for a dynamic analysis of the EUSBSR's approach to competitiveness

In the EUSBSR's founding document¹ competitiveness is mentioned only twice and only in one concrete place – in paragraph 5.2 referring to the strategy's objective '*a prosperous region*' (European Commission 2009a: p. 7). It is also viewed in a limited and sectoral context, which corresponds to the approach promoted on the EU level at that time. The strategy acknowledged as important "to maintain the profitability and competitiveness of the key sectors of agriculture, forestry, and fisheries in order to enhance their

¹ Communication from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the *European Union Strategy for the Baltic Sea Region*", COM (2009) 248 final.

contribution to the economy and to sustainable development" (European Commission 2009a: p.7).

Competitiveness was also associated with "high productivity, high levels of innovation and sustainable economic growth" that was expected to be achieved by increasing labour market, inclusion and integration. On the other hand, some attention was given not only to high levels of employment, but also to "good quality jobs, the continued presence of a well-trained and adaptable workforce as well as low levels of social exclusion" as "vital factors in assuring both the competitiveness and attractiveness of the region" (European Commission 2009a: p. 7). Over time and the level of maturity of the strategy and also the whole region, the EUSBSR's approach to competitiveness has changed. At the same time, this shift fitted into the developments occurring in related research and in overall pan-European policy. It can be traced on a formal, document-based level – in the *EUSBSR Action Plans*, but also on an informal level, for example in communication concerning EUSBSR.

In the following section a short analysis of the Baltic Sea Region is presented to serve as a background for the dynamic policy analysis of the EUSBSR that comes afterwards. As its purpose is only illustrative, and it is not the primary focus of this article, the author limits the analysis to the selected aspects only, leaving the overall assessment of the BSR competitiveness to future research, believing that it constitutes an interesting subject for a comprehensive and holistic study.

The economic-based conditions of the BSR competitiveness

The Baltic Sea Region, defined for the purpose of the EU's macro-regional policy, encompasses a geographical area covering nearly one-third of the European Union's total landmass, yet representing approximately 80 million inhabitants, it is home for only 17.9% of the EU's population (European Parliament 2022: p. 3). It is composed of eight EU Member States (Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Sweden) and five federal states (Länder) in Northern and Eastern Germany (namely: Berlin, Brandenburg, Hamburg, Mecklenburg-Vorpommern, and Schleswig-Holstein), which account for the total of 67 NUTS-3 coastal regions. There are also non-EU neighbouring countries (Iceland, Norway) with traditionally strong ties and cooperation tradition with the above-mentioned region, as well as the non-EU countries located in a proximity (Belarus) or even within the geographical boundaries of the Baltic Sea Region (some parts of Russia), and which have been treated as important cooperation partners until the 2022 year (European Parliament 2022). Since March 2022, the European Union has suspended all cooperation with Russia and Belarus within cross-border cooperation programmes, including the programme *Inter-reg Baltic Sea Region* (European Parliament 2022: p. 3; European Commission 2022).

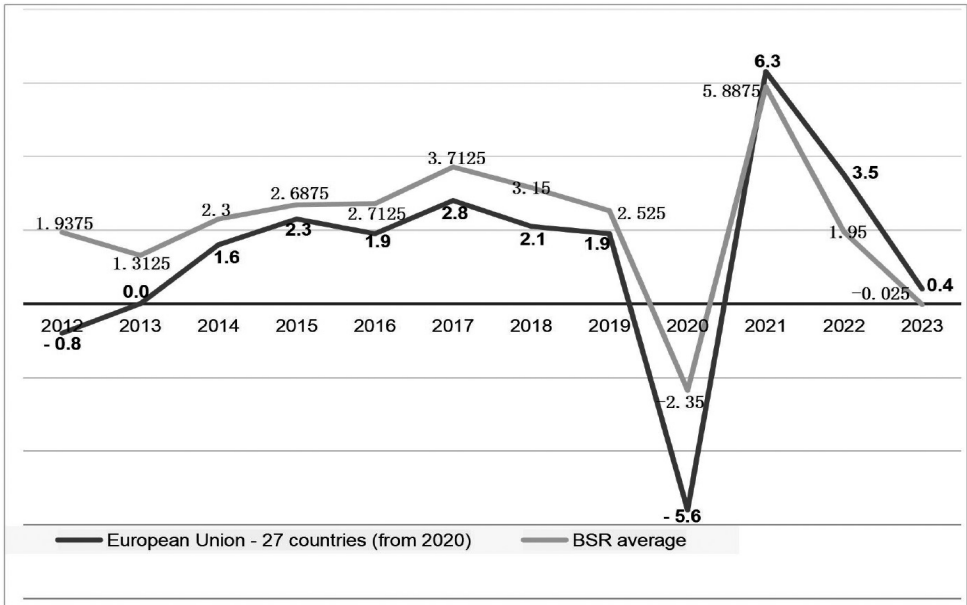
The Baltic Sea Region is diverse in terms of geography, politics, economy, and society, which has posed and continues to pose challenges in creating a unified "Baltic strategy". On the one hand, there is Germany and the highly developed Nordic countries, which rank among the world's top in economic and social development, as evidenced by GDP per capita and indicators such as HDI or more subjective – the life satisfaction

index. On the other hand, there are post-communist countries that joined the EU in 2004. Finally, there is Russia, a non-EU country, whose presence in the region influences its geopolitical and economic situation.

The total GDP of the countries of the Baltic Sea Region (Germany as a whole, Poland, Sweden, Denmark, Finland, Lithuania, Latvia, Estonia) in 2023 accounted for almost 6.28 trillion euro in current prices, which was approximately 36.7% of the total EU-27 GDP. Huge portion of this figure was made up by German economy, the biggest in the EU, which in 2023 generated almost 4.2 trillion euro (Eurostat database WWW). The share of the Baltic Sea Region in the EU's total GDP has been quite constant, with the data demonstrating relatively small fluctuations over the past decade, between 36.7 % (like in 2023) and 37.7 % (in 2020).

Despite aforementioned diversity, the Baltic Sea Region is performing quite well overall, as evidenced by the average GDP growth rate of almost 2.13% between 2012–2023, compared to 1.35% for the entire EU-27 (Eurostat database WWW), although the last years were more turbulent for the region's economies. The overall economic success was for many years largely depended on high growth rates of the less developed economies in the region, such as Poland and the Baltic states, which have enabled significant income convergence. However, 2023 witnessed worse performance of the GDP growth of the region, and for most of the countries (see: *Figure 1*).

Figure 1: GDP growth rates in the Baltic Sea Region and the EU-27 in 2023.



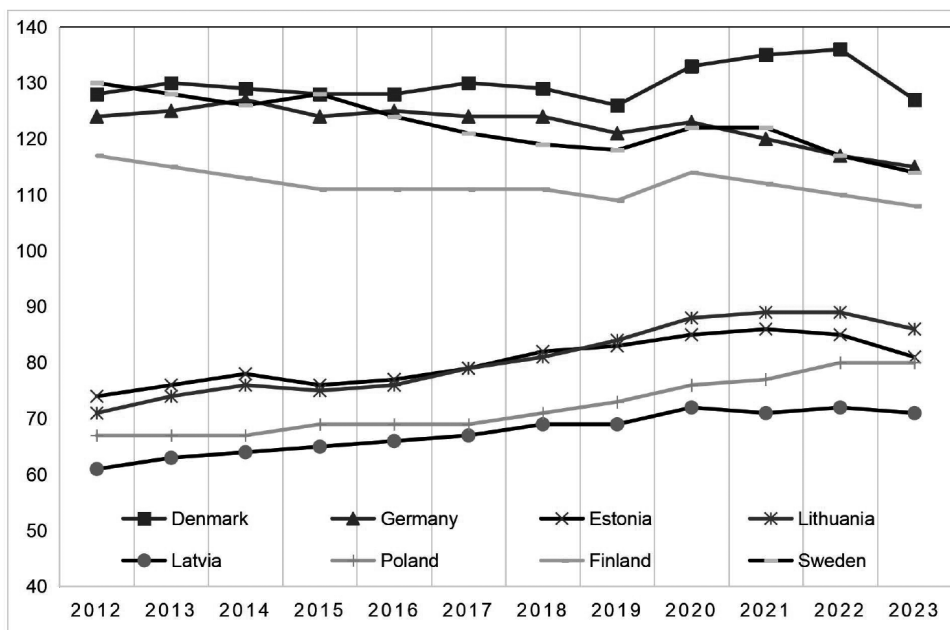
Source: the author's own calculation based on Eurostat database WWW (accessed 12.10.2024).

The income gap between the least developed and the most developed countries in the Baltic Sea Region has decreased significantly during the past two decades marked

by the EU accession of the latter. For many years the degree of convergence in this region has been much faster than in other parts of Europe. The income convergence is impressive, when we compare the current figures of the GDP per head in PPS with those from 2004, when the values for Estonia, Latvia, Lithuania and Poland were respectively only 50, 48, 43 and 47% of those of the EU average (Eurostat database W/W).

According to the latest data, the level of GDP per capita in purchasing power standards (PPS) of Germany, Denmark, and Sweden is higher than the EU average, while the one of Estonia, Lithuania, Latvia and Poland remains on lower levels, although the gap has been systematically decreased. Particular progress was noted by Lithuania that has recently reached the similar level of the GDP per capita in PPS as Spain and has already outperformed Portugal (Eurostat database W/W).

Figure 2: GDP per capita in PPS in the Baltic Sea Region in relation to EU-27=100 in 2012–2023.



Source: the author's own calculation based on Eurostat database W/W (accessed 12.10.2024).

The disparities in other economic indicators, like the nominal labour productivity also fell, although there is still quite a significant difference between Germany and the Nordic countries in comparison to Poland and the Baltic states, when we compare such data on national level. Moreover, in recent years, the Baltic Sea Region has witnessed changes in trade linkages that have led to an increase of the volume of foreign trade in goods and international service transactions, confirming the deepening integration in the area. However, this process is occurring unevenly, being markedly stronger in terms of goods

linkages and weaker for services linkages. International trade indicators reveal that the BSR serves as the primary foreign trade area for smaller economies, which is illustrated by Estonia and Lithuania, being characterised by over 50% of total trade occurring within the region. The data for 2019 demonstrates 59.8% in Lithuania to 67.5% in Estonia from 2011 to 2019, expansion into the markets of BSR countries was relatively more attractive for the new EU Member States (i.e., Poland, Lithuania, and Latvia). In these cases, the growth rates of trade volumes were the highest – accounting for 46.6%, 26.9%, and 22.3%, respectively (Szejgiec-Kolenda, Duma 2020). In the Nordic countries, the share of trade linked to the Baltic Sea Region is much more moderate (around 40%). Poland's trade with the region is similar, accounting for 41.7% of its total trade. Notably, for the three largest trading states located around the Baltic Sea (Germany, Poland, and Sweden) the intra-Baltic-region trade does not play such a vital role. For Germany, the biggest trading economy in BSR, it has oscillated in recent years below 15%, which is due to the overall scale of its trade activities (Eurostat database WWW).

The institution-based conditions

The significance of institutions for economic growth has garnered much attention in recent decades, driven by the exploration of additional factors influencing economic development beyond traditional growth theories (Rodriguez-Pose 2013; Storper 2005). Effective institutions enhance the delivery of public goods, mitigate market failures, and increase overall efficiency (Streeck 1991). Furthermore, the subject literature acknowledges their contribution to the reduction of transaction costs (North 1990), promotion of transparency (Storper 2005), entrepreneurship, and in general effective functioning of labour markets.

The above-mentioned assumption can be applied on a macro-regional level and considered as either supportive or inhibiting factors for the competitiveness of the entire area. In this section only a brief analysis of several pan-Baltic institutions is made, particularly contributing to implementation of the EUSBSR objectives, but leaving the national institutional setup aside. Although in this respect the author recognises the existing disparities with some countries – especially the Nordic states being at the forefront in terms of reliable, sustainable and efficient institutions and some lagging behind significantly (e.g. Poland). In case of the Baltic Sea Region, the relevant literature seems to confirm that strong and reliable institutions as well as cultural proximity enhance its integration and multi-sectoral cooperation (Palmowski 2021).

It can be argued that pragmatism is the leading force in regional cooperation of the states surrounding the Baltic Sea. Taking into account their cultural proximity, it is not surprising that these countries are pioneers of macro-regional cooperation in the European Union today. Scholars refer to the times of the Hanseatic League, an alliance of several Baltic cities aimed at protecting and defending trade interests as a founding stone for integration of the region (Gänzle 2018). The institutional framework is one of the strongest assets of the region. The historic dynamic outlook for the Baltic cooperation underlines the importance of the post-World War II integration processes aimed at resuscitating the

European economy, which led to deepened cooperation among Scandinavian countries (Denmark, Iceland, Norway, Sweden, and later Finland) in many policy areas, including the creation of a passport union that was an important step fostering the Baltic cooperation in the modern history of the region (Czarnecka-Gallas 2019).

Additionally, a significant contribution to cooperation development was made by "the signing of the *Helsinki Convention* and the subsequent establishment of the so-called Helsinki Commission as its body for steering intergovernmental cooperation" aimed at protecting "the fragile marine environment of the Baltic Sea from all sources of pollution" (Gänzle 2018: p. 343). The Helsinki Commission was one of the few examples of a cooperation platform that transcended ideological blocs during the East-West conflict (Gänzle 2018).

Looking for further milestones for the contemporary cooperation within the Baltic Sea Region, we should not undermine the role of the Council of the Baltic Sea States (CBSS), established in March 1992, which "brought participating countries from both sides of the former Iron Curtain to the discussion table" (Gänzle 2018: p. 344). The increase in national-level cooperation stimulated by the CBSS almost immediately led to increased activity and involvement of cities and municipalities, as well as local authorities, as evidenced by the creation of institutions such as the Union of Baltic Cities (UBC) and the Baltic Sea States Subregional Cooperation (BSSSC) in 1993. Other influential forms of supporting the region's cooperation include the Baltic Sea Parliamentary Conference and the Nordic Council of Ministers. The overall institutional picture in the Baltic Sea Region may also be supplemented with organisations from various sectors, NGOs, transnational clusters, cross-border organisations, or partnerships launched as results of projects and other international initiatives, contributing to the EUSBSR objectives by implementing joint actions in a formalised cooperation structure.

In general, the *European Union Strategy for the Baltic Sea Region* has introduced a new dimension to the development concept of the region, prompting political stakeholders to adapt their actions within evolving spatial, institutional, and normative frameworks. Various assessment reports and the subject literature (Śtomczyńska 2014; Czarnecka-Gallas 2019; Palmowski 2021) underline that the strategy is a notable example of enhanced cooperation in Baltic Sea Region and within European politics. It represents a successful effort "to stabilise the geopolitical situation in the region", particularly concerning "security of areas closest to the Scandinavian countries". This regional cooperation exemplifies both partnership and interdependence, as well as "the development of influence zones", and it fosters collaborative engagement among major powers in the region (Palmowski 2021: p. 143).

The evolution of the EUSBSR's approach to competitiveness

The strategy has been updated four times: in 2013, 2015, 2017, and 2021 so far. The last revision was adopted by the European Commission in February 2021 and was aimed at strengthening, sharing, and accelerating resilience, "recovery and secure economic and social development while striving for a green and digital transition" (European Commission

2021b; see also: European Commission 2021a). It was focused "on intensified international cooperation in solving cross-border issues, a topic that became more relevant than ever following COVID-19 and subsequent border lockdowns" (European Commission 2021b), as well as aligning macro-regional policies with the UN Sustainable Development Goals. Moreover, the *Action Plan 2021* intended "to boost the participation of young people in the governance process as well as to introduce a simplified coordination and management system" (European Commission 2021b). The latter was to be achieved by "the reduction in the number of actions from 73 to 44 across 14 policy areas", and an introduction of the "Trio of Presidencies to promote coherence and continuity" (European Commission 2021b; see also: European Parliament 2022: p. 5).

Finally, the updated *Action Plan* introduced a new coordination body – a Baltic Sea strategy point launched to increase capacity building and knowledge sharing, as well as improving the communication capacity. The Baltic Sea strategy point (BSP) "provides administrative and technical support for managing, developing, and communicating the strategy". It is accountable to the National Coordinators Group (NCG), responsible for establishing the BSP's "terms of reference and its detailed tasks and conducts its day-to-day work in close contact with the NCG presidency" (European Parliament 2022: p. 6; see also: EUSBSR website WWW).

Although the EUSBSR has evolved over the past decade, its main features remain similar and refer to a coordinated approach to increase the region's prosperity by tackling environmental and socio-economic challenges such as insufficient innovations, demographic changes, labour market dynamics, and migration, which affect the competitiveness of the region. By fostering collaboration among the Member States, the strategy helps address disparities in regional development and promotes balanced economic growth across the Baltic Sea region. The following sections, based on documents' analysis, show the most important changes that occurred in the EUSBSR over the past decade. The evolution of the strategy is shown on the basis of a comparative analysis of the first and the last *EUSBSR Action Plans*, concentrating on the way they treated the EUSBSR objective 'increase prosperity'.

First EUSBSR Action Plan 2009

The first *Action Plan* from 2009 comprised of 15 priority areas to facilitate the improvements. These priorities were grouped under four thematic pillars and one horizontal action (European Commission 2009a: p. 7–9). The division was rather conventional as every pillar related to a wide range of policies and had impacts on the other pillars in a way they were all interlinked and interdependent. According to the first *EUSBSR Action Plan*, the most relevant issues for competitiveness in the BSR seemed to be connected to trade integration, the exploitation of innovation and SME potential, maritime economy development, sustainability in core industries, including agriculture and shipping (European Commission 2009b). Improving market access and reducing trade barriers were viewed as crucial for enhancing the region's overall economic efficiency and competitiveness.

The first *Action Plan* was focused on enhancing internal trade relations in the BSR and improving economic integration. Such approach was seen as beneficial for both smaller and larger economies. The first ones could take advantage trade opportunities, the latter could strengthen their regional connections and make use of a larger and more diverse market (European Commission 2009b: p. 25). Much attention was given to maritime economies, sustainable development of which was seen as essential for maintaining economic contributions and employment enhancing overall regional competitiveness (European Commission 2009b: p. 34). It was also underlined that the region boasts innovative economies with a strong focus on research and innovation. The difference in the level of innovativeness was particularly visible while launching the EUSBSR and, therefore, concrete schemes for R&D cooperation, university exchange and joint programmes aimed at knowledge and technology transfer were promoted. One of the strategic actions envisaged in the *Action Plan* was to establish a common BSR innovation strategy. Moreover, concrete proposals of cooperative initiatives aimed at improving the exploitation of research through patents were made (European Commission 2009b: p. 31–32). Another key theme for this pillar of the EUSBSR was associated with entrepreneurship, strengthening SMEs and increase of the efficient use of human capital. As a concrete measure, the Small Business Act was named as essential to fully exploit these opportunities (European Commission 2009b: p. 24, 26, 34–38). Finally, the emphasis on sustainability in agriculture, forestry, and fisheries was put as the mean to ensure long-term economic and environmental resilience, essential for these resource-dependent sectors.

The table below summarises the key objectives of the economic pillar of the EUSBSR identified on the basis of the first *Action Plan* and their relevance to competitiveness.

Table 1: The key areas of the EUSBSR objective 'A prosperous region'.

KEY AREA	MAIN CHALLENGES	RELEVANCE TO COMPETITIVENESS	EXAMPLES OF ACTIONS
Removing hindrances to internal market	1. Administrative burdens for SMEs; 2. Non-transparent implementation of EU directives; 3. Highly regulated labour markets; 4. Lack of competition leading to high prices.	- Essential for small markets to integrate for competitiveness; - Slow trade growth signals insufficient integration; - SMEs need larger markets to expand.	- Implement the strategy for sustainable border control adopted by the EU–Russia Sub-Committee on Customs; - Improve cooperation through the CBSS Working Group on Customs Cooperation; - Open the public sector to competition in areas like waste management and local energy; - Remove barriers to cross-border service provision by implementing the Services Directive effectively; - Enhance cooperation for managing the Single Market by national authorities in the BSR; - Establish a common innovation strategy addressing barriers to FDI.

Exploiting full potential in research and innovation	1. Disparities in R&D institutions' maturity; 2. Need for better transnational cooperation; 3. Lack of effective innovation systems.	- Innovation is crucial for global competitiveness; - Countries must develop systems linking knowledge institutions, private investors, and services; - Stronger cooperation needed to fully utilise regional strengths and opportunities.	- Facilitate transnational cooperation for joint research; - Promote mobility of researchers and high-level human capital; - Develop new innovation support instruments including IPR support.
Implementing the Small Business Act	1. Institutional barriers limiting SME growth; 2. Varying quality of legal frameworks across states; 3. Practical obstacles to labour mobility; 4. Need for better support for entrepreneurship.	- Strengthening entrepreneurship and SMEs vital for economic growth; - High employment and good job quality necessary for competitiveness; - Focus on green businesses can enhance future growth opportunities.	- Promote trade and investment cooperation; - Secure access to capital for SMEs through innovative financing tools; - Encourage female entrepreneurship through targeted support; - Develop offshore renewable energy sectors; - Incorporate entrepreneurship training in school curricula; - Facilitate rural entrepreneurship and enhance labour mobility across the region.
Sustainability of agriculture, forestry, and fisheries	1. Modest cooperation: limited collaboration among agriculture, forestry, and fisheries sectors within the region. 2. Overcapacity in fisheries: overcapacity leading to low profitability, overfishing, and poor compliance with regulations. 3. Environmental challenges: balancing competitiveness with sustainability in harsh agricultural conditions. 4. Rural depopulation: sparsely populated northern areas face pressures from urbanisation and population decline.	Enhancing the sustainability and profitability of these sectors is vital for the long-term economic stability and competitive edge of the Baltic Sea Region, particularly as competition increases in global food and agricultural markets.	- Adjust fishing fleet capacity: continuously evaluate and adapt the fishing fleet to align with available resources through national regulations and the European Fisheries Fund (EFF); - Eliminate discards: establish joint pilot projects to reduce or eliminate discards in fisheries. - Improve compliance: strengthen monitoring and control of fisheries to combat illegal fishing, including high-tech surveillance and enhanced national quota utilisation. - Enhance the effects of the Fisheries Fund's programmes; - Sustainable strategies for wood: develop and implement sustainable strategies for wood production within Sustainable Forest Management frameworks. - Streamline rural development: enhance cooperation in rural development programmes to ensure targeted measures and joint projects.

Source: the author's own elaboration based on the analysis of the *EUSBSR Action Plan* from 2009 (European Commission 2009a: p. 7–8; European Commission 2009b: p. 23–42).

The updated EUSBSR Action Plan 2021

Although it has evolved in line with the overall legislation and policy framework of the European Union, the EUSBSR still aspires to play a pivotal role in enhancing the competitiveness of the Baltic Sea Region by fostering cross-border cooperation, promoting innovations, and addressing common challenges that can limit economic growth. The updated *Action Plan* is related to the strategy's three key objectives: saving the sea, connecting the region, and increasing prosperity. Especially under the objective '*increasing prosperity*' it is focused on enhancing the region's competitiveness through a variety of mechanisms. On the other hand, in the revised document competitiveness is perceived in a much broader sense, for example by acknowledging the importance of sustainability, tackling the environmental problems in order to assure sustainable growth and the inhabitants' prosperity in a long-term perspective. Moreover, competitiveness is commonly used with adjective 'global' (European Commission 2021a), pointing out the high relevance of the increasing the BSR competitiveness in the international context, which was not stressed so much in the first *Action Plan 2009*.

In the new *Action Plan 2021*, the focus is given to policy areas as the operational heart of the strategy. Five of them have a direct reference to the EUSBSR objective '*increase prosperity*', namely: PA Innovation, PA Bioeconomy, PA Education, PA Tourism, and PA Culture. On the other hand, all the policy areas are much more interconnected, which is evident not only in their actions but also in the way they are communicated.

The analysis of the updated *Action Plan 2021* indicates that the EUSBSR prioritises innovation and research-driven economic growth through the promotion of collaboration between research institutions, businesses, and policymakers. This is supported by initiatives such as the programme *BONUS* and flagship projects like *BSR Stars*, which are seen as good examples of the drivers of the development of innovation networks across the region (European Commission 2021a: p. 65–68). By connecting innovation ecosystems, the strategy facilitates the commercialisation of research and technological advancements, driving the region's competitiveness. EUSBSR continues emphasising the importance of SMEs as drivers of regional growth (European Commission 2021a: p. 60, 64–67), but also as crucial stakeholders in BSR cooperation (European Commission 2021a: p. 1, 67). Through transnational projects, the strategy supports SMEs by helping them access new markets, improve productivity, and adopt digital technologies. The strategy also aligns with EU-wide initiatives such as *Horizon Europe* and *InvestEU*, providing SMEs with access to funding and networks necessary for scaling their businesses. One of the core areas of EUSBSR remains improving the region's connectivity. However, in the updated *Action Plan* it is understood far beyond physical infrastructure, emphasising the role of digital networks.

In the updated *Action Plan* much attention is put on competitiveness that goes in line with sustainable development and, thus, it integrates sustainability into its framework for competitiveness. Examples of this approach are delivered in concrete actions developed under each of the Policy Areas. For instance, by promoting the transition to a circular and bio-based economy, EUSBSR encourages industries to adopt environmentally sustainable practices (European Commission 2021a: p. 31–33). This not only protects the Baltic

Sea's ecosystem, but also opens new market opportunities in the green economy, such as renewable energy, waste management, and sustainable tourism, contributes to long-term, sustainable competitiveness in the region.

Competitiveness of the Region is also attributed to the importance of education and skills development. Although, the EUSBSR does not have own funding, Programmes like Erasmus+ and Horizon Europe are indicated to support the exchange of knowledge and best practices across the region, enhancing the skills of the workforce. By promoting cooperation in higher education and vocational training, the *Action Plan* proposes measures aimed to support projects leading the region's labour force to meet the demands of a competitive, knowledge-based economy. Some of the key areas identified as directly related to the *increase prosperity* and Baltic Sea Region competitiveness are summarised in the table below.

Table 2: The key areas of the EUSBSR's Policy Areas directly contributing to the objective 'increase prosperity'.

KEY AREA	MAIN CHALLENGES	RELEVANCE TO COMPETITIVENESS	EXAMPLES OF ACTIONS
Challenge-driven innovation (PA INNO)	Responding to major regional challenges (e.g., climate change, resource efficiency, pandemics, rapid urbanisation, sustainable energy, etc.)	Fostering disruptive, market-shaping innovations that create new opportunities for sustainable growth and competitive advantage in the Baltic Sea region.	- Smart Specialisation Ecosystem (Interreg BSR); - Blue Growth projects like SUBMARINER Network initiatives (Blue Platform, etc.)
Digital innovation and transformation (PA INNO)	Developing and adopting digital technologies (AI, IoT, blockchain, robotics); bridging digital divides; facilitating digital transformation.	Enhances regional competitiveness by supporting businesses and public sectors to implement and scale digital solutions, driving new market opportunities and global success.	- DIGINNO: Digital Innovation Network; - Industry 4.0 Programmes for BSR SMEs; - BSR Smart City Accelerator; - Real-Time Economy projects.
Co-creative innovation (PA INNO)	Building transnational platforms for co-creation, connecting SMEs with research, business, and public groups to overcome market and technology access barriers.	Enables collaboration across borders, expanding resources, knowledge, and expertise, leading to innovation scale-up and improved competitiveness for SMEs and startups.	- BSR Startup Alliance; - SUBMARINER Network's Alliance Accelerator; - Innovation Infrastructure Organisations and incubators; - Transnational R&D facilities.
Bioeconomy for sustainability and climate resilience (PA Bioeconomy)	Unsustainable resource use, climate change impacts, need for productivity and growth through circular bioeconomy in forestry, food, and tourism sectors.	Strengthens economic growth by enabling sustainable resource use, developing new bio-based products and services, contributing to climate resilience and sustainability.	- Sustainable forestry and food systems; - Projects like RDI2CluB, Blue Growth; - Bioeconomy trend analysis; - Workshops for biomass use and biodiversity improvement.

Sustainable agricultural practices (PA Bioeconomy)	Eutrophication from excessive nutrient use, inefficient recycling of resources (phosphorus), limited climate adaptation in agriculture.	Promotes sustainable agriculture practices, nutrient recycling, energy self-sufficiency for cleaner environments, better adaptation, and competitive agricultural sectors.	- Nutrient recycling projects like SuMaNu; - Improved resource management in agriculture and forestry; - Digital solutions for knowledge exchange and adaptation.
Multiple use of biological resources (PA Bioeconomy)	Fragmented resource use across sectors (agriculture, forestry, aquaculture) and limited cross-sectoral collaboration.	Facilitates innovation and competitiveness through multiple-use of resources, industrial symbiosis, and cross-sectoral collaboration, unlocking new market opportunities.	- Support for European bioeconomy strategy; - Policy papers on multiple-use strategies; - Projects using digital tools like GIS for resource management.
Transnational tourism development (PA Tourism)	Accessibility, connectivity, and seasonality in remote/rural areas; need for sustainable tourism to promote local employment and infrastructure development.	Supports sustainable growth in tourism by creating resilient communities, improving infrastructure, and mitigating rural-urban migration while addressing seasonal demand.	- Developing year-round tourism offers; - Promoting sustainable tourism; - Enhancing biodiversity protection; - Flagship projects on tourism in remote regions.
Investing in people, skills, and technology in tourism (PA Tourism)	Skills gaps, lack of digital transformation, and challenges in adapting labour markets and fostering innovation in the tourism industry.	Strengthens competitiveness by developing skills, fostering digital transformation, and promoting innovation to adapt to new business models and labour market demands.	- Digital transformation of tourism SMEs; - Baltic Sea Tourism (2030) scenarios; - Flagship projects on transnational networks and innovation in tourism.
Protection of cultural heritage in tourism (PA Tourism)	Need for greener, more sustainable tourism, respectful of local communities, cultural heritage, and natural resources.	Promotes sustainable tourism through the conservation of cultural and natural resources, fostering eco-friendly practices, and enhancing the appeal of local heritage.	- Promoting green tourism offers; - Eco-friendly mobility; - International cooperation projects focusing on cultural and natural heritage conservation.
Promoting cultural and creative industries (CCS) (PA Culture)	Micro-sized enterprises, self-employment challenges, access to capital, and marketing opportunities for the creative and cultural sectors (CCS).	Strengthens economic growth by promoting creative industries, fostering entrepreneurship, and building institutional support for creative sectors to improve competitiveness.	- Supporting CCS start-ups (30 supported CCS); - Policy recommendations for CCS framework; - Flagship projects like 'Creative Ports' and 'Baltic Game Industry'.
Promoting cultural diversity and European values (PA Culture)	Limited funding for small-scale cultural actions, need for stronger cultural exchange to promote European values and regional cultural diversity.	Promotes social innovation, strengthens civil society, and enhances regional identity by fostering cultural exchange, supporting cultural diversity, and innovation in culture.	- Baltic Sea Cultural City project; - Flagships like 'Urb Cultural Planning'; - Micro-project funding for small-scale cultural initiatives.

Preserving cultural heritage and regional identity (PA Culture)	Need for innovative heritage management, increasing societal/ economic value of cultural heritage, and improving public access to heritage on land and underwater.	Enhances regional identity and attracts tourists by preserving cultural heritage, promoting awareness of shared history, and fostering transnational cooperation.	- Heritage management measures; - Flagship projects like <i>Baltic Sea History Project</i>; - 'BalticRIM' (integrated maritime cultural heritage management).
Preventing early school leaving (PA Education)	Early school leaving leading to NEET situations, lack of support for youth, especially migrants and at-risk groups, and digital transformation in education.	Reduces social costs and improves labour market integration by preventing school dropout and reintegrating NEETs. Improves workforce skills through digital readiness.	- Flagship project: School to Work (S2W); - Platforms for Early School Leaving (ESL) and NEETs; - Strategies to engage 100 members by 2023.
International excellence in research (PA Education)	Lack of coordinated research policies, low transnational use of research facilities, need for improved mobility and commercial viability of research.	Enhances competitiveness by creating a common research and innovation area, improving cross-border cooperation, and addressing societal challenges like digitalisation.	- Flagship projects: Baltic Science Network (BSN), Baltic University Programme (BUP); - Research Internships (BARI); - Yearly conferences, workshops, courses.
A labour market for all (PA Education)	Need for lifelong learning, upskilling/ reskilling for adults and older workers, addressing demographic shifts, and increasing digital competence in the workforce.	Strengthens labour market competitiveness by supporting active aging, lifelong learning, and creating flexible pathways for skill development, including digital skills.	- Flagship project: Baltic Sea Labour Forum (BSLF); - Sustainable Working Life (ESF) project; - Conferences, study visits, working groups for aging and reskilling.
Recognising migrant potential (PA Education)	Refugee integration into the labour market, upskilling of low-skilled migrants, demographic issues with aging populations, and challenges in activating skilled labour.	Fills labour shortages by integrating migrants into the workforce, offering tailored vocational training, and addressing skills gaps in Member States with shrinking populations.	- Early recognition of migrant potential; - Provide tailored vocational education and in-company training; - Refugee labour market integration strategies.

Source: the author's own elaboration based on analysis of the *EUSBSR Action Plan 2021* (see: European Commission 2021a).

The evolution of the EUSBSR – policy implications

The comparative analysis of the *EUSBSR Action Plans* from 2009 and 2021 underscores a significant shift in the EU's macro-regional policy – from addressing barriers to enhancing

regional competitiveness through inclusive, cooperative, and innovation-driven strategies. The *Action Plan 2009* was focused on market integration and institutional reforms to facilitate cross-border market access, primarily benefiting SMEs, with limited emphasis on broader regional competitiveness. In contrast, the *Action Plan 2021* emphasises sustainable and disruptive innovations, cross-sectoral collaboration, and digital transformation, reflecting a proactive approach to competitiveness and sustainability. The EUSBSR's transition from reactive, barrier-focused policies to strategies that foster resilience and adaptability highlights an evolved understanding of competitiveness, informed by both Porter's emphasis on enabling business environments and Krugman's focus on open markets and collaborative growth.

The integration of cross-sectoral collaboration and the promotion of disruptive innovation reflect the region's effort to position itself competitively in the global market. This holistic approach to regional development demonstrates a deeper understanding of the complex factors that drive regional competitiveness in today's interconnected global economy. While analysed within the theoretical framework, the EUSBSR's approach presents interesting empirical evidence of a policy that may be seen as a compromise of two very different approaches to competitiveness. On the other hand, it reflects Porter's recognition of the role of government (here represented as a EU policy framework common for the respective Member States) as a creator of an environment conducive to business development by investing in infrastructure, education, research, and regulatory frameworks. In line with Porter's argument, the *EUSBSR Action Plan 2021* reflects a governmental focus on fostering innovation through long-term investments in these key areas. The plan's emphasis on developing the bioeconomy, digital transformation, and green sectors reflects Porter's idea that governments should not directly intervene by picking winners in specific industries, but should instead support the business environment that allows emergence of competitive clusters. The shift toward cross-sectoral collaboration and start-up ecosystems is a clear indication of how the EUSBSR aligns with Porter's focus on enhancing productivity and creating competitive advantages through innovation, as well as his call for bottom-up initiatives that are market-based and that increase the microeconomic competitiveness (Porter 1998a,b; Ketels, Porter 2021).

On the other hand, the EUSBSR appears to resonate with Krugman's approach to competitiveness, as it avoids protectionist strategies and focuses on building innovation capacity through open markets and global cooperation. By emphasising transnational cooperation and integration with EU funding mechanisms, the EUSBSR promotes a collaborative, rather than competitive, stance on economic development in the Baltic Sea Region (Krugman 1994). Krugman's emphasis on free trade and global cooperation aligns with the EUSBSR's efforts to embed its priorities in broader EU funding frameworks. Primarily, the development of the *EU Strategy for the Baltic Sea Region* underscores the notion that the attainment of a competitive economy and market is fundamentally driven by the pursuit of economic and social objectives, thereby contributing to an increase in social welfare (Androniceanu et al. 2020) and by robust priority given to environmental issues as indispensable for sustainable development of the region, fits well with the con-

cept of sustainable competitiveness. Thus, the macro-regional policies might be seen as a compromise in designing and applying competitive frameworks by the policymakers to facilitate the overall development.

Policy implications of the *EUSBSR Action Plan 2021* include the need for flexible, multi-level governance frameworks that integrate cross-sectoral and bottom-up initiatives to drive regional development. The *Action Plan's* focus on supporting start-up ecosystems, green industries, and digital technologies illustrates a holistic approach to competitiveness, aligning regional objectives with broader EU sustainability goals. However, structural challenges remain, such as embedding EUSBSR priorities within national policies, clarifying the role of flagship projects, and establishing a cohesive multi-level governance structure to strengthen cross-border implementation.

Recent geopolitical tensions, notably the suspension of cooperation with Russia and Belarus, pose significant obstacles, especially in environmental efforts critical to BSR. The objective 'Save the Sea' faces setbacks due to halted pollution control efforts. Future policy adaptations should address these gaps, ensuring that macro-regional strategies not only enhance economic potential, but also respond dynamically to security and environmental challenges. Such adjustments would reinforce the EUSBSR as a framework for sustainable competitiveness, resilient regional collaboration, and shared prosperity.

Conclusions and recommendations

This article examines the European Union's macro-regional policy through the lens of various competitiveness concepts within the EU's evolving political framework, focusing on the *EU Strategy for the Baltic Sea Region* (EUSBSR) as a case study. The author evaluates the mechanisms, extent, and tools, through which macro-regional policies influence regional competitiveness. Macro-regional strategies are viewed as a demonstration of a relatively new approach to competitiveness that goes beyond the traditional concept based on productivity and pure economic indicators. A tailored conceptual framework was developed to facilitate the dynamic analysis of the EUSBSR, with particular emphasis on its prosperity-focused priorities and their contribution to fostering regional competitiveness. By comparing the initial and most recent *EUSBSR Action Plans* (2009 and 2021), the study illustrates the evolution of policy priorities and the institutional factors as fundamental to regional competitiveness over time.

The article highlights the significance of institutional support in fostering cross-border cooperation, public-private partnerships, and effective resource allocation. By focusing on a single case study – the Baltic Sea Region – it provides empirical insights into how coordinated policy efforts can improve economic outcomes and quality of life, enriching the understanding of regional competitiveness dynamics in a broader theoretical context, combining the micro- and macroeconomic levels and referring to sustainable competitiveness theoretical framework.

The findings underscore that achieving a competitive regional economy is intrinsically tied to advancing economic and social goals, ultimately enhancing social welfare

of the Baltic Sea Region countries. Furthermore, the integration of environmental priorities is consistent with sustainable competitiveness, which is essential for the Baltic Sea Region's long-term development.

The conclusions derived from the EUSBSR's approach to competitiveness are as follows:

- 1) Macro-regional policies embody a balanced approach to designing competitiveness frameworks, enabling policymakers to support holistic regional development, while addressing dimensions of sustainability, competitiveness, and innovation.
- 2) Effective regional development requires the ability to adapt to emerging challenges and leverage collaborative efforts across both macro (top-down policies and administrative directives) and micro (bottom-up, cross-sectoral projects) levels. Such a dual approach enhances economic potential and regional competitiveness.
- 3) Managing regional economic potential necessitates ongoing adjustments and improvements. Flexible policy frameworks that leverage existing institutional and legal structures – particularly through the engagement of the “operational level,” encompassing multiple sectors and management layers, as exemplified by macro-regional strategies – can significantly improve policy effectiveness. These frameworks present a viable alternative to management models at various administrative scales, from local to EU levels.

Further research could be focused on measuring the real impact of the EUSBSR's policy framework on competitiveness of the region and comparing its effectiveness with other policy frameworks/models in the areas included in transnational cooperation, both within and outside the European Union.

Marta Czarnecka-Gallas – PhD, assistant professor at the Faculty of Economics at the University of Gdańsk. Her research interests include international trade, trade policy, industrial policy, macro-regional policy, sustainable development, and competitiveness. She has coordinated international projects aligned with the goals of the *EU Strategy for the Baltic Sea Region*, especially in the areas of blue and green growth and the development of transnational destinations. During the presidency of the Pomeranian Voivodeship in the international organisation *Baltic Sea States Subregional Co-operation* (BSSSC), she was a Secretary General. For a few years she was an expert in *Team Europe* at the European Commission Representation in Poland.

Marta Czarnecka-Gallas – doktor, adiunkt na Wydziale Ekonomii Uniwersytetu Gdańskiego. Zajmuje się zagadnieniami z zakresu handlu międzynarodowego, polityki handlowej, polityki przemysłowej, polityki makroregionalnej, zrównoważonego rozwoju oraz konkurencyjności. Przez wiele lat koordynowała projekty międzynarodowe wpisujące się w cele *Strategii UE dla Regionu Morza Bałtyckiego*, szczególnie z zakresu niebieskiego i zielonego wzrostu oraz rozwijania destynacji transnarodowych. Podczas prezydencji województwa pomorskiego w międzynarodowej organizacji *Baltic Sea States Subregional Co-operation* (BSSSC) pełniła funkcję Sekretarza Generalnego. Przez kilka lat była ekspertem *Team Europe* przy Przedstawicielstwie KE w Polsce.

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Konkurencyjność Polski w eksporcie usług biznesowych opartych na wiedzy (KIBS) w okresie członkostwa w Unii Europejskiej

Joanna Wyszowska-Kuna, University of Lodz (Łódź, Poland)

E-mail: joanna.kuna@uni.lodz.pl

<https://orcid.org/0000-0002-0750-1719>

Streszczenie

Celem artykułu jest zbadanie konkurencyjności i specjalizacji Polski w eksporcie usług biznesowych opartych na wiedzy (ang. *knowledge-intensive business services* – KIBS) w latach 2004–2022. W badaniu wykorzystano metodę mapowania produktów w oparciu o wartości dwóch wskaźników: znormalizowany wskaźnik przewagi komparatywnej (NRCA) i wskaźnik bilansu handlowego (TBI). Wyniki przeprowadzonego badania wnoszą wkład do literatury przedmiotu poprzez: (1) zidentyfikowanie w polskim eksporcie „wiodących KIBS eksportowych” oraz KIBS, które mają potencjał do zdobycia przewagi komparatywnej; (2) zbadanie konkurencyjności i specjalizacji eksportowej w odniesieniu do wąskich kategorii KIBS dla całego okresu uczestnictwa Polski w jednolitym rynku europejskim; (3) porównanie konkurencyjności i specjalizacji eksportowej sektora KIBS w Polsce na rynku UE i na rynkach krajów trzecich. Wyniki badania empirycznego pokazują, iż niektóre branże KIBS w Polsce poprawiły swoją konkurencyjność w okresie członkostwa w UE, choć w większym stopniu dotyczy to eksportu do krajów spoza UE, niż z UE. Może wynikać to z silnej konkurencji na rynku UE oraz z faktu, że w handlu usługami, szczególnie w odniesieniu do KIBS dostarczanych online (np. usługi komputerowe), odległość nie odgrywa roli. Polska wykształtowała specjalizację regionalną w eksporcie usług księgowych, a wskazują na to najwyższe wartości obydwu wskaźników dla tej kategorii, w porównaniu z innymi kategoriami KIBS w Polsce oraz w porównaniu z innymi krajami UE. Natomiast, „wiodącą branżą eksportową” z sektora KIBS w Polsce okazały się usługi komputerowe, ale tylko na rynkach krajów spoza UE. Niestety, mimo tendencji wzrostowych, znaczenie „wiodących KIBS eksportowych” w polskim eksporcie jest wciąż niewielkie, szczególnie na rynku UE. Dlatego konieczne jest podjęcie dalszych działań mających na celu wzmocnienie konkurencyjności sektora KIBS w Polsce, a kluczowe jest wsparcie dla inwestycji w kapitał ludzki, transformację cyfrową oraz B&R.

Słowa kluczowe: przewaga komparatywna, konkurencyjność, usługi biznesowe oparte na wiedzy, KIBS, eksport, Polska, Unia Europejska, jednolity rynek usług, członkostwo w UE

Competitiveness of Poland in the export of knowledge-intensive business services (KIBS) during EU membership

Abstract

The aim of this article is to assess the competitiveness and specialisation of Polish *knowledge-intensive business services* (KIBS) export during the years 2004–2022. The product mapping method is used, which is based on the values of two indicators, i.e.: the normalised revealed comparative advantage index (NRCA) and the trade balance index (TBI). The study contributes to the academic literature by: (1) identifying the leading exported KIBS as well as KIBS with the potential to gain comparative advantage in Polish exports; (2) examining export competitiveness and specialisation in very narrow KIBS categories for the entire period of Poland's participation in European Single Market; (3) comparing the competitiveness and export specialisation of the KIBS sector in Poland in the EU and non-EU markets. The empirical results demonstrate that some of the KIBS industries in Poland have improved their competitiveness during the period of EU membership, but rather in exports outside the EU than to the EU. This may be due to strong competition in EU market and the fact that distance does not play a significant role in trade in services, especially in case of KIBS delivered online (e.g. computer services). Poland has developed a regional specialisation in the export of accountancy services, which is proven by the highest values of both indicators for this category, compared to other KIBS categories in Poland and compared to other EU countries. On the other hand, computer services appeared to be the leading exported product from the KIBS sector, but only outside the EU. Unfortunately, despite the upward trends, the importance of the leading exported KIBS in Polish exports is still small, especially in EU market. Therefore, it is necessary to take further actions aimed at strengthening the competitiveness of the KIBS sector in Poland, and the support for investments in human capital, digital transformation and R&D is crucial.

Keywords: comparative advantage, competitiveness, knowledge-intensive business services, KIBS, export, Poland, European Union, European Single Market, EU membership

Usługi biznesowe, w szczególności te charakteryzujące się wysokim powiązaniem z technologią i wiedzą, odgrywają kluczową rolę we współczesnych gospodarkach. Efektem tego jest dynamiczny rozwój grupy usług określanej jako *usługi biznesowe oparte na wiedzy* (ang. *knowledge-intensive business services* – KIBS). Stanowią one wkład w procesy produkcyjne i w związku z tym wpływają na efektywność i innowacyjność przedsiębiorstw oraz całego systemu gospodarczego (Wyszowska-Kuna 2016).

Znaczenie KIBS dostrzegane jest również w Unii Europejskiej. Celem regulacji unijnych w obszarze swobody przepływu usług jest zniesienie barier napotykaných przez usługodawców i usługobiorców, którzy mając obywatelstwo jednego kraju członkowskiego, chcą świadczyć usługi lub z nich korzystać w innym państwie członkowskim. Uzupełnieniem swobody przepływu usług jest swoboda wyboru miejsca prowadzenia przedsiębiorstwa usługowego na terenie UE przez obywateli UE w ramach swobody

przedsiębiorczości. W ten sposób regulacje unijne odnoszą się do wszystkich czterech sposobów udziału usług w wymianie międzynarodowej wyszczególnionych w definicji handlu usługami obowiązującej w Światowej Organizacji Handlu (World Trade Organization 1995). Należy zauważyć jednak, że mimo wielu działań podejmowanych w celu budowy jednolitego rynku usług, nie został on wciąż w pełni osiągnięty. W różnych dokumentach unijnych cel ten jest wskazywany jako jeden z priorytetów wspierających dalszy rozwój i podnoszenie konkurencyjności UE właśnie z uwagi na kluczową rolę usług biznesowych, w szczególności KIBS (Parlament Europejski 2004; European Commission 2002; Europejski Trybunał Obrachunkowy 2016).

W Polsce swoboda przepływu usług, inaczej niż swoboda przepływu towarów, nie została wprowadzona na mocy Układu Europejskiego (1994). W okresie stowarzyszenia możliwość świadczenia usług na terenie drugiej strony Układu była możliwa jedynie poprzez założenie firmy usługowej z możliwością zatrudnienia personelu kluczowego z kraju macierzystego. Dopiero akcesja do UE oznaczała przystąpienie Polski do jednolitego rynku europejskiego (JRE), którego częścią jest rynek usług. Dla polskich usługodawców oznaczało to możliwość wyboru sposobu w jaki chcą sprzedawać swoje usługi na rynku unijnym, ale jednocześnie wiązało się ze wzrostem konkurencji ze strony przedsiębiorstw z innych krajów UE.

W związku z powyższym, **celem niniejszego artykułu** jest zbadanie konkurencyjności i specjalizacji eksportowej Polski w tym ważnym obszarze w okresie członkostwa w UE (na rynku unijnym i poza UE) oraz zidentyfikowanie „wiodących KIBS eksportowych” oraz KIBS z potencjałem na zdobycie przewagi w polskim eksporcie.

Przegląd badań

W literaturze przedmiotu można wskazać kilka prac prezentujących wyniki badań konkurencyjności Polski w eksporcie usług opartych na wiedzy, na ogół w porównaniu z innymi krajami UE. Usługi te charakteryzowały się wysoką dynamiką eksportu po akcesji Polski do UE, ale ich udział w polskim eksporcie był około dwukrotnie niższy niż średnio w UE. Od 2007 roku Polska notowała przewagę komparatywną oraz nadwyżkę handlową w tym obszarze (przy wysokiej tendencji wzrostowej), a globalny kryzys finansowy spowodował umocnienie tej przewagi w handlu poza UE (Wyszkowska-Kuna 2014). Polska, podobnie jak inni nowi członkowie UE z Europy Środkowo-Wschodniej (ESW), była mniej konkurencyjna w eksporcie KIBS w porównaniu z krajami należącymi do UE przed 2004 rokiem (tzw. kraje starej UE). Akcesja miała jednak pozytywny wpływ na ich konkurencyjność w tym obszarze, która wynikała głównie z niższych kosztów pracy i wyposażenia w kapitał ludzki. Inaczej sytuacja wyglądała w krajach starej UE, gdzie konkurencyjność sektora KIBS była głównie zdeterminowana przez poziom zaawansowania technologicznego mierzony wartością wydatków na B&R (Wyszkowska-Kuna 2017).

Kraje ESW zdołały znacząco poprawić swoją pozycję w produkcji i wymianie KIBS w okresie członkostwa w UE, dzięki przyciąganiu zagranicznych inwestycji oraz rozwo-

jowi potencjału eksportowego. W tym samym czasie cała Europa, choć wciąż posiada przewagę w eksporcie KIBS i odpowiada za połowę wymiany w tym obszarze, zmniejszyła swój udział w światowym eksporcie KIBS na rzecz Azji i obu Ameryk. Oczywiście, kraje ESW muszą mierzyć się z różnego rodzaju wyzwaniami, w szczególności ze spadkiem swojej przewagi kosztowej w wyniku wyrównywania się wynagrodzeń w UE. Rozwiązaniem jest budowa przewagi w usługach o większej wartości dodanej, bardziej dostosowanych do potrzeb klienta i bardziej złożonych, co już jest zauważalne w Polsce oraz w innych krajach ESW (Brodzicki 2024). Wymaga to jednak polityki wspierającej dalsze inwestycje w rozwój kapitału ludzkiego, transformację cyfrową oraz innowacyjność (Draghi 2024).

Rozwojowi potencjału eksportowego sektora KIBS w krajach ESW sprzyja także tendencja do *near-shoringu*, która pojawiła się po pandemii Covid-19. Polega ona na realokacji różnych działalności usługowych do bliskich lokalizacji w ramach danego regionu w celu zwiększenia stabilności łańcuchów dostaw, a główne zalety regionu ESW to wykwalifikowani pracownicy, bliskość kulturowa i korzystne położenie geograficzne. Region ten jest również atrakcyjny z powodu nowego zjawiska, uwarunkowanego skomplikowaną sytuacją geopolityczną w Europie i na świecie. Mowa o *friend-shoringu* lub *ally-shoringu*, polegającym na przenoszeniu różnych działalności usługowych do krajów sprzymierzonych politycznie i militarnie, które jednocześnie wykazują się stabilnością gospodarczą. W rezultacie przewaga kosztowa schodzi na plan dalszy, a kluczowego znaczenia nabiera ograniczenie ryzyka podatności działalności gospodarczej na różnego rodzaju zaburzenia w sytuacjach kryzysowych (Baldwin, Freeman 2022; UNCTAD 2022; Brodzicki 2024).

Analizując czynniki determinujące konkurencyjność w wymianie KIBS, należy także zauważyć, iż zestaw kluczowych determinant może różnić się w zależności od branży KIBS. Joanna Stefaniak (2024) dowiodła, iż wymiana między krajami UE w obszarze usług informatycznych, prawnych i rachunkowych w latach 2014–2019 była zdeterminowana przez czynniki specyficzne dla usług biznesowych, w tym innowacyjność i otwartość gospodarek. Natomiast czynniki regulacyjne determinowały wymianę w usługach architektonicznych i inżynierskich, a największe znaczenie miało zróżnicowanie regulacji w kraju usługodawcy i w kraju usługobiorcy, a w przypadku usług inżynierskich – również restrykcyjność tych regulacji.

W literaturze przedmiotu można zidentyfikować też grupę badań wskazujących na pozytywny wpływ liberalizacji handlu usługami produkcyjnymi (obejmującymi KIBS) dla konkurencyjności działów wykorzystujących te usługi, co w szczególności odnosi się do towarów zaawansowanych technologicznie (Francois, Woerz 2008; Wolfmayr 2008; Arnold i in. 2011). Natomiast Guerrieri i Mieliciani (2005) dowiedli, iż kraje specjalizujące się w produkcji takich towarów mają większe zdolności do rozwijania przewagi komparatywnej w eksporcie usług komunikacyjnych, finansowych i biznesowych, ponieważ branże zaawansowane technologicznie zgłaszają większe zapotrzebowanie na tego typu usługi niż inne sektory gospodarki. W kolejnym badaniu (Wyszowska-Kuna 2017) wykazano, iż poziom wykorzystania KIBS pochodzenia krajowego w gospodarkach krajów UE pozy-

tywnie determinował konkurencyjność międzynarodową samego sektora KIBS. Według Stefaniak (2024), uczestnictwo w ugrupowaniu integracyjnym pozwala rozwijać specjalizację eksportową w usługach biznesowych nawet w państwach o relatywnie niewielkim popycie na te usługi (czego dowodzi np. pojawienie się specjalizacji eksportowej Bułgarii i Rumunii w usługach informatycznych, czy też pogłębienie specjalizacji Bułgarii w usługach rachunkowych, a Rumunii – w usługach inżynierskich).

Międzynarodowej wymianie KIBS towarzyszy przepływ wiedzy, który dodatkowo wzmacnia konkurencyjność przemysłu krajowego (Rodriguez, Camacho 2008). Wzrost wykorzystania usług zaawansowanych technologicznie i wzrost ich nasycenia B&R przyczyniają się do dyfuzji B&R zawartych w tych usługach. Import takich usług jest istotnym, a w niektórych krajach nawet głównym kanalem dyfuzji B&R (np. w Niemczech i Belgii).

Regulacje dotyczące swobody przepływu usług w Unii Europejskiej

Obecnie ramy prawne dla swobody przepływu usług wyznacza Traktat o funkcjonowaniu Unii Europejskiej (TFUE) w obszarze ogólnych zasad traktatowych oraz regulacji dotyczących rynku wewnętrznego, swobody przepływu usług oraz polityki konkurencji. Uzupełnieniem są regulacje dotyczące swobody przedsiębiorczości.

Regulacje dotyczące swobody przepływu usług określane są też przez akty prawa wtórnego, przede wszystkim przez dyrektywę dotyczącą usług na rynku wewnętrznym, znaną jako „dyrektywa usługowa” (Dyrektywa 2006/123/WE, przyjęta w 2006 roku, a wprowadzona w życie 28 grudnia 2009 roku¹) oraz dyrektywy sektorowe służące harmonizacji ustawodawstw państw członkowskich w niektórych sektorach usług.

Dyrektywa usługowa została przyjęta w celu usunięcia barier prawnych i administracyjnych, zidentyfikowanych przez Komisję Europejską (KE) jako utrudniające funkcjonowanie jednolitego rynku usług (European Commission 2002). Niestety kilka lat po wejściu jej w życie, stwierdzono utrzymywanie się znacznej liczby barier na jednolitym rynku usług. Wynika to z niejasnego sformułowania przepisów dyrektywy oraz z niewystarczająco skutecznych działań w zakresie jej wdrożenia ze strony KE, odpowiedzialnej za koordynację polityki w tym obszarze (Europejski Trybunał Obrachunkowy 2016).

W 2015 roku KE przedstawiła komunikat pt. *Usprawnianie jednolitego rynku: więcej możliwości dla obywateli i przedsiębiorstw* (zob. Komisja Europejska 2015), który stał się podstawą do przyjęcia trzech aktów prawnych w 2018 roku:

- 1) Rozporządzenia 2018/302 dotyczącego nieuzasadnionego blokowania geograficznego oraz innych form dyskryminacji klientów;²

¹ Większość państw UE, w tym Polska, wdrożyły tę dyrektywę z opóźnieniem, najpóźniej zrobiła to Grecja w 2012r.

² Rozporządzenie 2018/302 określa sytuacje, w których różnicowane zasady dostępu do usługi lub inna forma dyskryminacji klientów pochodzących z innych krajów UE niż usługodawca są nieuzasadnione.

- 2) Dyrektywy 2018/958 w sprawie analizy proporcjonalności przed przyjęciem nowych regulacji dotyczących zawodów;³
- 3) Dyrektywy 2018/957 dotyczącej delegowania pracowników w ramach świadczenia usług.⁴

W celu uproszczenia procedur związanych z uznawaniem kwalifikacji w odniesieniu do zawodów regulowanych, wprowadzono też europejską legitymację zawodową. Niestety jest ona stosowana tylko w odniesieniu do kilku zawodów: pielęgniarz/pielęgniarka, farmaceuta, fizjoterapeuta, przewodnik górski oraz pośrednik w handlu nieruchomościami.

Jednocześnie widoczna jest zmiana w podejściu do integracji rynku usług, z horyzontalnego na rzecz liberalizacji wybranych sektorów. Jest to uzasadnione, m.in. z tego względu, że stopień zaawansowania swobody przepływu usług różni się w zależności od rodzaju usług. Jak wykazała Stefaniak (2024), w odniesieniu do usług informatycznych, prawnych i rachunkowych swoboda ta działa skutecznie i nie ma potrzeby wprowadzania nowych regulacji na poziomie UE. Natomiast swoboda świadczenia usług architektonicznych i inżynierskich napotyka szereg barier regulacyjnych, wynikających przede wszystkim ze zróżnicowania regulacji w kraju pochodzenia usługodawcy oraz kraju świadczenia usługi. Polska należy do krajów UE o bardziej restrykcyjnych regulacjach odnośnie usług biznesowych. Konieczne wydaje się tu skuteczniejsze stosowanie zasady wzajemnego uznawania (np. licencji lub certyfikatów wydawanych przez europejskiej instytucje lub instytuty zawodowe) oraz poprawa w zakresie przejrzystości i dostępu do informacji o regulacjach w różnych krajach UE.

Metodologia badania i dane

Najbardziej spójną interpretacją konkurencyjności jest mikroekonomiczne pojęcie konkurencyjności kosztowej powiązane z przewagą komparatywną, identyfikowaną na podstawie produktywności, przy czym konkurencyjność kosztowa uwzględnia różne zniekształcenia cenowe wartości produkcji i kosztów, podczas gdy przewaga komparatywna opiera się wyłącznie na produktywności czynników produkcji (Siggel 2006). Jednym z najczęściej stosowanych wskaźników konkurencyjności w eksporcie danego produktu jest wskaźnik ujawnionej przewagi komparatywnej autorstwa Balassy (ang. *Revealed Comparative Advantage* – RCA). Choć powszechnie wskaźnik ten jest postrzegany jako miernik przewagi komparatywnej, w rzeczywistości odzwierciedla on sukces eksportu danego kraju w porównaniu z normą światową. Taki sukces może wynikać z dotacji lub innych zniekształceń cen, a nie z wysokiej produktywności. Z tego powodu, jak zauważa Siggel (2006), wskaźnik RCA mierzy konkurencyjność, a nie przewagę komparatywną.

³ Dyrektywa 2018/958 ustanawia jednolite zasady przeprowadzania ocen proporcjonalności przed wprowadzeniem nowych lub zmianą istniejących przepisów regulujących zawody wymienione w dyrektywie 2005/36/WE.

⁴ Dyrektywa 2018/957 zapewnia pracownikom tymczasowo delegowanym na terytorium innego państwa członkowskiego takie same podstawowe warunki, jakie mają zastosowanie do miejscowych pracowników zatrudnionych w przyjmującym państwie członkowskim.

Wskaźnik Balassy, stosowany w licznych badaniach, wykazuje pewne wady, takie jak:

- asymetria wskaźnika (przedział niekorzyści komparatywnej [0,1] ma górną granicę, która nie istnieje w przypadku przewagi komparatywnej [1,+∞], co wiąże się z ryzykiem braku normalności w jego rozkładzie);
- przypisuje on większą wagę wartościom większym niż 1 w porównaniu do obserwacji mniejszych niż 1;
- brak addytywności indeksu, czyli możliwości obliczenia wskaźnika RCA dla kraju lub grupy produktów (Yu i in. 2009; Laursen 2015; Ceglowski 2017).

W odpowiedzi na krytykę oryginalnego indeksu Balassy pojawiło się kilka zmodyfikowanych indeksów RCA. Niemniej jednak, nie da się udzielić jednoznacznej odpowiedzi, który wskaźnik RCA jest teoretycznie najwłaściwszy. Nie ma *a priori* powodu, dla którego ten sam wskaźnik RCA miałby zapewniać najlepsze miary empiryczne dla różnych konfiguracji krajów, produktów lub okresów (Stellian, Danna-Buitrago 2022).

W niniejszym badaniu zastosowano znormalizowany wskaźnik RCA (oznaczany jako NRCA), ponieważ pozwala on uniknąć wspomnianych powyżej słabości oraz umożliwia porównania między sektorami, krajami oraz w czasie (Yu i in. 2009; Ceglowski 2017; Stellian, Danna-Buitrago 2022). Wartości wskaźnika NRCA dla eksportu produktu j z kraju i oblicza się w oparciu o następujący wzór:

$$NRCA_{ij} = \frac{X_{ij}}{X_w} - \frac{X_{wj}X_i}{X_wX_w} \quad (1)$$

gdzie:

X_{ij} – oznacza eksport produktu j z kraju i ,

X_i – całkowity eksport z kraju i ,

X_{wj} – światowy eksport produktu j ,

X_w – całkowity światowy eksport.

Indeks mierzy odchylenia w eksporcie danego kraju i (X_{ij}) od punktu neutralnego pod względem przewagi komparatywnej, definiowanego przez to, jaki byłby udział danego kraju w światowym eksporcie produktu j , gdyby równał się on udziałowi tego kraju w światowym eksporcie ($X_{wj}X_i/X_w$). Odchylenia są następnie normalizowane przez całkowity światowy eksport (X_w). Wskaźnik NRCA przyjmuje wartość dodatnią, gdy rzeczywisty eksport przekracza punkt neutralny dla przewagi komparatywnej i wskazuje na istnienie przewagi komparatywnej; wartość ujemna oznacza względną niekorzyść. Ponieważ formuła NRCA daje bardzo małe liczby w zakresie od $-1/4$ do $+1/4$, wszystkie obliczone wartości zostały pomnożone przez 10 000 (Yu i in. 2009).

Wadą wskaźnika NRCA jest nieuwzględnienie importu. Posiadanie przez kraj i przewagi komparatywnej w eksporcie produktu j , nie musi oznaczać braku importu w tym obszarze, a kraj i może okazać się nawet importerem netto tego produktu (inne kraje mogą oferować zróżnicowane wersje j , które kraj i może chcieć nabyć nawet po wyższej cenie). Zatem dopiero jednoczesne uwzględnienie eksportu i importu pozwala na

pełniejszą interpretację przewag komparatywnych (Vollrath 1991). W niniejszym badaniu wykorzystano wskaźnik bilansu handlowego (ang. *Trade Balance Index* – TBI) pokazujący wkład netto danego kraju w handel światowy (Lafay 1992):

$$TBI_{ij} = \frac{X_{ij} - M_{ij}}{X_{ij} + M_{ij}} \quad (2)$$

gdzie *i* oznacza kraj, *j* – produkt, *X* – eksport, a *M* – import.

Indeks TBI przyjmuje wartości od 1 do -1. Jeżeli kraj *i* notuje dodatnie saldo w wymianie handlowej produktem *j* ($TBI_{ij} > 0$), to oznacza, że posiada specjalizację eksportową w tym obszarze. Deficyt handlowy w wymianie produktem *j* ($TBI_{ij} < 0$) wskazuje na brak specjalizacji eksportowej w tym obszarze. Wartość wskaźnika równa 0 ($X_{ij} + M_{ij} = 0$) oznacza brak wymiany handlowej w tym obszarze.

Stosując jednocześnie wskaźniki $NRCA_{ij}$ i TBI_{ij} , można pogrupować poszczególne kategorie KIBS w cztery grupy charakteryzujące się różnym stopniem konkurencyjności oraz zidentyfikować „wiodące produkty eksportowe” (Widodo 2009).

Wartości wskaźników NRCA i TBI obliczono na podstawie danych odnośnie międzynarodowego handlu usługami z bazy Eurostatu dla okresu 2004–2022. W 2010 r. nastąpiła zmiana sposobu klasyfikacji usług w bilansie płatniczym (BPM6) i dlatego konieczne było skorzystanie z dwóch źródeł danych: (1) *International trade in services – historical data (2004–2013)* oraz (2) *International trade in services (since 2010) (BPM6)*.⁵

W obydwu źródłach Unia Europejska definiowana jest jako obejmująca 27 krajów, ale w pierwszym przypadku są to kraje należące do UE w latach 2007–2013 (obecne kraje członkowskie bez Chorwacji i z Wielką Brytanią), a w drugim przypadku są to kraje należące do UE od 2020 r. (z Chorwacją i bez Wielkiej Brytanii). Dla okresu od 2010 r. możliwy był również wybór bazy danych, w której UE definiowana jest jako obejmująca 28 krajów (z Chorwacją i Wielką Brytanią), ale w tej bazie dane dostępne są tylko do 2020 roku. W związku ze zmianą sposobu klasyfikacji usług w bilansie płatniczym oraz ze zmianą sposobu definiowania UE, dane dla okresu 2004–2009 nie są w pełni porównywalne z danymi dla okresu 2010–2022.

W literaturze przedmiotu są różne podejścia do kwestii definiowania usług zaliczanych do KIBS (Wyszowska-Kuna 2016). W oparciu o wąskie podejście, które wskazywane jest jako właściwsze, handel KIBS powinien obejmować następujące kategorie:

- Opłaty z tytułu użytkowania własności intelektualnej (SH);
- Usługi komputerowe (SI2);
- Usługi informacyjne (SI3), w tym usługi agencji prasowych (SI31) oraz inne niż usługi agencji prasowych (SI32);
- Usługi badawczo-rozwojowe B&R (SJ1), w tym prace prowadzone systematycznie w celu zwiększenia stanu wiedzy (SJ11 – w dalszej części artykułu określane

⁵ zob. Eurostat 2024a,b.

- jako B&R-1) oraz usługi B&R inne niż prace prowadzone systematycznie w celu zwiększenia stanu wiedzy (SJ12 – w dalszej części artykułu określane jako B&R-2);
- Usługi profesjonalne i doradcze w zakresie zarządzania (SJ2), w tym usługi prawne, księgowe, doradztwo w zakresie zarządzania i public relations (SJ21), na które składają się: usługi prawne (SJ211); usługi rachunkowe, księgowe, audytorskie i doradztwa podatkowego (SJ212) – w dalszej części artykułu określane jako usługi księgowe; usługi w zakresie doradztwa biznesowego, doradztwa w zakresie zarządzania i public relations (SJ213) – w dalszej części artykułu określane jako usługi doradztwa w zakresie zarządzania;
 - Reklama, badanie rynku i sondaże opinii publicznej (SJ22) – w dalszej części artykułu określane jako usługi reklamowe;
 - Usługi architektoniczne, inżynieryjne, naukowe i pozostałe usługi techniczne (SJ31), na które składają się usługi architektoniczne (SJ311), inżynieryjne (SJ312) oraz naukowe i inne techniczne (SJ313) (zob. IMF 2013).

Konkurencyjność i specjalizacja eksportowa w Polsce w wymianie KIBS

W Tabeli 1 przedstawiono wartości wskaźników NRCA oraz TBI dla tych kategorii KIBS, w eksporcie których były one dodatnie przez cały analizowany okres lub większą jego część. Wskaźniki obliczono oddzielnie dla handlu między Polską a krajami UE oraz krajami spoza niej. Należy zauważyć jednak, że dla większości kategorii KIBS dane dotyczące eksportu i importu dostępne są od 2010 r. (dla niektórych – nawet od 2013 r.), co utrudnia analizę wpływu akcesji do UE na konkurencyjność Polski w wymianie KIBS. W przypadku tych kategorii, dla których dane dostępne są od 2004 r., dodatnia wartość wskaźnika NRCA przy wyraźnej tendencji wzrostowej widoczna jest jedynie w eksporcie usług reklamowych (SJ22). Wzrost wartości wskaźnika NRCA utrzymał się tutaj do 2010 r., ale w kolejnych latach uległ on odwróceniu (najsilniejsze spadki wystąpiły w latach 2019 i 2021, kiedy to wartości wskaźnika NRCA spadły dwukrotnie w porównaniu z rokiem poprzednim). W rezultacie w 2022 r. przewaga komparatywna Polski na unijnym rynku w tym obszarze była już niewielka.

Dodatnie wartości wskaźnika NRCA, również przy tendencji wzrostowej po akcesji Polski do UE, widoczne są jeszcze w eksporcie usług architektonicznych, inżynieryjnych, naukowych i pozostałych technicznych (SJ31). Polska posiadała przewagę komparatywną w eksporcie tych usług na rynek UE w latach 2005–2010, ale była ona niższa niż dla pierwszej kategorii. W kolejnych latach przewaga w tym obszarze zniknęła, ale od 2018 r. pojawiła się ponownie, a od 2020 r. wartość wskaźnika NRCA w eksporcie tych usług była wyższa niż w przypadku pierwszej kategorii.

Z powodu braku danych dla wymiany handlowej w odniesieniu do większości KIBS przed 2010 r., trudno jest też ocenić wpływ wejścia w życie dyrektywy usługowej na konkurencyjność eksportu KIBS z Polski na rynek UE. Dwie kategorie KIBS doświadczyły

stałego wzrostu przewagi komparatywnej, a mianowicie: usługi księgowe (SJ212)⁶ oraz inżynieryjne (SJ312).⁷ Z kolei, przewaga w eksporcie usług B&R-2 (SJ12) utrzymywała się na dość stabilnym poziomie (dane od 2013 r.).

W pierwszych latach członkostwa Polski w UE wskaźnik TBI w wymianie KIBS z krajami UE na ogół przyjmował wartości ujemne. Do wyjątków należały usługi B&R (SJ1), prawne (SJ211) oraz reklamowe (SJ22). Dwie pierwsze kategorie umocniły swoją specjalizację eksportową na rynku UE, zaś ostatnia kategoria doświadczyła tendencji spadkowej (od 2013 r.), co ostatecznie doprowadziło do utraty specjalizacji w tym obszarze (od 2020 r.). W przypadku dwóch pierwszych kategorii oraz usług księgowych (SJ212) widoczne są wzrosty wartości wskaźnika TBI od 2010 r., co mogło mieć związek z wejściem w życie dyrektywy usługowej. Z kolei, usługi komputerowe (SI2) zaczęły wykazywać niewielką specjalizację eksportową od 2013 r., a w ostatnich latach specjalizacja eksportowa pojawiła się też w wymianie usługami architektonicznymi, inżynieryjnymi, naukowymi i pozostałymi technicznymi (SJ31)⁸ oraz informacyjnymi innymi niż agencji prasowych (SI32).⁹

Jeśli chodzi o wymianę z krajami spoza UE, to w pierwszych latach członkostwa w UE Polska posiadała przewagę komparatywną jedynie w eksporcie usług reklamowych (SJ22). Przewaga w tym obszarze pojawiła się w 2005 r. i wykazywała silny wzrost, szczególnie w 2008 roku. W kolejnych latach, mimo dwóch okresów spadkowych, wartość wskaźnika NRCA utrzymywała się na stabilnym poziomie. Natomiast w przypadku KIBS, dla których dane dostępne są w późniejszych latach, przewaga komparatywna wystąpiła w następujących obszarach: usługi prawne (SJ211) i księgowe (SJ212),¹⁰ doradztwo w zakresie zarządzania (SJ213),¹¹ informacyjne (SI3),¹² usługi B&R-2 (SJ12), architektoniczne (SJ311) oraz inżynieryjne (SJ312).¹³ Natomiast dla usług komputerowych (SI2) dane dostępne są od momentu akcesji, ale przewaga pojawiła się dopiero od 2015 r., notując początkowo silny wzrost. W przypadku wymiany handlowej z krajami spoza UE można mówić o specjalizacji eksportowej Polski dla większości kategorii KIBS. Do wyjątków należały usługi agencji prasowych (SI31) oraz opłaty z tytułu użytkowania własności intelektualnej (SH), gdzie wartości wskaźnika TBI były ujemne. Najsilniejszą specjalizację eksportową wykazywały usługi B&R (SJ1).

⁶ Dane od 2010 r.

⁷ Dane od 2013 r.

⁸ Od 2016 r. przy tendencji wzrostowej.

⁹ Od 2013 r., ale na ogół niewielka wartość wskaźnika TBI.

¹⁰ Dane i przewaga od 2010 r., w przypadku usług księgowych – wysoki wzrost przewagi i od 2016 r. najwyższa przewaga w grupie KIBS.

¹¹ Dane od 2010 r., przewaga od 2011 r. z tendencją wzrostową.

¹² Dane od 2008 r., przewaga od 2010 r.

¹³ Dane i przewaga od 2013 r., w przypadku usług B&R i inżynieryjnych – tendencja wzrostowa.

Tabela 1. Kategorie KIBS notujące dodatnie wartości wskaźników NRCA i TBI w wymianie handlowej między Polską a krajami UE i spoza UE w latach 2004–2022.

Rok	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Kat. ^a	Wartości wskaźnika NRCA – wymiana z krajami UE																		
SJ12	-	-	-	-	-	-	-	-	-	1,4	1,4	1,3	0,7	1,0	1,3	0,7	0,9	1,4	1,4
SJ2	-	-	-	-	-	-	6,2	7,4	7,6	8,5	8,9	7,3	9,4	9,7	10,5	10	10	9,3	10,8
SJ21	-1,8	-2,0	-1,7	-1,4	-1,3	-0,4	-2,3	-0,7	0,3	1,8	2,6	2,3	3,9	4,3	4,3	6,6	7,6	8,1	10,0
SJ211	-	-	-	-	-	-	0,9	0,9	0,6	0,6	0,2	-0,1	-0,2	-0,2	-0,2	-0,1	-0,2	-0,3	-0,3
SJ212	-	-	-	-	-	-	2,9	3,0	3,8	5,1	5,4	6,4	7,9	8,5	9,6	10,8	15,4	13,7	13,0
SJ22	0,3	1,5	3,7	3,7	3,7	5,1	8,5	8,1	7,3	6,7	6,2	5	5,5	5,4	6,3	3,3	2,4	1,2	0,8
SJ31	-0,7	0,1	0,2	0,4	2,5	1,9	-1,1	-1,7	-0,4	-1,0	-1,0	-0,7	-0,6	-0,2	1,5	1,8	2,5	3,2	3,1
SJ311	-	-	-	-	-	-	-	-	-	0,1	0,04	-0,02	-0,1	-0,01	0,02	0,04	0,1	0,02	0,1
SJ312	-	-	-	-	-	-	-	-	-	0,4	0,2	0,2	0,6	0,8	2,1	2,2	2,9	3,5	3,5
Wartości wskaźnika TBI – wymiana z krajami UE																			
SI2	-0,45	-0,47	-0,21	-0,15	-0,06	-0,01	-0,09	-0,03	0,01	0,01	0,06	0,08	0,08	0,10	0,10	0,13	0,10	0,07	0,03
SI22	-	-	-	-	-	-	-	-	-	0,24	0,28	0,37	0,34	0,32	0,31	0,33	0,22	0,18	0,22
SI3	-0,30	-0,18	-0,34	-0,26	-0,03	-0,04	-0,18	-0,01	-0,11	-0,07	0,07	0,09	-0,02	-0,005	0,03	0,18	0,03	-0,01	-0,002
SI32	-0,22	0,02	0,11	-0,05	0,00	0,29	-0,1	0,12	-0,04	0,02	0,17	0,17	0,05	0,05	0,08	0,23	0,04	0,01	0,01
SJ1	0,002	0,33	0,25	0,24	0,06	0,12	0,49	0,48	0,41	0,33	0,33	0,38	0,40	0,48	0,55	0,56	0,57	0,6	0,61
SJ11	-	-	-	-	-	-	-	-	-	0,27	0,36	0,41	0,49	0,56	0,63	0,64	0,67	0,68	0,71
SJ12	-	-	-	-	-	-	-	-	-	0,42	0,29	0,35	0,26	0,35	0,41	0,39	0,37	0,46	0,44
SJ2	-	-	-	-	-	-	-	0,07	0,02	0,02	-0,07	-0,05	-0,04	-0,002	0,02	0,01	0,04	0,03	0,03
SJ21	-0,48	-0,39	-0,32	-0,24	-0,23	-0,14	-0,21	-0,19	-0,15	-0,23	-0,19	-0,16	-0,10	-0,06	-0,05	0,01	0,05	0,09	0,12
SJ211	-0,22	0,05	0,13	0,12	-0,03	0,19	0,32	0,25	0,22	0,25	0,30	0,29	0,33	0,38	0,34	0,38	0,34	0,43	0,39
SJ212	-0,35	-0,29	-0,13	-0,15	-0,11	0,02	0,63	0,59	0,57	0,64	0,62	0,66	0,69	0,72	0,73	0,74	0,74	0,76	0,73
SJ22	0,32	0,32	0,36	0,39	0,39	0,54	0,51	0,41	0,38	0,31	0,31	0,25	0,23	0,19	0,15	0,11	-0,02	-0,09	-0,14
SJ31	-0,42	-0,35	-0,25	-0,29	-0,11	-0,13	-0,30	-0,19	-0,04	-0,05	-0,04	-0,09	0,03	0,05	0,11	0,18	0,14	0,28	0,29
SJ311	-	-	-	-	-	-	-	-	-	-0,09	-0,06	-0,16	-0,09	0,24	-0,11	0,17	0,11	0,13	0,38
SJ312	-	-	-	-	-	-	-	-	-	-0,02	-0,005	-0,11	0,07	0,11	0,15	0,21	0,16	0,33	0,36
SJ313	-	-	-	-	-	-	-	-	-	-0,17	-0,17	0,01	-0,11	-0,14	-0,01	0,09	0,07	0,14	0,04

^a Pełne nazwy poszczególnych kategorii zostały wymienione w sekcji **Metodologia badania i dane**. Brak danych do obliczenia NRCA dla: SI21 i SI22.

		Wartości wskaźnika NRCA – wymiana z krajami spoza UE																			
SJ2	SJ3	SJ31	SJ32	SJ12	SJ2	SJ21	SJ211	SJ212	SJ213	SJ22	SJ31	SJ311	SJ312	SJ2	SJ22	SJ31	SJ32	SJ1	SJ11	SJ12	SJ2
-1,2	-1,7	-1,8	-1,9	-2,8	-2,2	-7,5	-6,2	-5,1	-4,5	-0,2	0,5	3,8	4,7	3,5	2,6	0,4	2,1	2,7	2,7	2,7	2,7
-0,5	-0,5	-0,8	-1,0	-1,1	-1,1	0,8	0,8	0,8	0,9	1,1	1,2	1,6	1,1	0,2	0,3	0,7	0,6	0,3	0,3	0,3	0,3
-	-	-	-	-0,3	-0,4	0,3	0,2	0,2	0,1	0,2	0,2	0,4	0,5	-0,04	0,04	0,1	0,03	0,1	0,1	0,1	0,1
-	-	-	-	-0,8	-0,7	0,5	0,6	0,6	0,8	1,0	1,0	1,2	0,6	0,2	0,3	0,6	0,6	0,3	0,3	0,3	0,3
-	-	-	-	-	-	-	-	-	1,1	1,6	1,2	1,9	2,1	2,4	2,3	2,5	3,1	3,4	3,4	3,4	3,4
-	-	-	-	-	-	8,5	9,1	9,9	12	11,5	12,4	11,7	11,1	15,3	17	20,6	19,6	18,1	18,1	18,1	18,1
-1,5	-1,1	-1,3	-1,2	-1,7	0,3	2,7	3,5	4,0	6,0	6,5	6,7	7,2	8,0	10,9	12,8	15,5	15,7	14,8	14,8	14,8	14,8
-	-	-	-	-	-	0,6	0,6	0,5	0,4	0,2	0,2	0,1	0,05	-0,02	0,2	0,05	0,2	-0,1	-0,1	-0,1	-0,1
-	-	-	-	-	-	2,8	2,6	3,3	3,9	4,3	4,7	5,5	6,6	7,9	9,2	13,3	12,8	12,1	12,1	12,1	12,1
-	-	-	-	-	-	-0,7	0,4	0,3	1,7	2,0	1,9	1,7	1,3	2,9	3,4	2,2	2,8	2,7	2,7	2,7	2,7
-0,04	0,4	1,3	2,1	8,9	6,1	5,8	5,6	5,8	5,9	5,0	5,7	4,4	3,2	4,5	4,2	5,1	3,9	3,3	3,3	3,3	3,3
-1,7	-1,4	-1,3	-1,5	-1,2	-0,1	-0,3	-1,9	-1,3	-1,6	-2,3	-2,7	-2,6	-1,2	-0,5	-0,2	1,1	2,0	2,1	2,1	2,1	2,1
-	-	-	-	-	-	-	-	-	0,1	0,04	0,1	0,04	0,1	0,1	0,1	0,1	0,1	0,1	0,1	0,1	0,1
-	-	-	-	-	-	-	-	-	0,3	0,6	-0,1	-0,7	0,04	0,3	0,2	2,2	2,8	2,6	2,6	2,6	2,6
		Wartości wskaźnika TBI – wymiana z krajami spoza UE																			
SJ2	SJ22	SJ31	SJ32	SJ1	SJ11	SJ12	SJ2	SJ21	SJ211	SJ212	SJ213	SJ22	SJ31	SJ311	SJ312	SJ2	SJ22	SJ31	SJ32	SJ1	SJ11
-0,23	-0,04	0,02	-0,01	0,13	0,14	0,08	0,15	0,28	0,33	0,41	0,43	0,45	0,50	0,50	0,50	0,46	0,54	0,50	0,54	0,50	0,50
-	-	-	-	-	-	-	-	-	0,47	0,57	0,59	0,61	0,63	0,62	0,62	0,50	0,53	0,54	0,54	0,54	0,54
-0,14	-0,66	-0,85	-0,86	-0,73	-0,34	-0,12	0,36	0,28	0,19	0,44	0,42	0,39	0,34	0,33	0,34	0,23	0,21	0,11	0,11	0,11	0,11
0,37	-0,50	-0,89	-0,50	-0,67	-0,80	0,36	0,02	-0,01	-0,22	0,06	0,05	-0,02	-0,01	-0,38	-0,25	-0,16	-0,39	-0,27	-0,27	-0,27	-0,27
-0,52	-0,71	-0,71	-0,87	-0,71	-0,29	-0,25	0,46	0,36	0,25	0,51	0,50	0,50	0,46	0,40	0,39	0,27	0,25	0,13	0,13	0,13	0,13
0,38	0,49	0,56	0,67	0,67	0,59	0,70	0,74	0,80	0,75	0,80	0,81	0,72	0,84	0,83	0,87	0,85	0,84	0,87	0,87	0,87	0,87
-	-	-	-	-	-	-	-	-	0,73	0,87	0,89	0,86	0,91	0,87	0,89	0,88	0,87	0,92	0,92	0,92	0,92
-	-	-	-	-	-	-	-	-	0,78	0,71	0,67	0,59	0,75	0,78	0,84	0,79	0,80	0,81	0,81	0,81	0,81
-	-	-	-	-	-	0,34	0,28	0,30	0,25	0,21	0,21	0,24	0,30	0,39	0,41	0,41	0,44	0,40	0,40	0,40	0,40
-0,32	-0,21	-0,15	-0,15	-0,06	0,20	0,15	0,11	0,16	0,11	0,10	0,08	0,16	0,26	0,36	0,40	0,40	0,45	0,40	0,40	0,40	0,40
-0,25	0,16	0,03	0,15	0,15	0,22	0,23	0,16	0,31	0,42	0,21	0,21	0,34	0,44	0,53	0,54	0,43	0,46	0,45	0,45	0,45	0,45
-0,25	-0,13	0,12	0,06	0,07	0,33	0,85	0,79	0,77	0,63	0,68	0,71	0,71	0,78	0,81	0,79	0,84	0,84	0,59	0,59	0,59	0,59
-0,49	-0,57	-0,51	-0,35	-0,26	0,11	-0,1	-0,09	-0,08	-0,08	-0,09	-0,14	-0,06	0,03	0,14	0,18	0,13	0,21	0,28	0,28	0,28	0,28
0,05	0,38	0,41	0,58	0,67	0,81	0,66	0,6	0,58	0,59	0,47	0,52	0,45	0,41	0,47	0,44	0,44	0,41	0,37	0,37	0,37	0,37
-0,32	-0,01	0,13	0,24	0,25	0,41	0,57	0,28	0,27	0,27	0,31	0,31	0,39	0,42	0,52	0,52	0,55	0,52	0,42	0,42	0,42	0,42
-	-	-	-	-	-	-	-	-	0,41	0,42	0,26	0,24	0,37	0,44	0,39	0,49	0,41	0,45	0,45	0,45	0,45
-	-	-	-	-	-	-	-	-	0,45	0,49	0,53	0,56	0,54	0,57	0,58	0,65	0,63	0,45	0,45	0,45	0,45
-	-	-	-	-	-	-	-	-	-0,37	-0,33	-0,26	0,09	0,17	0,42	0,4	0,17	0,05	0,28	0,28	0,28	0,28

Źródło: Obliczenia własne na podstawie danych pozyskanych z bazy Eurostat (2024a,b).

Na podstawie dominującego trendu odnośnie wartości wskaźników NRCA i TBI dla poszczególnych kategorii KIBS, w szczególności w ostatnich latach, można wskazać cztery grupy KIBS o różnym stopniu konkurencyjności międzynarodowej (*Tabela 2*). Kluczowa jest *grupa A* obejmująca KIBS w eksporcie, gdzie Polska posiada przewagę komparatywną i specjalizację eksportową. W wymianie z krajami UE do *grupy A* należą następujące usługi: B&R-2 (SJ12), księgowe (SJ212), reklamowe (SJ22), architektoniczne (SJ311) oraz inżynierskie (SJ312). W wymianie z krajami spoza UE znajdziemy tutaj prawie te same KIBS (oprócz pierwszej kategorii), a dodatkowo usługi komputerowe (SI2), informacyjne inne niż agencji prasowych (SI32), prawne (SJ211) oraz usługi doradztwa w zakresie zarządzania (SJ213).

Tabela 2. Macierz produktów w wymianie KIBS w Polsce w oparciu o wartości wskaźników NRCA i TBI^a w latach 2004–2022.

Grupa B Przewaga komparatywna i importer netto NRCA>0, TBI<0		Grupa A Przewaga komparatywna i eksporter netto NRCA>0, TBI>0	
UE	Poza UE	UE	Poza UE
SI32 (bez 2004, 2007 i 2012), SJ22 (od 2020)	SI31 (na ogół)	SJ12, SJ212, SJ22 (do 2020), SJ311 (2013–2014 i od 2018), SJ312	SI2 (od 2015, wcześniej C), SI32, SJ211 (bez 2022), SJ212, SJ213 (od 2017, wcześniej B), SJ22, SJ311, SJ312 (bez 2015–2016)
Grupa D Brak przewagi komparatywnej i importer netto NRCA<0, TBI<0		Grupa C Brak przewagi komparatywnej i eksporter netto NRCA<0, TBI>0	
UE	Poza UE	UE	Poza UE
SH, SI31, SJ213, SJ313 (do 2019)	SH	SI2 (od 2012), SJ11, SJ211 (od 2015, wcześniej A), SJ313 (od 2019)	SJ11, SJ313 (od 2016)

^a Brak danych do obliczenia NRCA dla okresu 2004–2009 r. dla następujących kategorii: SJ211, SJ212 i SJ213. Brak danych dla SJ11, SJ12, SJ311, SJ312 i SJ313 dla okresu 2004–2012.

Źródło: Obliczenia własne na podstawie modelu zaproponowanego przez Widodo (2009) oraz wartości wskaźników NRCA i TBI przedstawionych w *Tabeli 1*.

Grupa C również zasługuje na uwagę, ponieważ posiadanie specjalizacji eksportowej może być punktem wyjścia do zdobycia przewagi komparatywnej. W wymianie z krajami UE obejmuje ona usługi komputerowe (SI2), B&R-1 (SJ11) oraz od 2019 roku - naukowe i inne techniczne (SJ313), zaś w wymianie z krajami spoza UE - usługi B&R (SJ11), a od 2016 roku - naukowe i techniczne (SJ313).

Polska nie posiada przewagi komparatywnej i specjalizacji eksportowej (*grupa D*) w przypadku opłat z tytułu użytkowania własności intelektualnej (SH). W wymianie z krajami UE grupa ta obejmuje jeszcze usługi agencji prasowych (SI31) oraz doradztwa w zakresie zarządzania (SJ213).

Produkty zaliczane do *grupy B* należą raczej do rzadkości, ponieważ jeśli kraj ma przewagę komparatywną w eksporcie jakiegoś produktu, to powinien być raczej jego eksporterem netto niż importerem netto. Jednakże możliwe jest, że dany produkt jest konkurencyjny na rynkach zagranicznych, mimo ujemnego salda w wymianie handlowej. W wymianie z krajami spoza UE znajdują się jedynie usługi agencji prasowych (SI31), natomiast w wymianie z krajami UE grupa ta obejmuje usługi informacyjne inne niż agencji prasowych (SI32) oraz reklamowe (SJ22).¹⁴

W przypadku produktów znajdujących się w *grupie A* ważne są ich udziały w eksporcie, ponieważ produkty o relatywnie wysokim udziale w eksporcie można określić jako „wiodące produkty eksportowe” (*Rysunek 1*).¹⁵ W eksporcie do krajów UE żadna z kategorii KIBS nie wyróżnia się wysokim udziałem. W 2022 roku usługi księgowe (SJ212) oraz inżynieryjne (SJ312) odpowiadały odpowiednio za 3,9% oraz 2,2% eksportu usług z Polski do krajów UE. Te dwie kategorie można określić jako ważne pozycje w polskim eksporcie usług na rynek UE. Na uwagę zasługuje również wzrost udziału pierwszej kategorii w eksporcie usług (o 2,7 p.p. od momentu akcesji Polski do UE). Usługi B&R-2 (SJ12) notowały dużo niższy udział w eksporcie usług, ale też doświadczyły znacznego wzrostu (z 0,2% do 0,7% w latach 2013–2022). Udział trzeciej kategorii kształtował się na poziomie poniżej 1%, a ostatniej – poniżej 0,1%. W sumie udział wszystkich czterech kategorii KIBS wyniósł zaledwie 6,9%. W każdym przypadku (z wyjątkiem ostatniej kategorii) udziały poszczególnych KIBS były znacznie wyższe w Polsce niż średnio w UE, a największa różnica widoczna jest w przypadku pierwszej kategorii.

W wymianie z krajami spoza UE *grupa A* jest bardziej liczna i obejmuje KIBS mające większe udziały w polskim eksporcie usług. Ponadto, widoczna jest dominacja usług komputerowych (SI2), które zwiększyły swój udział w eksporcie usług z Polski poza UE o 15,8 p.p., osiągając poziom 18% w 2022 r., nieznacznie powyżej średniej dla UE. W związku z powyższym można je uznać za wiodące KIBS eksportowe z Polski na rynkach krajów trzecich. Najważniejszymi odbiorcami usług komputerowych z Polski są USA, Wielka Brytania i Szwajcaria. W 2022 r. na te trzy kraje przypadło 85% eksportu usług komputerowych z Polski, w tym na USA – aż 41%. Na kolejnych miejscach znalazły się usługi doradztwa w zakresie zarządzania (SJ213)¹⁶ oraz usługi księgowe (SJ212)¹⁷. Jeszcze trzy kategorie KIBS notowały udziały do 1%, a mianowicie: usługi reklamowe (SJ22)¹⁸, inżynieryjne (SJ312)¹⁹ oraz informacyjne inne niż agencji prasowych (SI32)²⁰. Udział każdej z tych kategorii KIBS w polskim eksporcie usług poza UE był wyższy niż średnio w UE.

¹⁴ Od 2020 roku.

¹⁵ Na *Rysunku 1* nie uwzględniono usług reklamowych, ponieważ w ostatnich trzech latach nie należały one już do grupy A z powodu ujemnej wartości wskaźnika TBI.

¹⁶ Udział 6,5%, również nieznacznie wyższy niż średnio w UE, wzrost o 6,1 p.p. w latach 2004–2022.

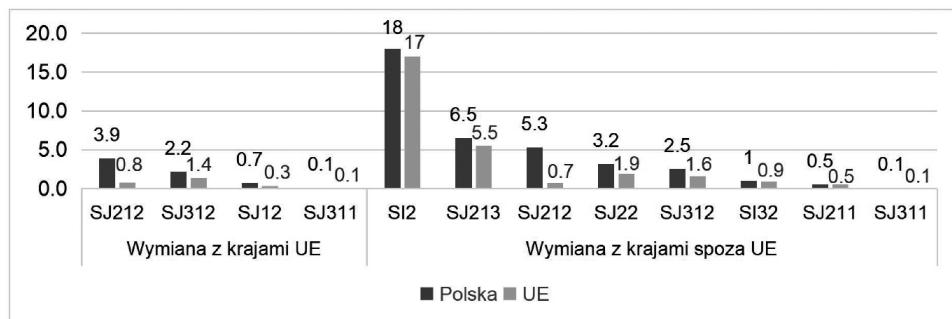
¹⁷ Udział 5,3%, prawie 8-krotnie wyższy niż średnio w UE, wzrost o 4,4 p.p. w latach 2004–2022.

¹⁸ 3,2%, wzrost o 1,7 p.p. w latach 2004–2022.

¹⁹ 2,5%, wzrost o 0,9 p.p. w latach 2013–2022.

²⁰ 1%, wzrost o 0,95 p.p. w latach 2004–2022.

Rysunek 1. Udziały KIBS z grupy A w eksporcie usług z Polski do krajów UE i poza UE w porównaniu ze średnią dla UE-27 w 2022 roku (w %) – produkty uporządkowane według wielkości udziału danej kategorii w Polsce.



Źródło: Obliczenia własne na podstawie danych pozyskanych z bazy Eurostat (2014, 2024).

Dla KIBS z grupy A, których udziały w polskim eksporcie usług przekraczały 0,5%, porównano wartości wskaźników NRCA i TBI w Polsce z innymi krajami UE osiągającymi dodatkowo wartości tych wskaźników (Tabela 3 i 4).

Tabela 3. Wartości wskaźników NRCA i TBI w Polsce dla KIBS z grupy A z udziałem w eksporcie usług do UE od 0,5% w porównaniu z krajami UE^a, które też notowały dodatnie wartości tych wskaźników w 2022 r.

NRCA			TBI		
Usługi księgowe (SJ212)	Usługi inżynieryjne (SJ312)	Usługi B&R-2 (SJ12)	Usługi księgowe (SJ212)	Usługi inżynieryjne (SJ312)	Usługi B&R-2 (SJ12)
PL 13,0	AT 16,5	RO 3,5	BG 0,81	IE 0,74	BG 0,93
SK 4,3	DE 13,5	FR 3,1	PL 0,73	CZ 0,5	EE 0,74
CZ 3,5	PL 3,5	LU 2,5	LV 0,71	HR 0,38	SI 0,65
IT 1,6	FI 2,8	HU 2,4	LT 0,68	PL 0,36	IT 0,58
SE 1,6	SE 2,7	PL 1,4	SK 0,67	HU 0,35	GR 0,53
HU 1,2	HU 2,3	SI 0,7	HU 0,65	LU 0,34	PL 0,44
FI 1,1	IT 1,8	BG 0,2	CZ 0,53	AT 0,27	RO 0,44
BE 0,8	RO 0,7 ^b	DK 0,2	EE 0,52	RO 0,27 ^b	LU 0,31
NL 0,8	CZ 0,4	SK 0,2	CY 0,48 ^b	BG 0,22	SK 0,28
BG 0,4	SI 0,1	SE 0,2	GR 0,48	LT 0,22	LT 0,23
LV 0,1		FI 0,1	RO 0,3	SE 0,21	SI 0,22
			DE 0,11	GR 0,2	HU 0,18
			IT 0,03	NL 0,17	
			BE 0,02		
			SE 0,01		

^aW rankingu nie uwzględniono następujących krajów z powodu braku danych lub wartości równych 0 dla poszczególnych kategorii: SJ12 – AT, ES, MT, PT, BE, CZ, IE, HR, CY i LV; SJ212 i SJ312 – ES i PT; SJ312 – CY i LT.

^bDane dla innego roku niż 2022 w następujących przypadkach: SJ212– CY 2021; SJ312 – RO 2021.

Źródło: Obliczenia własne na wartości wskaźników NRCA i TBI obliczonych dla krajów UE na podstawie danych z bazy Eurostat (2014, 2024).

Wśród KIBS z grupy A w Polsce, usługi księgowe (SJ212) notowały najwyższe wartości obydwu wskaźników, na dużo wyższym poziomie niż dla pozostałych KIBS. W przypadku wskaźnika NRCA były to jednocześnie najwyższe wartości w porównaniu z innymi krajami UE.

Tabela 4. Wartości wskaźników NRCA i TBI w Polsce dla KIBS z grupy A z udziałem w eksporcie usług poza UE od 0,5% w porównaniu z krajami UE^a, które też notowały dodatkowo wartości tych wskaźników w 2022 r.

NRCA						
Usługi komputerowe (SI2)	Usługi doradztwa w zakresie zarządzania (SJ213)	Usługi księgowe (SJ212)	Usługi reklamowe (SJ22)	Usługi inżynieryjne (SJ312)	Usługi informacyjne inne niż agencji prasowych (SI32)	Usługi prawne (SJ211)
IE 645,8 FI 33,6 SE 22,6 CY 17,6 RO 9,5 EE 3,3 PL 2,7 CZ 2,8 BE 0,9 SK 0,1 LT 0,02	BE 44,2 NL 27,6 FR 15,9 IE 5,2 PL 2,7 LU 2,5 RO 1,1 SE 0,7 HU 0,1	PL 12,1 NL 7,5 HU 2,7 CZ 2,0 SK 1,2 BE 0,8 RO 0,3 BG 0,2 CY ^b i IT 0,1 FI 0,004	LU i NL 11,2 DE 9,5 CY ^b 5,2 IT 4,0 PL 3,3 SE 2,3 AT i EE 1,3 RO 1,0 LV 0,7 MT ^b 0,6 HR i LT 0,4 BG i SI 0,2 SK 0,1	DE 13,2 AT 11,2 IT 7,2 FR 6,3 FI 3,2 PL 2,6 SE 2,0 HU 0,3	NL 18,9 RO 3,7 EE ^b 0,6 SI 0,4 PL 0,3 SK 0,1	NL 6,8 FR 3,0 BE 2,5 DE 1,5 MT 0,4 AT i CZ 0,2 PL^c
TBI						
IE 0,87 ^b BG 0,76 SK 0,74 RO 0,72 FI 0,66 LT 0,62 CZ 0,59 PT 0,54 HU i PL 0,5 HR 0,49 LV 0,47 SI i SE 0,45 EE 0,44 AT 0,18 IT 0,15 CY 0,13 NL 0,11 DK 0,09 GR 0,03	LV 0,59 RO 0,53 SI 0,47 PL 0,28 AT i FR 0,17 HR i SK 0,15 GR i SE 0,1 EE 0,07 DE 0,05 DK 0,03 HU 0,02	BG i HU 0,83 LT 0,79 CY 0,78 ^b LV 0,73 SK 0,7 PL 0,59 CZ 0,55 SI 0,45 EE 0,42 GR 0,39 RO 0,38 LU 0,22 BE 0,06 FR 0,02	BG 0,61 SI 0,6 PL 0,37 EE 0,34 HR 0,24 RO 0,22 LT 0,19 HU 0,16 GR 0,07	IE 0,78 ^a BG 0,75 SI 0,7 FI 0,64 AT 0,6 CZ 0,56 SK 0,53 LT 0,51 PL 0,45 EE i LU 0,32 HU 0,31 FR 0,3 NL i SE 0,28 DE 0,25 HR 0,21 BE 0,19 DK 0,17 IT i RO ^b 0,11	GR 1,0 RO 0,66 BG 0,65 NL 0,51 HU i MT 0,21 BE 0,19 PL 0,13 SI 0,03	BG 0,56 LT 0,52 RO 0,47 PL 0,45 SK 0,42 BE 0,37 CZ 0,23 FR 0,23 CY 0,21 ^b LU 0,17 SI 0,1 AT 0,05 DE 0,02

^aW rankingu nie uwzględniono następujących krajów z powodu braku danych lub wartości równych 0 dla poszczególnych kategorii: SI2 – ES i MT; SJ211, SJ212, SJ213, SJ22 i SJ312 – ES i PT; SJ211 – IE; SJ312 – CY i LV; SJ22 – CY i MT; SJ32 – AT, CY, CZ, ES, IE, LT i PT.

^bDane dla innego roku niż 2022 w następujących przypadkach: SI2 – IE 2021; SJ212 – CY 2021; SJ22 – CY i MT 2021; SJ312 – IE 2019 i RO 2021; SJ211 – CY 2021; SJ32 – EE 2021.

^c W 2022 r. Polska miała ujemne saldo w wymianie usługami prawnymi z krajami spoza UE, ale z uwagi na fakt, że przez wcześniejsze lata wartości wskaźników NRCA i TBI w handlu tymi usługami były dodatnie, uwzględniono je w zestawieniu.

Źródło: Obliczenia własne w oparciu o wartości wskaźników NRCA i TBI obliczonych dla krajów UE na podstawie danych pozyskanych z bazy Eurostat (2014, 2024).

Podsumowanie

Dostęp do zróżnicowanej oraz konkurencyjnej oferty KIBS jest ważną determinantą konkurencyjności współczesnych przedsiębiorstw i gospodarek. Budowa jednolitego rynku usług ma właśnie na celu stworzenie lepszych warunków dla rozwoju specjalizacji eksportowej unijnych firm świadczących KIBS, a co za tym idzie – lepszego dostępu do KIBS. Mimo wielu działań podejmowanych w tym obszarze, proces ten wciąż nie został zakończony, a stopień jego zaawansowania różni się w zależności od rodzaju usług.

Wyniki badania przeprowadzonego w niniejszym artykule wnoszą wkład w literaturę przedmiotu poprzez wykorzystanie metody mapowania produktów w oparciu o wartości znormalizowanego wskaźnika przewagi komparatywnej oraz wskaźnika bilansu handlowego, w celu zidentyfikowania w polskim eksporcie „wiodących KIBS eksportowych” oraz KIBS, które mają potencjał do zdobycia przewagi komparatywnej. Wartością dodaną wynikającą z pracy jest uwzględnienie w badaniu zarówno szerszych, jak i bardzo wąskich kategorii KIBS oraz długiego okresu badawczego, obejmującego wszystkie lata uczestnictwa Polski w jednolitym rynku usług UE, co było jednak utrudnione z uwagi na dostępność danych dla większości KIBS dopiero od 2010 lub nawet 2013 roku. Wkładem badania jest także porównanie konkurencyjności sektora KIBS w Polsce na rynkach krajów UE oraz na rynkach krajów spoza UE.

Celem artykułu było zbadanie jak zmieniła się konkurencyjność w polskim eksporcie KIBS w okresie członkostwa w UE. Wyniki analizy empirycznej wskazują, iż na unijnym rynku Polska zdołała zbudować przewagę komparatywną i specjalizację eksportową przede wszystkim w usługach księgowych (SJ212) i inżynierskich (SJ312), a w mniejszym stopniu również architektonicznych (SJ311). Dwie pierwsze kategorie charakteryzowały się też dość wysoką dynamiką wzrostu konkurencyjności międzynarodowej. Z uwagi na brak danych nie można stwierdzić czy przewaga komparatywna występowała w tych branżach od momentu akcesji, ale pojawienie się specjalizacji eksportowej w późniejszych latach raczej dowodzi, że polskie przedsiębiorstwa zbudowały tutaj przewagę dopiero po kilkuletnim okresie funkcjonowania na jednolitym rynku europejskim. W eksporcie usług B&R innych niż prace prowadzone systematycznie w celu zwiększenia stanu wiedzy (SJ12) również nie można wskazać czy przewaga występowała od momentu akcesji, ale obydwa wskaźniki przyjmowały wartości dodatnie od momentu pojawienia się danych (2013 rok), przy czym nie wykazywały one tendencji wzrostowej. Z kolei, w eksporcie usług prawnych (SJ211) Polska utraciła przewagę komparatywną, zachowując przy tym specjalizację eksportową, a w usługach reklamowych (SJ22) odwrotnie, ale przy malejącej przewadze w ostatnich latach.

W eksporcie KIBS poza UE można mówić o silniejszej pozycji konkurencyjnej Polski, ponieważ w analizowanym okresie Polska posiadała przewagę i specjalizację eksportową w odniesieniu do prawie wszystkich KIBS (z wyjątkiem opłat z tytułu użytkowania własności intelektualnej – SH). Z kolei, w eksporcie usług B&R w postaci prac prowadzonych systematycznie w celu zwiększenia stanu wiedzy (SJ11) oraz usług naukowych i innych technicznych (SJ313) Polska nie posiadała przewagi, ale wykazywała specjalizację eksportową. Na uwagę zasługuje tutaj w szczególności pierwsza kategoria, ponieważ notowała ona bardzo wysoką wartość wskaźnika TBI, co może wskazywać na jej potencjał do zdobycia takiej przewagi w przyszłości. Tendencja do umacniania przewagi komparatywnej i specjalizacji eksportowej widoczna jest we wszystkich branżach zaliczanych do kategorii „pozostałe usługi biznesowe” (SJ), a ogólna poprawa konkurencyjności w eksporcie KIBS widoczna jest po kryzysie finansowych z lat 2008–2009.

W eksporcie do krajów UE jako „wiodące KIBS eksportowe” zidentyfikowano usługi księgowe (SJ212) oraz inżynieryjne (SJ312), natomiast na rynkach krajów spoza UE do tej grupy zaliczono jeszcze usługi komputerowe (SI2), a ponadto reklamowe (SJ22) oraz doradztwo w zakresie zarządzania (SJ213). Niestety w 2022 r. „wiodące KIBS eksportowe” odpowiadały jedynie za 6,1% polskiego eksportu usług do UE. W przypadku eksportu poza UE znaczenie tej grupy było większe, ponieważ ich udział wynosił 35%, z czego ponad połowa przypadła na usługi komputerowe. Najważniejszymi odbiorcami usług komputerowych z Polski są USA, Wielka Brytania i Szwajcaria. Rosnące znaczenie eksportu usług komputerowych oraz biznesowych poza UE wskazuje na wzrastające włączenie firm zlokalizowanych w Polsce w globalne łańcuchy dostaw w odniesieniu do usług. Może wynikać to z silnej konkurencji na rynku UE oraz z faktu, że w handlu usługami, szczególnie w odniesieniu do KIBS dostarczanych online (np. usługi komputerowe), odległość nie odgrywa roli.

Jeśli weźmiemy pod uwagę znaczenie poszczególnych usług w eksporcie, wówczas za najważniejsze KIBS eksportowe należy uznać usługi komputerowe, przy czym dotyczy to jedynie eksportu poza UE. Uwzględniając natomiast wielkość przewagi i specjalizacji eksportowej, największe wartości obydwu wskaźników osiągnęły usługi księgowe, zarówno w porównaniu z innymi branżami KIBS, jak i w porównaniu z innymi krajami UE. Można zatem mówić o specjalizacji regionalnej Polski w produkcji i eksporcie usług księgowych.

W kolejnych latach spodziewany jest dalszy wzrost eksportu KIBS z Polski, ponieważ jest to branża, która systematycznie notuje wysoką dynamikę rozwoju (ABSL 2023). Firmy z sektora KIBS zlokalizowane w Polsce doświadczają zmian jakościowych, polegających na wzroście znaczenia obsługi procesów typu *mid-office*, które stopniowo wypierają procesy typu *back-office*. Prowadzi to do wzrostu udziału pracy opartej na wiedzy w procesach obsługiwanych przez centra usług biznesowych zlokalizowane w Polsce (w 2023 r. wyniósł on 56,9%, co oznacza wzrost o 6,1 p.p. w porównaniu z rokiem 2022). Najważniejszym zasobem firm z tego obszaru są wysoko wykwalifikowani pracownicy z dobrą znajomością języka angielskiego.²¹

²¹ W 2023 roku Polska zajęła 13 miejsce na 113 krajów według wartości wskaźnika *English Proficiency Index* i została zaliczona do grupy krajów określonych jako *'high proficiency'* (Education First 2023).

W grupie zagrożeń dla dalszego rozwoju sektora KIBS w Polsce, wymieniany jest pogarszający się dostęp do puli talentów,²² a także niepewność i ryzyko inwestycyjne spowodowane sytuacją w Ukrainie (ABSL 2023). W Polsce, podobnie jak i w całej UE, konieczne jest prowadzenie polityki wspierającej dalsze inwestycje w rozwój kapitału ludzkiego, transformację cyfrową oraz działalność B&R. Wydatki na B&R są ważną determinantą konkurencyjności sektora KIBS w krajach UE rozwiniętych gospodarczo. W Polsce również zwiększa się ich rola wraz ze wzrostem znaczenia usług o większej wartości dodanej w procesach obsługiwanych przez centra usług biznesowych zlokalizowane w Polsce.

Ponadto, rozwój własnych innowacji w sektorze KIBS w Polsce powinien przyciągnąć dalsze inwestycje zagraniczne w tym obszarze. Nie należy zapominać również o tym, że wzrost wydatków na działalność B&R w przedsiębiorstwach z różnych branż w Polsce przyczyni się do wzrostu popytu na usługi B&R, tym samym wspierając rozwój i konkurencyjność tej branży. Rozwój sektora KIBS w Polsce powinien być także stymulowany przez zauważalne obecnie tendencje do *near-shoringu* i *friend-shoringu*. Ten drugi trend zapewne będzie odgrywał szczególnie ważną rolę w branżach powiązanych z nowoczesnymi technologiami. Dlatego rozwój takich usług w Polsce powinien przyczyniać się do intensyfikacji tego procesu oraz nawiązywania współpracy przez podmioty zagraniczne z firmami działającymi w tym obszarze w Polsce.

Joanna Wyszowska-Kuna – dr hab., prof. Uniwersytetu Łódzkiego, kierownik Katedry Gospodarki Światowej i Integracji Europejskiej na Wydziale Ekonomiczno-Socjologicznym Uniwersytetu Łódzkiego. Zainteresowania naukowe: gospodarka usługowa i gospodarka usług, międzynarodowy handel usługami, usługi biznesowe oparte na wiedzy, innowacyjność usług, konkurencyjność gospodarki, konkurencyjność w handlu usługami, jednolity rynek usług Unii Europejskiej.

Joanna Wyszowska-Kuna – PhD, D.Sc., professor of the University of Lodz, a head of the Department of World Economic and European Integration, Faculty of Economics and Sociology. Scientific interests: service economy, international trade in services, knowledge-intensive business services, innovations in services, competitiveness of economy, competitiveness in services trade, single market for services in the EU.

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²² Polska zajęła 50. miejsce na 63 kraje w *Światowym Rankingu Talentów 2022*, co oznacza spadek w porównaniu z latami 2021 i 2020 odpowiednio o 5 i 15 pozycji (IMD 2023).

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Fostering economic growth in the EU through the sustainable finance¹

Agnieszka Kłos, *SGH Warsaw School of Economics (Warsaw, Poland)*

E-mail: aklos1@sgh.waw.pl

<https://orcid.org/0000-0003-1947-046X>

Ewa Latoszek, *SGH Warsaw School of Economics (Warsaw, Poland)*

E-mail: elatos@sgh.waw.pl

<https://orcid.org/0000-0002-2354-9536>

Abstract

Over the next twenty years, Europe will need to invest significant financial resources, particularly in the area of environmental protection. It will be essential to direct both public and private funds towards ecological and sustainable actions to mitigate the risks associated with climate change, while simultaneously creating new jobs and ensuring sustainable economic growth. The aim of this article is to analyse the issues surrounding sustainable finance, as well as the actions and instruments undertaken by the EU in relation to the restructuring the system for financing sustainable environmental investments. The authors seek to answer the following questions: (1) Will the actions undertaken by the European Commission (EC) in restructuring the financial system contribute to achieving Sustainable Development Goals? (2) How, and to what extent, will the implemented solutions in this area help businesses and other institutions operating in markets, such as financial or capital markets, to meet the requirements associated with achieving Sustainable Development Goals? The authors verify a research hypothesis assumed that sustainable finance instruments adopted in the EU should facilitate the implementation of ecological and sustainable investments to mitigate the risks posed by climate change, thereby creating new jobs and promoting sustainable economic growth in the EU. However, the complexity of the implemented solutions implies many

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legal, economic, and social dilemmas that are noticeable in every aspect of social and economic life. The article employs descriptive, comparative, and diachronic research methods. The research outcomes lead to the conclusion that, although EU institutions strive to equip all stakeholders involved in the process of restructuring the system for financing sustainable investments with appropriate instruments, the complexity of sustainable development and sustainable finance issues (such as non-financial reporting, the detailed nature of indicators to be achieved, and their presentation by different stakeholders, etc.) makes these instruments insufficient to ensure the presentation of consistent and comparable data by companies and other market participants.

Keywords: sustainable development, theories of sustainable finance, European Union, EU Taxonomy, financial system, sustainable finance instruments, economic growth

Wspieranie wzrostu gospodarczego w UE poprzez zrównoważone finanse

Streszczenie

W ciągu najbliższych dwudziestu lat Europa będzie musiała zainwestować znaczne środki finansowe, szczególnie w obszarze ochrony środowiska. Niezbędne będzie skierowanie zarówno publicznych, jak i prywatnych funduszy na ekologiczne i zrównoważone działania mające na celu złagodzenie ryzyka związanego ze zmianami klimatu, przy jednoczesnym tworzeniu nowych miejsc pracy i zapewnieniu zrównoważonego wzrostu gospodarczego. Celem niniejszego artykułu jest analiza zagadnień związanych ze zrównoważonym finansowaniem, a także działań i instrumentów podejmowanych przez UE w związku z restrukturyzacją systemu finansowania zrównoważonych inwestycji środowiskowych. Autorzy starają się odpowiedzieć na następujące pytania: (1) Czy działania podejmowane przez Komisję Europejską (KE) w zakresie restrukturyzacji systemu finansowego przyczynią się do osiągnięcia celów zrównoważonego rozwoju? (2) W jaki sposób i w jakim zakresie wdrożone rozwiązania pomogą przedsiębiorstwom i innym instytucjom działającym na rynkach, np. finansowych czy kapitałowych, spełnić wymogi związane z realizacją Celów Zrównoważonego Rozwoju?

Autorzy weryfikują hipotezę badawczą, która zakłada, że przyjęte w UE instrumenty zrównoważonego finansowania powinny ułatwiać realizację ekologicznych i zrównoważonych inwestycji łagodzących zagrożenia związane ze zmianami klimatu, a tym samym tworzyć nowe miejsca pracy i promować zrównoważony wzrost gospodarczy w UE. Jednak złożoność wdrażanych rozwiązań implikuje wiele dylematów prawnych, ekonomicznych i społecznych, które są zauważalne w każdym aspekcie życia społecznego i gospodarczego. W artykule zastosowano opisowe, porównawcze i diachroniczne metody badawcze. Wyniki badań prowadzą do wniosku, że choć instytucje unijne starają się wyposażać wszystkich interesariuszy zaangażowanych w proces restrukturyzacji systemu finansowania zrównoważonych inwestycji w odpowiednie instrumenty, to złożoność zagadnień związanych ze zrównoważonym rozwojem i zrównoważonym finansowaniem (m.in. sprawozdawczość niefinansowa, szczegółowy charakter wskaźników do osiągnięcia, ich prezentacja przez różnych interesariuszy itp.) sprawia, że instrumenty te są niewystarczające do zapewnienia prezentacji spójnych i porównywalnych danych przez przedsiębiorstwa i innych uczestników rynku.

Słowa kluczowe: zrównoważony rozwój, teorie zrównoważonych finansów, Unia Europejska, taksonomia UE, system finansowy, instrumenty zrównoważonych finansów, wzrost gospodarczy

The end of the twentieth century resulted in fundamental transformation of the political and economic world. The radical and dynamic economic and social transformations that have taken place in the last few decades have resulted in the concept of *sustainable development* gaining significant popularity (Jeżowski 2010: p. 47; Jodkowska 2011: p. 51). The core of this concept is redressing developmental imbalances on a regional basis and ensuring development that takes into account the interests of present and future generations, while meeting economic, social and environmental objectives (Dernbach 1998; Lélé 1991; Alińska et al. 2018: p. 27–44).

The concept of sustainable development originated from and was developed internationally by the United Nations (UN). In 2015, the UN adopted the *Paris Agreement on Climate Change* and the *UN 2030 Agenda for Sustainable Development*. While most countries signed the agreement, realising the serious consequences of climate change and the need for collective action, their level of commitment to its implementation can be different. Following the decision of the United States to withdraw from the *Paris Agreement*,² the European Union (EU) has pledged to take the lead in implementing the agreement and ensuring the transition to a low-carbon, more resource-efficient and circular economy. As early as the 1990s, the EU took ambitious steps towards sustainable development. However, a watershed moment in the implementation of this concept was the adoption of the *Paris Agreement*, on which basis the EU strengthened its work to establish a set of priorities for EU Member States. The creation of legal, social, environmental, economic conditions, involving a funding system that includes both EU public, national and private sources, is integral to the implementation of the concept of sustainable development.

The aim of this article is to analyse the issue of sustainable finance, as well as the actions taken and instruments used by the EU in connection with the redesign of the financing system for sustainable environmental investments.

The research hypothesis assumes that sustainable finance instruments adopted in the EU should facilitate the implementation of green and sustainable investments in order to mitigate the risks posed by climate change and create new jobs and sustainable economic growth in the EU. However, the complexity of the introduced solutions implies many dilemmas of a legal, economic and social nature, which are noticeable in every area of social and economic life. Therefore, we can pose the following **research questions**:

- Will the measures adopted by the European Commission (EC) in the area of restructuring the financial system contribute to the achievement of the Sustainable Development Goals?
- Will the solutions introduced in this area help companies and other institutions operating in markets, e.g. financial or capital markets, to meet the requirements related to the achievement of Sustainable Development Goals? If so, how will that happen?

² During Donald Trump's previous presidency, the USA withdrew from the *Paris Agreement*. However, after Joe Biden took office, the USA rejoined the agreement.

Methodology

The article presents the EU's work on sustainable finance, which is addressed in a synthetic and comprehensive manner and based on up-to-date and diverse sources of information, filling an existing gap in the literature on this subject.

The following **research methods** were used to verify the research hypothesis:

- descriptive and comparative methods (applied in each case, where different definitions and theories will be discussed);
- the normative method (as regards the presentation of the instruments used and legal acts adopted by the EU for the reconstruction of the financial system and the creation of conditions facilitating the implementation of the concept of sustainable development);
- the diachronic method (interpreting the fulfilment of the concept of sustainable development and the actions undertaken and implemented by the EU as a process subject to change and development, taking into account the diversity of the factors affecting the functioning of markets and businesses).

The article is divided into three parts. The first one presents definitions and theories on sustainability. The second part contains the analysis of selected sustainable finance instruments in the EU. The third part points to selected dilemmas related to the implementation of the sustainable finance concept in the light of the legal solutions adopted by the EU.

Sustainable finance: definitions and theories

Traditional financial tools, such as bonds or shares, are neither sufficient nor appropriate to support sustainable development. This is because the primary objective of financial activities is profit maximisation, without taking into account the multidimensional approach characteristic of sustainable development. In other words, traditional profit-oriented finance ignores key environmental and social aspects that are relevant to sustainable development (Ziolo et al. 2021: p. 45). In the context of the challenges of sustainable development, the claim that the main purpose of companies is to generate profits is losing relevance.

The concept of *sustainable finance* attempts to reconcile the goals of sustainable development with the principles of the traditional financial system. Therefore, researchers also take a more detailed approach in formulating definitions, including a series of measures aimed at integrating social, environmental and economic factors into the decision-making processes of financial entities. Definitions of sustainable finance can be systematised according to the area of finance or management, with which the concept of sustainability is associated. Finance is considered to be sustainable if it supports development in three integrated dimensions: economic, environmental and social (Ryszawska 2016: p. 185–194). This definition establishes a direct link between finance and sustainable development and is close to the definition formulated in the *United Nations Environment*

Programme, where finance is considered as sustainable, when it meets the long-term needs of a sustainable and inclusive economy, taking into account economic, social and environmental aspects (see: United Nations Environment Programme 2017).

Migliorelli (2021) defines sustainable finance as that, which – by supporting sectors or activities – contributes to at least one of the key aspects of sustainability. In his considerations, he points out that sustainable finance is filled with a variety of concepts, definitions, as well as industry and policy standards, which can hinder its development. He suggests that, for simplicity, they should be called “finance for sustainable development” rather than “sustainable finance” (Migliorelli 2021).

Based on research concerning sustainable finance conducted between 1981 and 2018, Granier and Rigot found that the debate on the topic revolves around five themes, namely:

- the effectiveness of socially responsible investment funds (SRI),
- corporate social responsibility,
- the performance of socially responsible companies and stock market indexes,
- investment strategies of financial actors,
- the role of pension funds in sustainable development (Granier, Rigot 2021).

Sustainable finance can also be defined as finance that takes into account management (ESG) factors (Gerster 2011) in addition to environmental and social factors. Sustainable finance is defined by Ozili (2021) and Bakken (2021) in a similar way. Ozili defines it as finance that takes ESG issues into account, when making investment decisions in the financial sector (Ozili 2021). Bakken, on the other hand, defines it as investment decisions that take into account ESG factors related to a particular business or project (Bakken 2021).

Sustainable finance can be understood as financial mechanisms that promote sustainable development and contribute to its goals. With regard to the allocation of capital in a more sustainable economy, it would be useful to note the definition formulated by the International Capital Markets Association, according to which *sustainable finance* is a concept that encompasses climate, green and social finance. It aims not only to achieve short-term profits, but also to ensure the long-term sustainability of both individual organisations and the financial system as a whole, while taking into account environmental and social aspects (International Capital Market Association 2020).

The literature on sustainable finance is a growing section of broader literature concerning finance. *Sustainable finance theory* is a relatively new area of research, which involves many academics, economists, politicians and activists. Sustainable finance is an area that combines elements of economics, finance, ethics, ecology, and sociology. As such, it is difficult to identify the main representative of this theory, because many sustainability concepts develop as a result of discussion and collaboration between a considerable number of people. Among researchers, scientists and activists, we can mention Daniel Kahneman or Amos Tversky,³ who studied how people make economic

³ Winners of the 2002 Nobel Prize in Behavioural Economics.

decisions, including sustainable investments. John Elkington introduced the concept of 'three-dimensional sustainability' (economic, social, and environmental), which he popularised as the *Triple Bottom Line* (TBL) in 1994. Many large banks and investment funds have developed their own sustainable investment strategies, and they are also actively involved in discussions on this topic. Non-governmental organisations (NGOs), such as WWF, *Greenpeace* and *Oxfam*, which have been working for environmental protection and social justice for years, are also promoting sustainable investments, as well as politicians and policy makers, who make decisions on financial market regulation that affect the development of sustainable finance at international and national level.

All of the above-mentioned circumstances and areas of research conducted to date have resulted in the formulation of theories of sustainable finance, such as: "the priority theory of sustainable finance, the resource theory of sustainable finance, the peer emulation theory of sustainable finance, the life span theory of sustainable finance, the positive signalling theory of sustainable finance and the system disruption theory of sustainable finance" (Ozili 2023: p. 6).

The *priority theory of sustainable finance* suggests that achieving sustainability goals should be an overarching objective for financial institutions. This means that investment and lending decisions should be made taking into account their environmental and social impact, not just financial profit. As Ozili points out, prioritising the achievement of sustainable finance goals does not necessarily mean that sustainable finance goals will be achieved. He believes that sustainable finance goals can still be achieved without making them a priority (Ozili 2023: p. 10; Wilson 2010: p. 267–280).

The *life span theory of sustainable finance* assumes that the interest of economic entities in sustainable finance is determined by the lifespan and current stage of development of financial products, services or instruments aimed to achieve sustainability. This theory emphasises that the rise or fall of interest in specific sustainable finance products⁴ or services is closely linked to their life cycle. The application of this theory in practice can be hampered by the lack of precise information on the future of specific sustainable finance products or services (Ozili 2023: p. 11; Shabb et al. 2021).

The *resource theory of sustainable finance* indicates that countries with a greater stock of technology, knowledge and skills have an advantage in sustainable finance. It emphasises that a country's level of economic development is closely related to the quantity and quality of man-made resources, such as human or technological capital. Countries with more developed infrastructure and human capital have an advantage in sustainable finance. However, this theory does not take into account the fact that building such resources is a long-term process, which can lead to more affluent countries having a greater capacity to achieve sustainable development goals than poorer countries (Ozili 2023: p. 12).

According to the *theory of peer emulation in sustainable finance*, companies tend to emulate other businesses that have already achieved success in sustainable finance. This enables companies to quickly implement sustainable solutions that have already

⁴ For example, green bonds, which popularity depends on various factors, including their stage of development.

proven successful for others. In this way, companies can avoid the risks associated with creating new, untested solutions (Cunha et al. 2021). However, it is important to bear in mind that solutions, which work in one country, may not be effective in another. Focusing solely on imitating others may limit the development of new, more effective solutions (Ozili 2023: p. 10).

The *positive signalling theory of sustainable finance* suggests that companies use communication about sustainability as a marketing tool to build a positive image. Sustainability disclosure helps to reduce the knowledge gap between investors and companies. There is a risk that companies may use sustainability communication to hide other issues (Ozili 2023: p. 12; Schoenmaker 2018).

On the other hand, the *disruption theory of sustainable finance* assumes that the transition towards sustainability poses challenges to the traditional financial system, forcing transactors to adapt. According to this theory, the transition to sustainable finance can cause major changes to the existing financial system. If companies have a full understanding of how to transition to sustainable finance, it will be easier for them to understand and accept the changes. Transition to sustainability does not necessarily mean a revolution in finance, but rather an evolution (Ozili 2023: p. 11; Oman, Svartzman 2021).

While presenting the above-mentioned definitions and theories of sustainable finance, we should take into account that the priorities of sustainable development and sustainable finance may vary over time in response to changing realities in the country or the world. If certain prominence is assigned to sustainable finance as a priority in economic development at a given time, this means also that all actors (economic, social, public institutions, etc.) will take it very seriously and make a great effort to achieve these goals. If they are not prioritised, then the effect will be the opposite (Kuhn 2020).

Investments in sustainable development, such as social infrastructure or environmental protection, are essential for the well-being of society. However, despite bringing high social benefits, they often provide little financial return. Consequently, the public sector is the main source of funding for such investments. However, in order to successfully implement costly development programmes, it is also necessary to involve the private sector. Therefore, blending public and private resources (blended finance) has become a key element in contemporary discussions on financing sustainable development (United Nations 2015: p. 9–10).

Despite numerous positive aspects of the development of sustainable financing of environmental investments, voices of criticisms can be heard. Critics of sustainable development point to a number of internal contradictions associated with the concept of sustainability. They point out that the necessary restrictions and regulations contradict the principles of a free market economy. Even assuming infinite progress, the Earth's resources are limited, which undermines the basic assumptions of the concept. As a result, sustainable development turns out to be difficult to reconcile with reality (Poczta-Wajda, Sapa 2017). Some scholars believe that nowadays the concept of sustainable development is interpreted in multiple ways, often serving as a political slogan rather than a concrete action plan. The lack of a clear vision of the future hinders the effec-

tive implementation of the Sustainable Development Goals (Cervantes 2013). Critics of sustainable development also point out that many of the initiatives already taken in this area have not delivered the expected results, and that the very model of sustainable development based on the principles of capitalism may be exacerbating social inequalities (Kosiek 2015).

Selected sustainable finance instruments in the EU

The concept of sustainable development began to be promoted in the EU in the early 1990s. However, the adoption of the *Paris Agreement* and the *UN 2030 Agenda for Sustainable Development* in 2015 was a special moment for the strengthening of environmental priorities in the EU's sustainable economic development (see: Council Decision (EU) 2016/1841). At that time, the European Commission intensified its work to establish a number of priorities that were to be, and should be, respected and implemented by EU Member States in 2014–2020⁵ and 2021–2027.

In 2015, at the request of G20 finance ministers and the heads of central banks, the FSB⁶ set up a special task force to explore how companies could better communicate the impact of climate change on their business. The purpose of this group was to create clear rules to allow investors to more easily assess whether a company was well prepared for future climate challenges. The first proposals for these principles emerged in 2017. The group's recommendations revolved around four thematic areas, representing the core elements of an organisation's operation: governance, strategy, risk management, indicators and targets (see: TCFD 2017).

Recommendations included the need to determine what information about climate risk should be made available by companies. It is important that this information enables them to ensure data consistency, comparability and analysis of different scenarios. This would enable companies to better assess how climate change may affect their business, and they can adjust their strategies accordingly.

Following the adoption of the climate agreement, in December 2016 the European Commission established the *High-Level Expert Group on Sustainable Finance* (HLEG) to develop a set of recommendations concerning the financial sector and the transition to a low-carbon economy. Progress in sustainable finance starts not with finance itself, but with defining the special economic model for sustainability. This is a low-carbon,

⁵ Priorities include the *Clean Air Policy* (European Commission W/WWa), the *Circular Economy Action Plan* (European Commission 2023a), *A Framework Strategy for a Resilient Energy Union*, also known as *Energy Union Strategy* (European Commission 2015), the *Clean Energy for All Europeans Package* (European Commission W/WWb), the *EU Strategy on adaptation to climate change* (European Commission 2013), *A New Skills Agenda for Europe* (European Commission 2016b), the *European Pillar of Social Rights* (European Commission W/WWc, 2018c), the development of the *Blue Economy Financing Principles* (IFC 2022) and the *Investment Plan for Europe* (European Council W/WW, see also: European Commission 2019).

⁶ The Financial Stability Board (FSB) was established in 2009. It is an international body tasked with monitoring the global financial system and makes recommendations on it. Its work involves coordinating the activities of national financial authorities and international standard-setting bodies in the development of sound regulatory, supervisory and other rules for the financial sector (see: GLEIF W/WW).

resource-efficient and increasingly circular economy characterised by high employment, technological innovation and sustainable growth. This model should also include changes in the financial system to ensure that the EU economy is moving in the desired direction. This means changes in financial policy and regulation, as well as changes in the financial market (European Commission 2017: p. 2–3).

On 31 January 2018, the HLEG presented a comprehensive plan for building a sustainable financial system in the EU. This document concluded that sustainable finance should be based around two important needs:

- 1) enhancing the role of finance in sustainable and inclusive growth by financing the long-term needs of society,
- 2) strengthening financial stability by integrating environmental, social and corporate governance (ESG) factors into investment decision-making (European Commission 2018a: p.1–2).

Furthermore, eight key recommendations were defined as core elements of a sustainable European financial system, including:

- a proposal for a classification system for sustainable business activities (the so-called EU Taxonomy),
- the introduction of the *EU Ecolabel* for certain financial products and a standard for green bonds,
- recommendations on how financial institutions and companies should disclose how sustainability is taken into account in their decision-making processes (Deloitte 2019).

Based on the recommendations of the HLEG, in March 2018 the European Commission developed the *Action Plan on financing sustainable growth* (European Commission 2018a), and in July 2018 the European Commission set up *EU Technical Expert Group on Sustainable Finance* (TEG) to develop detailed guidance on sustainable development. The group included representatives from the academia, finance and business sectors. The first outcome of their work were reports on the disclosure of environmental impacts of activities and the creation of uniform system for classifying business activities in terms of their sustainability. This work was followed by three TEG's reports covering recommendations for an environmentally sustainable business classification system: the EU taxonomy (EU Technical Expert Group... 2020), green bond standards (EU Technical Expert Group... 2019) and disclosure of climate indicators and ESG factors.

In 2019, the EU established the *International Platform on Sustainable Finance* (IPSF), which provides a forum for dialogue between policy makers. Its aim is to develop regulatory measures on sustainable finance. Through this platform, its members can exchange and disseminate information to promote best practices, compare different initiatives, as well as identify barriers and opportunities related to sustainable finance, while respecting national and regional contexts. The platform's work is focused on the taxonomy of sustainable financing, comparing goals, metrics and performance criteria, and identifying common ground. It comprises 20 jurisdictions (including the EU), representing 51% of the world's population, 54% of global GDP and 58% of global greenhouse gas emissions,

and it is focused on sharing and promoting best practices and comparing and aligning approaches to sustainable finance (European Commission W/Wd).⁷

In order to implement the adopted plan for financing sustainable growth, the following legislation has been introduced:

- a directive setting out the principles for corporate sustainability reporting (*Corporate Sustainability Reporting Directive* – CSRD, see: Directive (EU) 2022/2464) and the complementary *European Sustainability Reporting Standards* (ESRS), which will be adopted as delegated acts supplementing the CSRD (European Commission 2023b);
- EU Taxonomy establishing a common classification system for identifying environmentally sustainable business activities (European Commission 2018b);
- Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on Sustainability Disclosures in the Financial Services Sector (SFDR) aimed at financial market participants and financial advisors to enhance transparency on sustainability aspects of the financial sector (see: Regulation (EU) 2019/2088).

The CSRD entered into force in January 2023. It amends the reporting requirements previously set out in the NFRD (Directive 2014/95/EU), which was adopted in 2014 and came into force in 2017, following its transposition into the *Polish Accounting Act*. This directive introduced an obligation for large companies, such as listed companies or banks, to regularly publish reports on their environmental, social and governance impacts. This increases the transparency of these entities' activities and enables a better assessment of their sustainability. It imposes new obligations on many more companies than before. In addition to large listed companies, it also covers medium-sized listed companies and large private companies. All these companies will have to prepare detailed reports on how their activities affect the environment, society and how factors such as climate change affect their financial performance (Steward Redqueen 2024: p. 18–20).

The *Non-Financial Reporting Directive* will take effect from 2025.⁸ It will be applied also to companies already covered by the NFRD. Starting from 2026, the new requirements will be extended to all large companies. From 2027, the new rules will be applied to small and medium-sized enterprises (SMEs) listed on regulated markets (with the exception of micro-enterprises). However, they will be allowed to opt out voluntarily until 2029. Furthermore, starting from 2029, the new requirements will be indirectly applied to certain non-EU companies (Steward Redqueen 2024: p. 19).

⁷ In November 2021, the IPSF published the first report on a common taxonomy, the result of a detailed comparison between the EU and Chinese taxonomies, including a mitigation target and the establishment of a permanent methodology for comparing the two taxonomies.

⁸ Companies within the scope of the NFRD in January 2022 started reporting the percentage of their activities (or the percentage of their exposure to activities) deemed eligible for the EU Taxonomy compared to non-eligible activities (i.e. not included in the taxonomy). At this stage, these companies are not required to assess the compliance of these activities with the EU Taxonomy. They are only required to report the activities related to climate targets (activities related to other targets will be published in 2023). Since 2023 non-financial companies within the scope of the NFRD are required to report the activities that have been found to comply with the climate targets of the EU Taxonomy.

The EU Taxonomy is a scientifically based classification system that serves to increase transparency on the financial market. It helps companies and investors to make informed decisions regarding sustainability. While it does not impose specific investment or environmental targets, it provides common criteria for assessing business activities in terms of their climate and environmental impact. The EU Taxonomy can be applied to companies covered by the NFRD/CSRD, as well as financial market participants offering financial products in the EU subject to the SFDR. It refers to entities offering products that promote environmental or social aspects. To be classified as environmentally sustainable, a business must make a significant contribution to at least one of the six environmental objectives and must comply with the OECD guidelines. These objectives are the following:

1. Climate change mitigation,
2. Climate change adaptation,
3. Sustainable use and protection of water and marine resources,
4. Transition to a circular economy,
5. Pollution prevention and control,
6. Protection and restoration of biodiversity and ecosystems" (Steward Redqueen 2024: p. 19).

The assessment is made on the basis of harmonised thresholds, known as "technical screening criteria". These criteria were set out in delegated acts on the EU Taxonomy and contain rules for the practical implementation of the EU Taxonomy Regulation (see: Regulation (EU) 2020/852). These are:

- the Delegated Regulation on Climate established the DNSH principle (see: Commission Delegated Regulation (EU) 2021/2139),
- the Supplementary Delegated Regulation on Climate (see: Commission Delegated Regulation (EU) 2022/1214) setting out technical screening criteria for activities that can make a significant contribution to climate change mitigation and adaptation,
- the Delegated Regulation on Environment, setting out technical screening criteria for activities that can make a significant contribution to the other four environmental objectives (Commission Delegated Regulation (EU) 2023/2486).

The 2019 SFDR regulation came into force in March 2021. It imposes ESG disclosure obligations on two types of financial entities: financial market participants that manufacture and sell financial products and provide portfolio management services (i.e. asset managers, pension fund providers, banks and insurers) and financial advisers. Financial entities are required to disclose a range of information at entity and product level, including in relation to sustainability risks, and to consider adverse sustainability impacts in their investment processes (Steward Redqueen 2024).

We can find opinions in academic literature that integrated reporting is a response to the growing expectations of companies regarding the transparency of the organisation's activities in the area of corporate social responsibility and sustainability. Information on these activities is increasingly recognised as important for market participants (Berndt et al. 2014).

The *Sustainable Finance Action Plan* is part of a broader sustainable finance agenda. As a whole, it is difficult to capture all the EU legislation, initiatives, programmes or

projects that are part of the implementation of the sustainable finance concept, or the institutions that are also involved in the process of building and coordinating integrated sustainability reporting. Complementing the wide range of legislation related to non-financial reporting by financial institutions and other companies, there are other flagship directives that include: „the Institutions for Occupational Retirement Provision (IORP II) Directive; the Shareholders' Rights II Directive; and the political agreement achieved on securitisation to include ESG requirements [...]. In addition, the EU promotes the integration of climate policies and instruments such as the Emissions Trading System (ETS), the Adaptation Strategy, and the 2030 Climate and Energy Package into financial decisions through relevant procedures and practices" (European Investment Bank 2016; European Commission 2017: p. 9). The Investment Plan for Europe (EFSI 2.0) also should support EU action to foster sustainable investments for job places creation, economic growth, competitiveness and a low-carbon economy (European Commission 2017: p. 45).

The plan for creation of a capital markets union identified the need to promote European Green Bond Standards. The mid-term review of the Capital Markets Union (CMU) emphasised that a profound overhaul of the financial system is necessary to make investment more sustainable and the system to promote true sustainability from an economic, social and environmental perspective (European Commission 2016a). Also in the banking union, prudential regulation for the banking sector is largely based on international standards and guidelines, in particular the Basel capital standards package, as well as guidelines developed by the UN and the Financial Stability Board. Furthermore, the European Banking Authority (EBA) recommends that the European Commission and EU legislators support the adoption of long-term perspectives through clearer sustainability legislation, continue to increase disclosure of long-term risks and opportunities by both corporates and banks, improve information flows and access to data, and support the role of the banking sector in raising awareness of sustainability challenges and environmental, social and governance risks (European Banking Authority 2019: p. 4–5).

The general regulations for the implementation of the structural funds (see: Regulation (EU) 2021/1060) also refer to the principle of sustainable development. The Regulation 2021/1060 emphasises the importance of sustainable development for the European Union. In relation to that, at least 30% of EU budget expenditure must be allocated for measures that contribute to climate goals, while not harming the environment at the same time. The EU funds are obliged to support projects that are in line with the *Paris Agreement* and the UN Sustainable Development Goals. Also for European funds, the principle "do no significant harm" (DNSH) can be applied, which follows from the EU Taxonomy Regulation (see: Regulation (EU) 2020/852).

On the other hand, among the institutions involved in the development of the financial and non-financial reporting system for the Sustainable Development Goals there is the International Integrated Reporting Council (IIRC) – established in 2009 global coalition of regulators, investors, companies, standard setters, accountants and NGOs. Its mandate is to create and develop an international framework for integrated reporting.

Selected dilemmas related to implementation of the concept of sustainable financing in the EU

Implementing the concept of sustainability at company level is an arduous process, generating a lot of concerns and risks, not infrequently the need for organisational restructuring of enterprises. Problems arising with the implementation of the concept and the provision of sustainable financing can be grouped according to the markets, in which the companies or institutions operate, according to the thematic areas or sectors in which they operate, or which arise from the interpretation of the law. The state (government administration) is responsible for identifying problem areas and reporting them to the relevant bodies at European Union level. Due to the complexity of the problem related to the implementation of sustainable development, selected dilemmas formulated at the level are presented below:

- European Union, during the preparation of legal solutions;
- Poland, as the Member State;
- markets (in particular financial and capital markets), enterprises – related to the preparation of integrated reports and operational performance.

Businesses play a key role in the European Union's transition towards climate neutrality. They are the ones charged with taking decisive action on sustainability, including identifying and managing human rights and environmental risks in their value chains. The complexity of these chains requires companies to implement comprehensive management systems to identify and reduce the negative impact of their activities. The activities of EU companies, especially large corporations, are strongly linked to global supply chains. The complexity of these networks, involving numerous suppliers both within and outside the EU, makes it difficult to identify and reduce the negative impacts of business activities on human rights and environment. Greater transparency and systematic due diligence efforts across the value chain are needed to address this issue. Therefore, it is necessary to prepare solutions at EU level imposing cross-sectoral due diligence and corporate responsibility obligations (European Parliament Resolution (2020/2129(INL))). The European Parliament and the European Council have proposed legal solutions in the form of the *Directive on Corporate Sustainability Due Diligence* (see: Directive (EU) 2024/1760). It is important in terms of being able to meet the objectives set out in existing and planned Union's instruments in the area of human rights, including labour rights, and in the area of environment. Although EU environmental law imposes numerous obligations on companies and the Member States, its scope is limited to activities carried out directly within the Union. Meanwhile, much of the negative environmental impact of EU production⁹ takes place beyond its borders, in global supply chains (Jungmichel et al. 2017).

Current regulations, such as the Environmental Liability Directive (see: Directive 2004/35/EC), are focused on the direct activities of companies and do not cover the

⁹ It is estimated to be 80–90%.

harmful effects of their actions in value chains (European Commission 2022). EU Member States are becoming increasingly active in introducing sustainability due diligence legislation. While they are all pursuing the same objectives based on international standards (e.g. the UN Guiding Principles on Business and Human Rights, as well as the OECD Standards for Responsible Business Conduct), the adopted solutions are widely different. Some countries focus on specific aspects of sustainable development, while others take a more comprehensive approach. For example, the Dutch law, which establishes an obligation to carry out horizontal due diligence on child labour issues throughout the value chain. A political party in Austria has presented a draft law on social responsibility for forced and child labour in the clothing industry (European Commission 2022).

Companies operating in international markets, especially those with extensive supply chains, currently have to contend with a variety of sustainability regulations. This situation not only makes it difficult to do business, but also leads to an uneven playing field between companies from different countries. In the future, as regulation continues to evolve, these differences may become even more visible. In some cases companies may be subject to several different sets of rules at the same time, further complicating the situation. Gaps in the due diligence rules may lead to a situation where some companies can avoid their obligations under the new due diligence rules if their business is not sufficiently linked to the country in question. This gives them unfair advantage over competitors who have to comply with these requirements (European Commission 2022). On 24 May 2024, the EU Council adopted the *Directive on Corporate Sustainability Due Diligence* (CSDD, see: Directive (EU) 2024/1760). The Member States have two years to implement the provisions of the Directive into their national legal order.

The introduction of EU Taxonomy is, as already mentioned, a challenge for Polish entrepreneurs not only due to their operational activities, but from the interpretation of legal regulations. The *Working Group on the Application of the EU Taxonomy*, established at the Polish Ministry of Finance in May 2023, has prepared recommendations for further legislative work that should make it easier for entrepreneurs to adapt to the new regulations. These recommendations are based on the most important barriers, which include:

- limited access to the data necessary for reporting on the basis of the EU Taxonomy;
- the risk of "greenwashing" and unreliability of data obtained from third parties (low reliability of data or declarations necessary for reporting under the EU Taxonomy, including confirmation of compliance with the principle "do no significant harm" (DNSH), especially when obtained from foreign counterparties);
- lack of transparent regulations on reporting rules and calculation method for the climate change adaptation and mitigation target;
- lack of clarity on who is the independent third party that will effectively certify emission reductions and compliance with the DNSH principle;
- lack of publicly available tools to calculate the carbon footprint in terms of life cycle assessment (LCA);

- no indication of a specific methodology for calculating the carbon footprint, there is a need to develop a uniform interpretation for each footprint approach: direct emissions and those calculated in LCA;
- lack of reliable data on the carbon footprint of products in the EU and outside the EU (e.g. similar to the German database for construction products), including the lack of a ready-made Polish database for environmental product declarations (EPD) and precise guidelines (including at EU level) for setting and verifying the border carbon tax (CBAM);
- high costs of obtaining reliable data from external sources necessary to calculate e.g. the carbon/environmental footprint over the entire life cycle, e.g. cost of access to the database Ecoinvent (Laskowski 2023: p. 3–6).

When introducing new obligations for the operation of a company, including reporting obligations arising from the fulfilment of the idea of sustainable development, attention should be paid to their effectiveness. If the differences between the current information system and the new integrated reporting system will be minor, the costs associated with the company's creation of a new framework and standards may be too high in relation to the potential benefits. Matuszak (2016) emphasises the differences between traditional and integrated reporting. Integrated report is a comprehensive document that combines information from different areas of company operations, such as finance, management, corporate governance and sustainability. Its structure should reflect a holistic approach to management, and it is not just a compilation of different types of data. The aim of integrated reporting is to provide a more comprehensive view of the company's activities, taking into account both financial and non-financial aspects. While, on the one hand, integrated reports should be more comprehensible to a wide audience, on the other hand, their flexible nature can lead to differences in the way of presenting information. This makes it difficult to compare reports from different companies (Matuszak 2016: p. 112–114).

Similar doubts are expressed by Świdarska and Bek-Gaik (2016): for example, whether the actual decision-making relevance of the integrated report will lead to success in attracting long-term investors, or whether the implementation of integrated reporting will result in changes to a company's business model? Integrated reporting raises dilemmas among entrepreneurs, mainly related to concerns about the possibility of losing competitive advantage as a result of too much disclosure (Świdarska, Bek-Gaik 2016: p. 12).

A *Sustainability Reporting Survey* prepared in 2023 by KPMG indicates that less than a half of the surveyed companies in Poland identify and report on ESG factors that materially affect the value and business model of the company (KPMG 2023). The high percentage of companies that do not link ESG information to financial materiality indicates that there is still a lack of understanding in Poland of how environmental, social and corporate governance issues affect the value of a company. Although recommendations indicate that remuneration should be linked to the achievement of ESG, this practice is not widespread in Poland. One reason for this situation is that many Polish companies do not have well-defined and business-relevant ESG indicators to assess performance in this area (KPMG 2023).

The scope of what the financial sector should do in the area of ESG is very broad. On the one hand, banking sector institutions should comply with the reporting requirements under the Taxonomy Regulation and the SFDR disclosure and related regulatory framework. On the other hand, these institutions need to prepare themselves to incorporate ESG information disclosed by others into their decisions if they want to remain at the forefront of change. The construction of ESG risk assessment tools and the development of staff competencies are two pillars underpinning financial institutions' commitment to a sustainable financial market. Both are essential to enable effective monitoring of ESG risks and to support investment in projects with positive environmental and social impacts. This is even more important, since "the first climate risk stress tests conducted at banks in 2022, where risks related to material climate impacts as well as short- and long-term risks arising from the transition to a more sustainable economy were assessed, revealed that banks, despite certain progress, still do not adequately take climate risks into account. This applies in particular to the principles of stress testing and credit risk models. All these aspects require a strategic approach, including the definition of new professional roles in ESG and the directions of their development" (PARP 2023: p. 54). „Banks are required to integrate ESG criteria into their total risk management process, which creates challenges such as revising the financial institution's strategy, auditing customer and asset portfolios, or estimating ESG risks" (PARP 2023: p. 83).

Estimates from the European Central Bank (ECB) suggest that companies in the mining and energy sectors account for around 5% of banks' credit exposures. Although the banks' loan portfolios include entities in the mining and energy sectors, which have the highest carbon footprint, the risk for banks servicing these companies is low due to the low share of these companies' loans in the total loan portfolio.

Businesses in the manufacturing sectors account for a much larger share (around 20%) of banks' loan portfolios. This segment creates significant transition risk and represent the main source of climate-related credit risk in banks' corporate loan portfolios. Banks' exposure to transition risk from investments in securities of carbon-intensive companies is significant. Approximately 30% of banks' corporate equity and bond portfolios represent investments in entities with a high carbon footprint (Ziolo 2023: p. 46–47).

Sustainable finance regulations are also forcing organisational changes in financial institutions and companies. The preparation of non-financial reports necessitates the cooperation of all units in a given financial organisation or enterprise. Among the specific competences of the employees of the above-mentioned institutions related to the implementation of tasks in the area of sustainable development, the following are mentioned: analytical thinking skills allowing for the identification of areas requiring greater attention from companies and the recognition of possible fields requiring correction, knowledge and correct understanding as well as ability to analyse new requirements and legal acts, high competence in the field of the banking system functioning and ESG risk management, knowledge of the specific nature of the financial industry in the context of ESG, a strategic approach to introducing changes in the organisation, taking into account ESG factors and an attitude towards this issue based on personal commitment (Ziolo

2023; p. 76). Unfilled competence gaps in ESG can significantly limit the pace and scope of financial sector transformation. This leads to the need to intensify efforts and investments in building ESG competencies in the financial sector through the development of co-operation between all stakeholders, including higher education (Zioto 2023; p. 91).

In addition to banks, which can be regarded as leaders of change in financing sustainable development, the stock exchange should also be mentioned as being a strong leader of change in this area. For more than 20 years, the WSE (Warsaw Stock Exchange, pl. *Giełda Papierów Wartościowych w Warszawie*) has been working for the development of the capital market in terms of corporate governance issues of listed companies and has supported the processes of integrating sustainability factors into the business activities of companies. The result of these activities are the regulations on *Good Practices of Companies Listed on the WSE*, in force since 2002,¹⁰ and they are aimed at increasing the transparency of listed companies, improving the quality of communication between companies and investors, strengthening the protection of shareholders' rights, also in matters not regulated by law, not imposing on listed companies burdens that are not offset by market benefits (Giełda Papierów Wartościowych 2021). This was followed by the introduction of the RESPECT index in 2009 to promote socially responsible business, which was replaced by the investable WIG-ESG index in 2019. In June 2023, the *Warsaw Sustainable Segment* was launched, which is a dedicated section on the website gpwcatalyst.pl containing information on bonds issued by companies or government entities, the funds raised from which are used for projects financing sustainability. In 2021, the WSE announced the *WSE Group ESG Strategy 2025*, which defines the WSE's long-term commitment to promoting sustainable development and implementing ESG initiatives. The WSE also publishes *ESG Reporting Guidelines* (see: Steward Redqueen 2024), which provide a practical tool to support issuers in disclosing ESG data in line with the needs indicated by investors.

The aforementioned regulations can also be applied to the insurance sector. Insurance companies are obliged to regularly report on their environmental and social impacts and to inform customers about the sustainability of investment products. The new regulations require insurance intermediaries to assess customers' sustainability preferences and take them into account when selecting products.

Conclusions

The issue of financing sustainable development, both on a global and European scale, has increased importance in recent years. In the face of ambitious environmental goals, such as those set out in the *Paris Agreement* and the *UN 2030 Agenda for Sustainable Development*, significant financial resources need to be mobilised. According to the European Commission estimates, the sustainability investment gap in Europe is at least €350 billion per year. The main objective of the *EU Action Plan on Financing Sustainable Growth* is to transform the financial system to support sustainable and inclusive growth.

¹⁰ Since 1 January 2016, the WSE also applies the corporate governance principles developed in the form of the *Best Practices for WSE Listed Companies*, which were updated in 2021.

This means channelling investment towards environment-friendly and community-friendly projects, managing risks associated with climate change and other threats, and ensuring greater transparency in financial activities. The analysis carried out for the purpose of this article leads to the conclusion that EU institutions are seeking to equip all stakeholders involved in the process of redesigning the financing system for sustainable investments with the appropriate instruments to enable them to fulfil their obligations under EU legislation.

However, due to the complexity of sustainability issues,¹¹ they are not described in a way that enables consistent and comparable data to be presented by companies and other market participants in all EU Member States. These instruments require continuous monitoring, supplementation and clarification of legal solutions from the EU and Member State level. They also require increased organisational and human resources on the part of entrepreneurs and other market participants. They also require greater commitment and creativity in the launch of new products to finance environmental investments, but with a significant administrative burden, indicator on the side of the borrower, etc. the European Union has set itself the ambitious goal of achieving EU climate neutrality by 2050. This means that all Member States should reduce their greenhouse gas emissions to zero, while the intermediate target is to reduce emissions by at least 55% by 2030.

With these assumptions in mind, further questions arise which undoubtedly should be pursued as a follow-up to this study. Namely, at what cost will the EU Member States achieve these targets, if at all? How will this cost be distributed among the individual Member States, the burden on public finances and on businesses and other financial institutions? What will be the cost per capita for an EU citizen? How will these costs correspond to reductions in greenhouse gas emissions on a global scale if countries on other continents do not take responsible action to protect the climate and the environment? Whether, all things considered, the people of Europe will not face higher costs of living or doing business compared to other countries? And when will it even be possible to say that the Sustainable Development Goals have been achieved or are being achieved at a satisfactory level in view of the ongoing process of global climate change?

Ewa Latoszek – Professor in Economics, head of the *Jean Monnet Chair of the European Union*, SGH Warsaw School of Economics, director of Jean Monnet Centre of Excellence (CEWSE). She specialises in global and regional studies, development economics, European integration, and EU policies.

Ewa Latoszek – profesor nauk ekonomicznych, kierownik Katedry Unii Europejskiej im. Jeana Monneta w Szkole Głównej Handlowej w Warszawie, dyrektor Centrum Doskonałości Jeana Monneta (CEWSE). Specjalizuje się w studiach globalnych i regionalnych, ekonomii rozwoju, integracji europejskiej i polityce UE.

¹¹ E.g. the detailed nature of indicators to be pursued and presented by different stakeholders, the classification of activities as environmental, the interpretation of EU regulations and their alignment with national law, etc.

Agnieszka Kłos – PhD in Economics, assistant professor at the *Jean Monnet Chair of European Union* at the Collegium of Socio-Economics of the SGH Warsaw School of Economics. Her research interests are focused mainly on sustainable development, public finances, the budget of the European Union, financial instruments of the cohesion policy.

Agnieszka Kłos – doktor nauk ekonomicznych, adiunkt w Katedrze Unii Europejskiej Jeana Monneta w Kolegium Ekonomiczno-Społecznym Szkoły Głównej Handlowej w Warszawie. Jej zainteresowania badawcze koncentrują się głównie na zrównoważonym rozwoju, finansach publicznych, budżecie Unii Europejskiej, instrumentach finansowych polityki spójności.

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Rethinking globalisation: changing globalisation leaders as a signal of the reglobalisation process

Paweł Piotr Śliwiński, *Poznan University of Economics and Business*
(Poznan, Poland)

E-mail: pawel.sliwinski@ue.poznan.pl

<https://orcid.org/0000-0001-8479-3252>

Abstract

This article presents an analysis of the global financial crisis's impact and subsequent economic disruptions on globalisation, particularly on international trade dynamics. The author investigates whether these events have led to deglobalisation, a slowdown, or a shift toward reglobalisation. Through statistical analysis of trade flows and their share of global GDP across four World Bank income groups over 34 years (1989–2022), the researcher demonstrates a trend toward slowbalisation and reglobalisation rather than deglobalisation. Slowbalisation does not signify a strict divide by income level; instead, globalisation remains dynamic, with emerging economies increasingly challenging high-income countries' dominance.

Keywords: global financial crisis, globalisation, deglobalisation, slowbalisation, reglobalisation, Europe, international trade dynamics

Globalizacja na nowo: zmieniający się liderzy jako oznaka procesu reglobalizacji

Streszczenie

W artykule przedstawiono analizę wpływu globalnego kryzysu finansowego i późniejszych turbulencji gospodarczych na procesy globalizacyjne, ze szczególnym uwzględnieniem dynamiki handlu międzynarodowego. Autor bada, czy te wydarzenia doprowadziły do deglobalizacji, spowolnienia czy przejścia w kierunku reglobalizacji. Przeprowadzając analizę statystyczną przepływów handlowych oraz ich udziału w światowym PKB w czterech grupach dochodowych Banku Światowego na przestrzeni 34 lat (1989–2022), badacz wskazuje na trend w kierunku spowolnienia globalizacji

i reglobalizacji, a nie deglobalizacji. Spowolnienie globalizacji nie oznacza ścisłego podziału według poziomu dochodów; globalizacja pozostaje dynamiczna, a kraje rozwijające się coraz bardziej konkurują z krajami o wysokich dochodach.

Słowa kluczowe: globalny kryzys finansowy, globalizacja, deglobalizacja, spowolnienie globalizacji, reglobalizacja, Europa, dynamika handlu międzynarodowego

After the fall of the Soviet Union, a notable pattern in the global economy was the intensification of globalisation. This phenomenon gave rise to the establishment of economic networks and interconnected systems around the world. Markets and production in different countries became increasingly interdependent. The expansion of economic globalisation acted as a catalyst for international endeavors undertaken by businesses, encompassing foreign investments, international trade activities, and collaborative efforts to advance production and supply chains. However, because of the global financial crisis (GFC), there was a notable reduction in globalisation, which was evident in the magnitude of global trade and financial flows compared to the 2007 peak. This decline was caused by financial instability that initially emerged in advanced nations and subsequently spread worldwide, triggered by chain reactions. International trade volumes fell dramatically during the 2008–2009 economic crisis.

During the second decade of the 21st century, many threats have disrupted the global economy. At the end of the decade, the COVID-19 pandemic began, which required the implementation of a new economic policy, including temporary economic activity lockdowns. The economic downturn caused by the pandemic was greater than the impact of the global financial crisis. As a result, 2020 saw a significant decline in international trade and foreign direct investments in all regions of the world. External shocks, such as the situation in Ukraine, disrupted global commodity markets, trade, and supply chains.

After the GFC, it became evident that globalisation had indeed spurred economic growth, but it had also heightened destabilising elements within the global economy, including encouraging financial sector speculation. Particularly, questions about the future of globalisation became more pronounced with the emergence of demand-supply shocks related to the COVID-19 pandemic. The dominant voices in the discussion about the future of globalisation concerned the potential process of deglobalisation (Garcia-Herrero 2019), its slowdown (slowbalisation) (Bakas 2015), or the process of re-globalisation (Madhok 2021).

The research question posed by the author is related to the impact of the global crisis and other turbulences, culminating in the COVID-19 pandemic, on the direction of globalisation processes as reflected in the dynamics of international trade. The author examines whether these changes result in deglobalisation – a limitation of globalisation, or whether we can speak of a slowdown in the pace of globalisation, or even reglobalisation, signifying a change in the pattern of globalisation. To address this question, a statistical analysis of trends in the development of trade flows, represented by the total of exports and imports, is carried out at both the global level and within particular income groups.

To assess whether a dataset demonstrates a statistically significant upward or downward trend over time in either direction, several statistical tools were employed. These tools include the Mann-Kendall test for trend (Kendall 1975; Mann 1945), Sen's estimator (Sen 1968), and Kendall's rank correlation coefficient (Kendall 1938). The author analyses statistical trends in the share of foreign trade in the global Gross Domestic Product (GDP) within the four income groups defined by the World Bank's classification from 2019. The analysis covers 34 years (from 1989 to 2022), with the main goal being to assess the potential impact of the global financial crisis on the process of globalisation.

Specifically, **the study's aim** is to determine whether the crisis has led to a reduction or deceleration in cross-border trade within the analysed groups of countries. To accomplish this, the dataset is divided into two distinct periods: one before the global financial crisis (1990–2007) and one since the onset of the crisis (2008–2022). This division allows for a comparative examination of trends in global economic activities in the pre-crisis and post-crisis eras.

The article consists of six parts. Following the introduction, a literature review is conducted regarding changes in globalisation in the global economy after the outbreak of the global financial crisis. Next, the research methodology and the data used in the study are presented, and the following parts present and discuss the results of the statistical analysis.

Literature review

The end of the Cold War and the fall of the Soviet Union marked the beginning of a new era of globalisation. Neoliberal economic policies spread rapidly. Institutions such as the World Bank and the International Monetary Fund (IMF) promoted free trade, privatisation, and deregulation, fundamentally shaping the economies of both developed and developing countries (Stiglitz 2002). During this time, international trade, capital flows and technological communication increased exponentially, a phenomenon that Subramanian and Kessler (2013), Rodrik (2015) and Antràs (2020b) described as hyper-globalisation. This has led to an unprecedented level of economic integration, with many countries becoming deeply intertwined in global supply chains.

The economic downturns of 1997–1998 and notably the 2008 financial crisis highlighted the vulnerabilities of an excessively interconnected financial world, prompting discussions on its long-term viability (Roubini, Mihm 2011). The subsequent drop in trade and capital movements was seen as evidence of a potential move away from globalisation, that is deglobalisation (Obstfeld 2021; Mihaylov, Sitek 2021). While globalisation can be viewed as growing interconnections within a system, deglobalisation represents a trend of diminishing interlinkages and declined trade and financial international flows. In particular, due to the COVID-19 pandemic that began in 2020, many countries put their citizens and economies first, leading to protectionist measures. The pandemic has also exposed the vulnerability of global supply chains, which, together with demand-side shocks, lead to significant slowdowns in both goods and capital flows (e.g. Shukla 2020; Escaith, Khorana 2021).

Another strand of literature argues that despite the decline in international trade and investment after the GFC, it's not accurate to declare the end of globalisation (Lund et al. 2019; UNCTAD 2021; Goldberg, Reed 2023). Two prominent themes appear in the literature: the notions of slowbalisation and reglobalisation. The concept of slowbalisation has been introduced to characterise the decelerated tempo of globalisation (Bakas 2015; Goldberg, Reed 2023). This doesn't mark its cessation but indicates a shift towards more regionally focused and less extensive global networks. Hence, slowbalisation can be seen as a maintained linkage in the global financial framework, albeit progressing more leisurely than the pace seen before the GFC.¹

The recent scientific discourse emphasises a profound transformation in the nature of globalisation. If the concept of slowbalisation focuses on slowing down the growth of global connections, reglobalisation can be identified by changing the types, quantities, and originators of international connections. Reglobalisation stands for a recalibration of global interconnectivity, which has changed and reflects the world's adaptive responses to new global economic, political, and social landscapes in the post-GFC era, stimulated also by events such as the BREXIT, and the COVID-19 pandemic (Paul 2021; Madhok 2021). It is not a reversal of globalisation but a refinement, characterised by a more conscious, deliberate, and, at times, more restrained approach to international exchange. Bishop and Payne (2021) advocate that this renewed strategy doesn't abandon the principles of interconnected global markets but reassesses and modifies them in line with contemporary global realities. Global interactions were not retracting, but they were becoming more qualitative than quantitative. This transformative approach acknowledges the complexities of modern global challenges, as outlined by Clift and Robles (2021).

As a result, even though some changes in the speed and structure of global trade and financial flows appear possible, reglobalisation recognises that its important feature is the change in the structure of the global economic network. Firstly, Amankwah-Amoah et al. (2021) and Scarlat et al. (2022) underscore the pandemic's role in speeding up digital transformation, as well as enhancing global connectivity, particularly in services, education, and remote work. The surge in digital usage during the pandemic could offset some deglobalisation patterns by fostering global digital ties. Secondly, Baldwin and Tomiura (2020), as well as Miroudot (2020) note that despite early trade reductions due to the pandemic, new forms of trade cooperation emerged, highlighting global trade's adaptability. The crisis forced many firms to prioritize resilience over efficiency, potentially leading to shorter and more regionalised supply chains reducing dependence on distant suppliers, and thereby diminishing one aspect of globalisation. As a result, cross-border investments are being shifted either home (reshoring), somewhere else in the region (nearshoring) or to ally countries (friend shoring). Antràs (2020b) asserts that the pandemic exposed the vulnerabilities of lean and just-in-time production methods, leading to reconsideration of such global production networks. Miroudot (2020) concurs, indicating a post-pandemic trend towards regionalised or localised supply chains and

¹ This sentiment is echoed by e.g. Linsi (2021), and Garcia-Herrero (2022).

a potential reduction in globalisation aspects. Third, as highlighted by Dąbrowski (2020) and Reyes-Heroles et al. (2020), the role of emerging markets in the new globalisation narrative is growing. Their increased participation in global trade and investment signals a reshaping rather than a rollback of globalisation. The growing role of developing and emerging economies in the world trade network and in the world GDP was analysed lately by Hoang et al. (2023) and Rubaj (2023).

Methodology

The Mann-Kendall statistical test for trend (Kendall 1975; Mann 1945) is used to determine if a dataset exhibits a statistically significant increase or decrease over time in either direction. To visualise the trend graphically, the conventional approach involved estimating the slope of a regression line that best fits a set of (x, y) data points through a least-squares method. Because the data points do not conform to a linear pattern and exhibit outliers, the subsequent step involved computing Sen's slope (see: Sen 1968) to analyse the trend.

The decision to use the Mann-Kendall (MK) test to investigate the presence of a trend was made, because it is a non-parametric test that does not rely on specific distribution assumptions. Especially, unlike regression analysis, it doesn't necessitate the assumption of normal distribution for the residuals. Another significant characteristic is that the Mann-Kendall test does not require the trend to conform to a linear pattern.

The MK test statistic, denoted as **S**, is calculated as follows (Gilbert 1987):

$$S = \sum_{i=1}^{n-1} \sum_{j=i+1}^n \text{sgn}(x_j - x_i)$$

where **n** stands for the length of the data series, x_i and x_j are sequential data in the series.

$$\text{sign}(x_j - x_i) = \begin{cases} -1 & \text{for } x_j - x_i < 0 \\ 0 & \text{for } x_j - x_i = 0, \text{ or if the sign cannot be determined due to non - detecs} \\ 1 & \text{for } x_j - x_i > 0 \end{cases}$$

The variance of **S** is calculated using a complex formula that considers the number of ties in the data:²

$$\text{Var}(S) = \frac{n(n-1)(2n+5) - \sum_{p=1}^g t_p(t_p-1)(2t_p+5)}{18}$$

where t_p is the number of ties for the p^{th} value, and **g** is the number of tied groups.

² This approach is applicable when **n** exceeds 10. If **n** is less than 10 or equal to 10, a distinct procedure is employed (Gilbert 1987).

Based on these calculations, a standardised test statistic, denoted as $\mathbf{Z}$, is computed as follows:

$$Z = \begin{cases} \frac{S + 1}{\sqrt{\text{Var}(S)}}, & \text{if } S < 0 \\ 0 & \text{if } S = 0 \\ \frac{S - 1}{\sqrt{\text{Var}(S)}}, & \text{if } S > 0 \end{cases}$$

To determine the existence of a monotonic trend at a specific level of significance, the MK test verifies the null hypothesis (H_0) against the alternative hypothesis (H_1):

H_0 : no monotonic trend,

H_1 : monotonic trend is present.

The null hypothesis is rejected when the absolute value of the standardised test statistic $\mathbf{Z}$ exceeds the critical value, which is either $\mathbf{Z}_{1-\alpha/2}$ (for a two-tailed test) or $\mathbf{Z}_{1-\alpha}$ (for a one-tailed test), where α represents the chosen level of statistical significance.

The primary purpose of the MK test is to detect the presence of a trend in a dataset. It helps find if there is a statistically significant upward or downward trend in a variable over time. To estimate the size of that trend, Sen's estimator (*Sen's slope*) was applied. *Sen's slope* offers a numerical measure of the extent or strength of the trend. It allows the evaluation of the extent, to which the variable is undergoing changes over time, including whether it is experiencing growth or decline, and the rate, at which these changes are occurring.

Sen's slope is formally defined as the median from a set of linear slopes (Sen 1968; Hipel, McLeod 1994):

$$\text{Sen's slope} = \text{Median} \left\{ \frac{x_j - x_i}{j - i}, \text{ where } 1 \leq i < j \leq n \right\}$$

where x_i and x_j denote the variables (the data).

To calculate $1-\alpha$ (confidence interval for *Sen's slope*), the following formula is used:

$$k = Z \left(1 - \frac{\alpha}{2} \right) se$$

where $Z(1-\alpha/2)$ is the critical value from the normal distribution corresponding to the desired confidence level, while se is the standard error for the Mann-Kendall test.

Thus, k is subtracted and added from *Sen's slope*, respectively. This confidence interval provides a range, in which we can reasonably expect the true *Sen's slope* to fall with a probability of $1-\alpha$.

Sen's slope offers several advantages over linear regression parameters, particularly when considering the characteristics of the data being studied. Firstly, *Sen's slope* is a non-parametric statistic, which means it doesn't rely on assumptions about the underlying data distribution. Secondly, it is a robust statistic, making it less sensitive to extreme values (outliers) in the data compared to some other methods. This robustness

makes it well-suited for datasets that show irregularities or contain outlier values. Thirdly, *Sen's slope* is more versatile in capturing non-linear trends. It does not assume a linear relationship between the independent variable (typically time) and the dependent variable, allowing it to accommodate various trend shapes and patterns. Lastly, *Sen's slope* treats all pairs of data points equally, which can be helpful, especially when working with a limited number of data points. In contrast, linear regression may give more weight to recent observations, potentially skewing the results.

Since the dataset occasionally has very small numbers, which can lead to a *Sen's slope* of zero, even when a meaningful trend exists, we have incorporated Kendall's tau (Kendall, 1938), also known as Kendall's rank correlation coefficient, as an additional analytical tool.

Kendall's Tau is a non-parametric statistical metric employed to gauge the intensity and direction of a relationship between two datasets. It produces values within the range of -1 to 1: a positive value signifies a positive association (as one variable rises, the other tends to increase), while a negative value shows a negative association. A value of 0 implies no discernible association between the two datasets. Like the Mann-Kendall statistical test and *Sen's slope*, Kendall's Tau is less influenced by outliers compared to Pearson's correlation coefficient. The formula for computing Kendall's tau is as follows:

$$\tau = \frac{C - D}{C + D}$$

where **C** is the number of concordant pairs (they move in the same direction), **D** is the number of discordant pairs.

Data

The article presents the analysis of statistical trends in the share of foreign trade in the global GDP in the four world's income groups, as defined by the 2019 World Bank's classification by income. For this purpose, the data were extracted from the World Bank database. These included (i) world GDP, (ii) exports of goods and services, and (iii) imports of goods and services. All the data presented here are denominated in current U.S. dollars. The information about points (i) to (iii) is related to the overall global economy, while the data associated with points (ii) to (iii) also correspond to income groups. The World Bank classifies the world's economies into four income groups based on their Gross National Income (GNI) per capita.³ The income groups are illustrated in *Table 1*.

³ The classification of countries into income groups is updated periodically, and it can change from year to year based on changes in GNI per capita. As a result, an economy can move between different classification groups in different years, reflecting shifts in its economic development and income levels. For example, the COVID-19 pandemic had a significant impact on the income classifications of certain countries like Panama and Romania. In 2020, the pandemic caused them to move from the high-income group to the upper-middle-income group. However, their economies rebounded strongly in 2021, allowing them to regain their high-income status by 2022. Some countries may not have income

Table 1: World Bank's country classification by income level.

	GNI per capita, as of 1 July 2022 for FY23
High income	> 13 205
Upper-middle income	4256 – 13 205
Lower-middle income	1086 – 4255
Low income	< 1085 USD

Source: World Bank, <https://datatopics.worldbank.org/>

The analysis covers 34 years – from 1989 to 2022. This time allows for a comprehensive examination of data and trends over more than three decades, offering valuable insights into various aspects of the subject under study. The dataset is split into two periods: before and since the beginning of the global financial crisis of 2008–2009 (i.e. 1989–2007 and 2008–2022).

The data on exports and imports of goods and services were related to the world GDP. By regressing data on GDP, it is normalised to the size of the world economy. This is a frequent practice in economic research. By referencing data to a common variable like the world GDP, it becomes easier to compare and understand these metrics across different time periods, especially as the world economy grows or shrinks. The trade capital openness metric is commonly used as a proxy for globalisation (IMF 2023). The goal of statistical analysis is to examine whether the financial crisis has altered the globalisation process by reducing or slowing cross-border trade. Also, by analysing trade flows in different income groups, we gauge how different income segments of the global economy are participating in and benefiting from global trade. This can reveal disparities or convergence in economic trends among countries at different stages of development. This allows for a comprehensive comparison and deeper insights into how globalisation is evolving. The descriptive statistics of this data are presented in *Table 2*.

Table 2: Summary statistics (all data relative to global GDP).

	Variable	Observations	Minimum	Maximum	Mean	Std. deviation
World	Exports of goods and services	34	0,182	0,312	0,253	0,044
	Imports of goods and services	34	0,183	0,306	0,248	0,041
	The sum of exports and imports	34	0,365	0,617	0,501	0,086

classifications due to data unavailability, as exemplified by Venezuela in 2022. (See more: The World Bank WWW).

High income	Exports of goods and services	34	0,155	0,228	0,193	0,020
	Imports of goods and services	34	0,116	0,187	0,150	0,018
	The sum of exports and imports	34	0,271	0,415	0,343	0,038
Upper-middle income	Exports of goods and services	34	0,018	0,076	0,046	0,020
	Imports of goods and services	34	0,013	0,060	0,037	0,016
	The sum of exports and imports	34	0,031	0,137	0,083	0,036
Lower-middle income	Exports of goods and services	34	0,006	0,023	0,013	0,005
	Imports of goods and services	34	0,007	0,022	0,014	0,006
	The sum of exports and imports	34	0,014	0,044	0,027	0,011
Low income	Exports of goods and services	17	0,001	0,001	0,001	0,000
	Imports of goods and services	17	0,001	0,002	0,001	0,000
	The sum of exports and imports	17	0,002	0,003	0,002	0,000

Source: the author's own calculation.

Research results

The objective of statistical analysis is to examine whether the financial crisis has altered the globalisation process by reducing or slowing cross-border trade. Table 3 displays the results of a statistical analysis examining the trends in globalisation during two distinct time intervals: from 1989 to 2007 and from 2008 to 2022.⁴

⁴ For low-income countries, due to the lack of sufficient data, statistics were not calculated for the period 1989–2007.

Table 3: Sen's slopes and intercepts, and the Mann-Kendall trend test results.

	Exports of goods and services	Imports of goods and services	The sum of exports and imports
World (1989–2007)			
Sen's slope	0,006	0,005	0,011
Intercept	0,165	0,184	0,331
Kendall's tau	0,883	0,856	0,895
MK trend test (p-value)	<0,0001***	<0,0001***	<0,0001***
World (2008 - 2022)			
Sen's slope	-0,001	-0,001	-0,003
Intercept	0,308	0,301	0,610
Kendall's tau	-0,124	-0,143	-0,124
MK trend test (p-value)	0,553	0,488	0,553
High income (1989 - 2007)			
Sen's slope	0,004	0,003	0,007
Intercept	0,149	0,108	0,258
Kendall's tau	0,825	0,801	0,825
MK trend test (p-value)	<0,0001***	<0,0001***	<0,0001***
High income (2008 - 2022)			
Sen's slope	-0,001	-0,002	-0,003
Intercept	0,218	0,176	0,395
Kendall's tau	-0,333	-0,410	-0,371
MK trend test (p-value)	0,092*	0,038**	0,06*
Upper-middle income (1989 - 2007)			
Sen's slope	0,002	0,001	0,003
Intercept	0,012	0,010	0,022
Kendall's tau	0,977	0,895	0,918
MK trend test (p-value)	<0,0001***	<0,0001***	<0,0001***
Upper-middle income (2008 - 2022)			
Sen's slope	0,001	0,000	0,001
Intercept	0,061	0,048	0,110
Kendall's tau	0,257	0,314	0,295
MK trend test (p-value)	0,198	0,113	0,138
Lower-middle income (1989 - 2007)			
Sen's slope	0,000	0,000	0,001
Intercept	0,005	0,006	0,011
Kendall's tau	0,895	0,789	0,813
MK trend test (p-value)	<0,0001***	<0,0001***	<0,0001***
Lower-middle income (2008 - 2022)			
Sen's slope	0,000	0,000	0,000
Intercept	0,018	0,019	0,036
Kendall's tau	0,448	0,4290	0,486
MK trend test (p-value)	0,023**	0,029**	0,013**
Low income (1989 - 2007)			
Sen's slope	-	-	-
Intercept	-	-	-
Kendall's tau	-	-	-
MK trend test (p-value)	-	-	-
Low income (2008 - 2021)			
Sen's slope	0,000	0,000	0,000
Intercept	0,001	0,002	0,003
Kendall's tau	-0,319	-0,143	-0,363
MK trend test (p-value)	0,125	0,511	0,080*

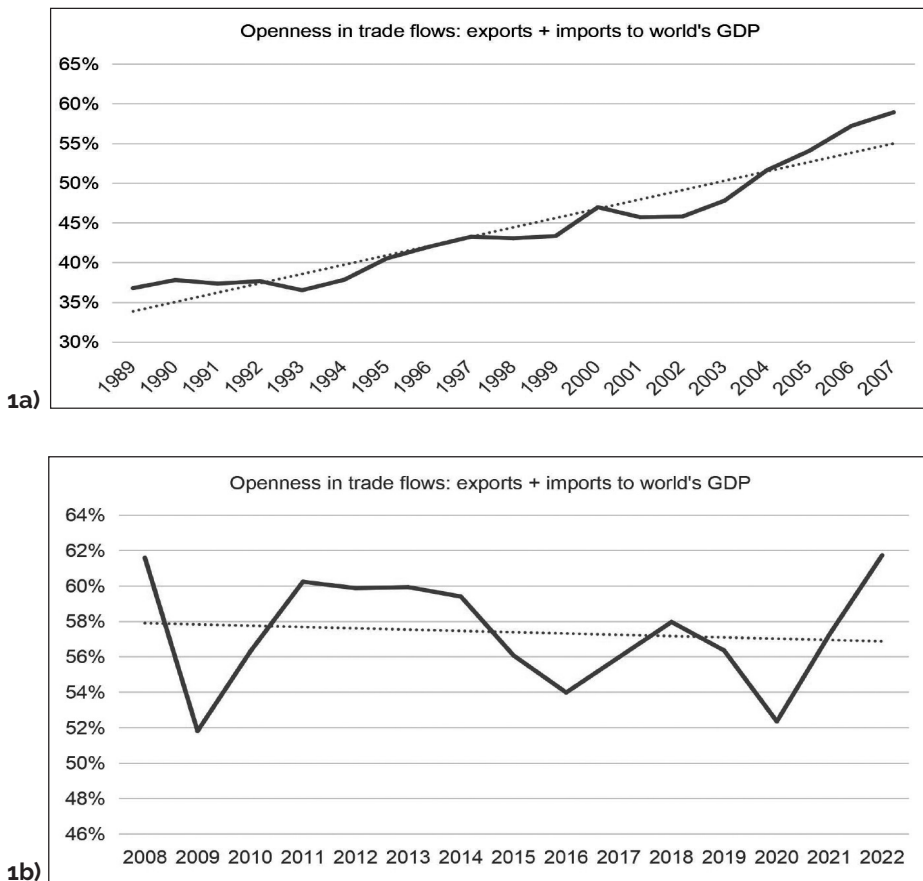
*** - significant at the 1 percent level; ** - significant at the 5 percent level; * - significant at the 10 percent level.

Source: the author's own calculation.

The findings suggest that during the period from 1989 to 2007, there was a noteworthy positive trend in the development of global exports and imports. Not only did the share of world exports in the global GDP rise from 18.3% in 1989 to a substantial 29.9%, but imports also increased from 18.5% to 19%. Moreover, this shift occurred in a relatively smooth and consistent manner.

The onset of the worldwide financial crisis in 2008 brought about notable alterations in the manner, in which globalisation unfolded. It led to several changes in the way countries conducted international trade and these shifts are apparent in the alteration of the direction in Sen's slope and Kendall's tau. The MK trend test indicates that there is no noteworthy trend in cross-border trade flows. The trends in trade are visually depicted in Figure 1(a,b).

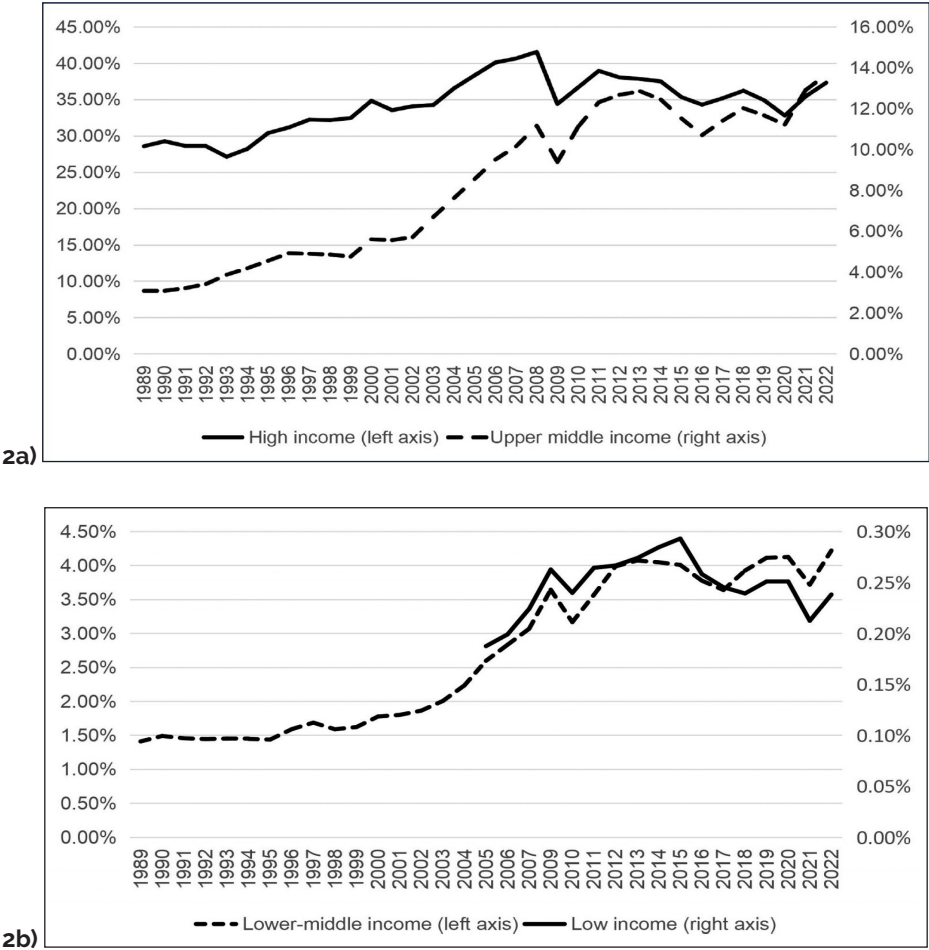
Figure 1(a,b): Cross-border trade from 1989 to 2007 (1a) and from 2008 to 2022 (1b).



Source: the author's own calculation.

Until 2008, the expansion of globalisation was evident across all four income groups. The positive trend in the development of international trade was statistically significant, indicating an increasing economic openness of the world. After 2007, disruptions occurred in the formerly positive global trends, although these disruptions varied in intensity across different income groups. Regarding the total exports and imports, in both middle-income groups, the favorable trend persisted, though it was notably weaker (with lower positive Sen's slopes and Kendall's taus). However, it was statistically significant only in the upper-middle-income group. In the high and low-income country groups, the formerly positive trends in cross-border trade flows, which were observed before 2008, shifted to negative trends, as indicated by the statistics in *Table 3* and demonstrated in *Figure 2(a,b)*.

Figure 2(a,b): Cross-border trade in the four income groups from 1989 to 2022.



Source: the author's own calculations.

Discussion and conclusions

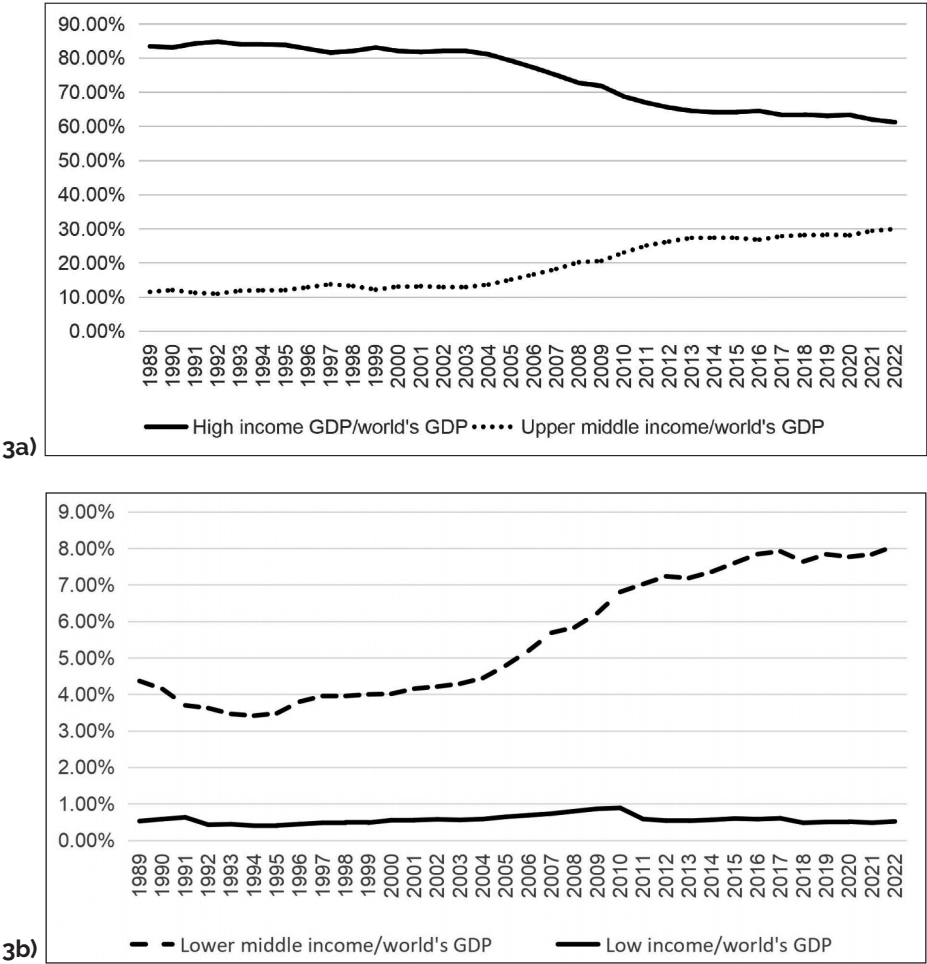
The statistical analysis revealed that the GFC was a turning point that halted the rapid globalisation process, sometimes referred to by experts as hyper-globalisation. In the period leading up to the GFC, global trade generally grew at a faster pace than the world's GDP as shown in *Figure 1(a,b)*. This was influenced by numerous factors. The unification of markets and goods traded within them was pivotal to economic globalisation. A key outcome of this is the easing of international trade barriers, facilitating businesses across nations to live effectively in foreign markets. Notable milestones included trade liberalisation and tariff reductions, especially prevalent in the 1990s. Several emerging economies opened up to global trade. Notably, China pivoted to an export-driven growth model, integrating itself further into the global economic fabric. Simultaneously, Central and Eastern European countries strengthened their economic ties with Western Europe. There was also a noticeable transition in the nature of trade, from primary commodities to manufactured goods, as highlighted by Irwin (2002), and a significant decline in transportation expenses played a crucial role in propelling trade growth in recent decades. Innovations like containerisation boosted transportation efficiency, promoting trade expansion, as pointed out by Hummels (2007). Global Value Chains (GVCs) greatly influenced the swift ascent of global trade *vis-à-vis* income during the 1990s and the early 2000s. Technological breakthroughs and economic progress enabled the segmentation of manufacturing processes across borders via intricate global supply chains (Bems et al. 2013). Finally, the relative global peace and lack of widespread conflict also amplified world trade manifold.

After the global financial crisis, the world experienced slowbalisation, characterised by decelerating trade and investment. The literature suggests several causes, both cyclical and structural. Freund (2009) observed that during recessions, the correlation between trade and GDP typically shifts, with trade plummeting more than output indicates. This is partly due to reductions in inventories and favour of domestic suppliers. Since 2008, trade growth has been sluggish, reflecting weak GDP growth. Predominant was the frail global demand. Different demand components possess varying trade intensities, as illustrated by Boz et al. (2015). For example, business investment is more trade-oriented than government spending, while private consumption falls in between. Also after the GFC, financial institutions became more risk-averse and tightened lending standards. Rebuilding balance sheets and reducing debt overhangs was also crucial for fostering export capabilities across various industries. Consequently, restricted trade finance availability emerged as a potential cause of slowbalisation (Gächter, Gkrintzalis 2017). The structural factors comprise the end of the integration processes of China and Central and Eastern Europe into the global economy and a rise in protectionism, which increased government support for domestic sectors, disincentivising international purchases. Also, over the last decade, the growth of global value chains has decelerated (Antràs, Chor 2022). This trend can be attributed to several factors: the intensity of trade in goods-producing value chains has decreased, and labour costs have surged in major emerging markets, which has led to a reduction in trade based on labor-cost differences in certain value chains. This, in turn, has caused value chains to shift towards a more regional focus, rather than a global one.

Additionally, businesses are becoming more aware of potential supply chain vulnerabilities, and the increased use of regulatory measures and other non-tariff barriers such as export subsidies further exacerbate the situation (Lund et al. 2019; Cigna et al. 2022).

The period following the GFC also witnessed a notable shift in the contributions of advanced and emerging economies to global growth and trade. Compared to advanced economies, emerging market economies have substantially boosted their contribution to global GDP growth, as illustrated in *Figure 3(a,b)*. This relative weakness in aggregate demand, as highlighted by Ollivaud and Schwelnnuss (2015), plays a significant role in shaping the trend of foreign trade relative to global GDP in high-income countries. Since 2008, trade growth has been subdued in advanced economies, especially in the Euro-zone, where intra-EU trade makes up roughly one-third of global trade.

Figure 3(a,b): The portion of the world GDP attributed to various income groups from 1989 to 2022.



Source: the author's own calculation.

The diminishing role of advanced economies in the global trade landscape has ramifications for the course of globalisation. Notably, middle-income countries exhibit significant openness to international trade, as evidenced by their increasing share in global trade. Yet, when viewed historically, emerging economies have proven to be more resilient during recent crises compared to past downturns and have spearheaded the global rebound. Observing the trend, middle-income countries persist in amplifying their engagement in global exchanges of goods, services, and finance. As noted by Gruss et al. (2017), emerging markets and developing economies have risen in prominence within the global economy. The significant income gaps between these economies and advanced nations indicate ample opportunities for convergence, suggesting they have the potential to sustain relatively robust growth over the medium term. The ascent of emerging economies is poised to shape global trade dynamics in various dimensions, not only by their expanding contribution to global exports, but also by changing trade patterns, and growing significance as consumers of goods and services from other countries. Due to consistent robust growth over the years, emerging markets, particularly China, have contributed significantly to the surge in global demand.

Emerging markets are indisputably slated to continue their key role in the global economic landscape. However, the nature and model of their growth are evolving in response to current trends. Notably, we may witness a pivot in global trade flows, shifting from a predominant focus on manufactured goods to an emphasis on services. The prospect of service trade outpacing goods trade in the future is becoming increasingly likely. The digital revolution is playing a transformative role in this dynamic (Lund, Tyson 2018).

With digital technologies and data flows acting as the new lifelines of global commerce, the very fabric of international trade is undergoing a metamorphosis. However, technological advancements, especially in the realm of automation, present a double-edged sword for globalisation. As pointed out by Arslan et al. (2018), while technology has historically catalysed globalisation, the burgeoning rise of automation may pose challenges. If automation allows machines to take over jobs predominantly held in emerging market economies, it could lead to a potential rollback of globalisation. Such a scenario would mark a stark contrast to previous eras, where technological progress invariably spurred deeper global integration. Threats to the globalisation process are also evident in other areas. Goldberg and Read (2023) primarily identify these threats in the rising protectionist policies of various governments following the initiation of the trade conflict that erupted between the world's two dominant economies in 2018 and lately the conflict in Ukraine, with national security concerns serving as a central driving force. Moreover, the COVID-19 pandemic intensified the emphasis on economic security, prompting a reevaluation of supply chains. The crisis revealed the susceptibility of these supply networks in numerous countries, leading to heightened efforts to bolster their resilience.

Despite these threats, we are witnessing a shift towards slowbalisation rather than deglobalisation, indicating that the pace of international economic integration may not increase as swiftly as it did in past decades. Instead, it might stabilise at historically high levels reached before the pandemic began. However, slowbalisation doesn't imply

a rigid divide between countries based on income levels will persist. Even in this era of slowbalisation, the process of globalisation remains dynamic. Thus, slowbalisation goes hand in hand with reglobalisation. Power dynamics are shifting, with emerging economies challenging the high-income nations.

Paweł Piotr Śliwiński – associate professor and a head of the International Finance Department at the Poznań University of Business and Economics. In academic research he specialises in international finance, corporate finance, and capital markets.

Paweł Piotr Śliwiński – profesor i kierownik Katedry Finansów Międzynarodowych na Uniwersytecie Ekonomicznym w Poznaniu. W pracy naukowej specjalizuje się w finansach międzynarodowych, finansach przedsiębiorstw oraz rynkach kapitałowych.

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Intra-industry trade intensity between Poland and key economic partners: evidence from 2000–2022¹

Elżbieta Czarny, *SGH Warsaw School of Economics (Warsaw, Poland)*

E-mail: eczary@sgh.waw.pl

<https://orcid.org/0000-0003-2124-2140>

Paweł Folfas, *SGH Warsaw School of Economics (Warsaw, Poland)*

E-mail: pfolfa@sgh.waw.pl

<https://orcid.org/0000-0002-6052-7125>

Aleksandra Szarek-Piaskowska, *SGH Warsaw School of Economics (Warsaw, Poland)*

E-mail: aszare@sgh.waw.pl

<https://orcid.org/0000-0002-9553-7761>

Abstract

The aim of this article is to examine how the intensity of bilateral intra-industry trade between Poland and its selected economic partners changed in 2000–2022. To analyse the changes in the intensity of intra-industry trade, we used Grubel-Lloyd indices, calculated on the basis of data including 6-digit product groups as classified in the HS nomenclature (UN COMTRADE database). The research results demonstrate that the most intensive intra-industry trade exists between Poland and Germany, Czechia, France, Hungary, Spain, Italy and the United States. For these seven trading partners, GL index values mostly exceeded 0.3 during the research period.

Keywords: Poland, Europe, intra-industry trade, Grubel-Lloyd index, economic partners

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Intensywność handlu wewnątrzgałęziowego Polski z kluczowymi partnerami gospodarczymi w latach 2000–2022

Streszczenie

Celem artykułu jest znalezienie odpowiedzi na pytanie, jak zmieniała się intensywność dwustronnego handlu wewnątrzgałęziowego Polski z wybranymi partnerami gospodarczymi w latach 2000–2022. Do badania zmian intensywności handlu wewnątrzgałęziowego wykorzystujemy wskaźniki Grubela-Lloyda obliczone na podstawie danych dla 6-cyfrowych grup produktowych z nomenklatury HS (baza danych UN COMTRADE). Wyniki badania wskazują, że najbardziej intensywny handel wewnątrzgałęziowy Polska prowadzi z Niemcami, Czechami, Francją, Węgrami, Hiszpanią, Włochami oraz USA. W przypadku tej siódemki partnerów przez większość okresu badania wartości wskaźników GL były wyższe niż 0,3.

Słowa kluczowe: Polska, Europa, handel wewnątrzgałęziowy, wskaźnik Grubela-Lloyda, partnerzy gospodarczy

The article's aim is to answer the question of how the intensity of Poland's bilateral intra-industry trade (IIT) with its selected economic partners changed between 2000 and 2022. The study covers Poland's trading partners, including EU Member States, non-EU European states (both developed and developing ones), non-European G7 states (Canada, Japan and the United States), and BRICS countries (Brazil, India, China and South Africa). Thus, we analysed Poland's intra-industry trade with 46 states of different characteristics over a 23-year period, which is an added value of this article. A further goal was to answer the question of how the intensity of Poland's intra-industry trade changed in comparison with similar trade changes observed in the European Union and worldwide.

To investigate the changes in the intensity of intra-industry trade, we used Grubel-Lloyd indices (GL indices), which were calculated using data on 6-digit product groups classified according to the Harmonised System (HS) nomenclature. The international trade statistics used in this research were obtained from the COMTRADE database (a United Nations database).

Literature review

There is a wealth of literature on Poland's intra-industry trade, with numerous publications focusing on specific industries. Examples include the automotive industry (e.g. Kawecka-Wyrzykowska 2010; Ambroziak 2012b; Dąbrowski 2017; Moczulski 2018), clothing industry (e.g. Łapińska et al. 2019a), agri-food industry (e.g. Szczepaniak 2011, 2013; Łapińska 2014), pharmaceutical industry (e.g. Łapińska et al. 2019b), machinery industry (e.g. Michalski 2018), and within various industries (e.g. Misala, Pluciński 2000; Molendowski 2006; Czarny, Śledziwska 2008, 2009a,b, 2010; Pluciński 2010; Talar 2012; Kawecka-Wyrzykowska 2017; Polan 2020; Wyrzykowska-Antkiewicz 2021). The discussion of Poland's intra-industry trade in all goods was conducted in the context of specific states (e.g. Misala, Pluciński 2000; Czarny, Śledziwska 2008, 2009a, 2010; Talar 2012;

Molendowski, Polan 2015; Kawecka-Wyrzykowska 2017; Michalski 2018; Wyrzykowska-Antkiewicz 2021), as well as groups of states, such as the EU-10 (e.g. Czarny, Śledziewska 2008; Kawecka-Wyrzykowska 2010, 2016a,b, 2017; Molendowski 2012, 2014; Molendowski, Polan 2013, 2015; Polan 2020), the EU-12 (e.g. Czarny, Śledziewska 2009a,b; Pluciński 2010; Toporowski 2017), the EU-15 (e.g. Misala, Pluciński 2000; Molendowski 2006, 2012, 2014; Czarny, Śledziewska 2008, 2009a,b; Kawecka-Wyrzykowska 2010, 2016a,b; Pluciński 2010; Toporowski 2010, 2013, 2017; Molendowski, Polan 2013, 2015; Kawecka-Wyrzykowska et al. 2017; Polan 2020), the EU-25 (Czarny, Śledziewska 2010; Kawecka-Wyrzykowska 2010), the EU-27 (Talar 2012), the Eurozone (Kawecka-Wyrzykowska 2016b, 2017), non-Eurozone Member States (Kawecka-Wyrzykowska 2016b, 2017), non-EU states (Kawecka-Wyrzykowska 2010, 2016a,b, 2017; Talar 2012), major non-EU trading partners (e.g. Toporowski 2017), developed countries, developing countries and transition countries (Czarny, Śledziewska 2012), CEFTA states (e.g. Misala, Pluciński 2000), and all countries in the world in total (e.g. Brühlhart 2009; Kawecka-Wyrzykowska 2016a,b, 2017; Czarny, Śledziewska 2012).

The general Grubel–Lloyd index for Poland's total trade (calculated on the basis of 4-digit HS codes) recorded a significant increase of 14 p.p. between the mid-1990s and the outbreak of the financial crisis in 2008. It then levelled off over the next six years, reaching approx. 32–33% (Kawecka-Wyrzykowska 2016a,b, 2017; Kawecka-Wyrzykowska et al. 2017). Similar findings were obtained by Ambroziak (2012a) for the years 1995–2008. Czarny and Śledziewska (2012) – when calculating the Grubel–Lloyd index based on 6-digit HS codes – obtained higher results for the index for 2000 and slightly lower ones for the years 2008–2010, due to the limitation of IIT with all countries around the globe during the financial and economic crisis. However, the transition from inter-industry trade to intra-industry trade was slow from 1993 to 1998 (Misala, Pluciński 2000). According to the Grubel–Lloyd index based on 5-digit SITC codes, the majority of Poland's trade with the world was already of an intra-industry nature in 2007 (Kawecka-Wyrzykowska 2010). Trade with developed countries was characterised by higher IIT indices than trade with the world in general, and an upward trend was witnessed in the years 2008–2010, while trade with developing countries remained predominantly of an inter-industry nature (Czarny, Śledziewska 2012).

Many analyses of Poland's intra-industry trade are focused on its trade with the EU Member States. This is due to the fact that they are Poland's main trading partners, and IIT is typical for developed countries. One of the most important factors in the intensification of IIT is economic integration. Most authors point out that trade between Poland and EU Member States was characterised by a growing share of IIT in the 1990s and early 2000s (Misala, Pluciński 2000; Czarny 2002; Czarny, Śledziewska 2008, 2009a,b, 2010; Molendowski 2006, 2012, 2013; Molendowski, Polan 2013, 2015; Kawecka-Wyrzykowska 2016b, 2017). Some researchers claim that the outbreak of the financial crisis in 2008 slowed down or even stalled the upward trend in intra-industry trade. Subsequent years only observed an insignificant increase in its share (Kawecka-Wyrzykowska 2016b, 2017; Molendowski 2013; Molendowski, Polan 2013,

2015). The others (e.g. Toporowski 2013, 2015) argue that the crisis did not significantly influence intra-industry trade, and that the IIT index continued to increase until 2015. However, by the middle of the second decade of the 21st century, it was inter-industry trade that dominated between Poland and the EU. Only Wyrzykowska-Antkiewicz (2021) is of the surprising view that in 1992–2020 trade between Poland and the EU was mainly of an intra-industry nature (according to the Combined Nomenclature classification), with intra-industry trade accounting for 83% of trade within the EU in the last year of the analysed period.

The question of whether intra-industry trade is more typical for trade with the "old" EU Member States (EU-15) or the "new" EU Member States (EU-10 and EU-12) is a subject of dispute among researchers. Studies by Molendowski (2014), Molendowski and Polan (2015), Kawecka-Wyrzykowska (2016a,b), Kawecka-Wyrzykowska et al. (2017), Toporowski (2017) and Polan (2020) show that Poland achieves higher IIT results in trade with the EU-15 than with the EU-12 and the EU-10, while studies by Czarny and Śledziwska (2008, 2009a,b), Molendowski and Polan (2013), and Kawecka-Wyrzykowska (2010) demonstrate that trade with the EU-10 and EU-12 is of a more intra-industry nature than trade with the EU-15. This result is compatible with the IIT theory, which attributes this kind of exchange to the countries at a similar level of development. Higher IIT indices are typical of trade with the Eurozone rather than trade with the Member States from outside of the Eurozone and global trade (Kawecka-Wyrzykowska 2016b, 2017). The lowest IIT indices are recorded in Poland's trade with the rest of the world, understood as non-EU states (Czarny, Śledziwska 2010; Kawecka-Wyrzykowska 2016a,b, 2017; Kawecka-Wyrzykowska et al. 2017; Toporowski 2017).

Analysis of bilateral trade with EU Member States demonstrates that although the IIT index increased in the 1990s with regard to trade with the most EU-15 Member States, this trade remained predominantly inter-industry in nature (Misala, Pluciński 2000). In the 2000s and early 2010s the share of intra-industry trade was growing in Poland's trade with the most EU-15 Member States (Czarny, Śledziwska 2008, 2009a,b; Molendowski, Polan 2015), although in 2014 intra-industry trade prevailed exclusively in the exchange with Germany. Poland also achieved high IIT indices in trade with France, Czechia, Hungary, Malta, Italy and the Netherlands (Molendowski, Polan 2015; Kawecka-Wyrzykowska 2017).

Wyrzykowska-Antkiewicz (2021) suggests that IIT was predominating in Poland's trade with Germany already in 2003, and the same result was achieved in 2020 with respect to all EU Member States, except for Italy, Ireland and Slovenia. In 2020, the IIT index was highest in trade with Estonia, Croatia, Latvia, the Netherlands, and Lithuania.

In case of non-EU states, the years 2004–2008 saw an increase in the IIT index for Poland's trade with Switzerland and Ukraine, and a decrease in trade with Turkey (Czarny, Śledziwska 2010).

It is worth to mention that the biggest interest in Polish IIT was concentrated in the period following the transition, as well as during and after the adjustment processes that accompanied Poland's accession to the EU. In the third decade of the XXI century interest

in IIT has been superseded by new issues in economic analysis such as e-commerce, global value chains (GVCs), embargos and sanctions.

The literature review demonstrates that there has been no comprehensive analysis of Poland's IIT, particularly in recent years and during the period of Covid-19 pandemic. Moreover, while most studies have focused on intra-industry trade between Poland and the EU Member States, while there has been little research of the intensity of intra-industry trade with various non-EU states.

Methods and data

In our research, we calculated the Grubel-Lloyd (GL) indices based on values of exports and imports derived from the WITS-COMTRADE database. We assume that the industry equivalent is a product group understood as a 6-digit HS code level (the WITS-COMTRADE database does not include more disaggregated statistics). The values of GL range from 0 to 1 (0 – no intra-industry trade, 1 – all trade is intra-industry).

We calculated three types of GL indices, the first and the most important of which is a GL index for bilateral trade (for a selected country-pair):

$$GL_{ij} = 1 - \frac{\sum_{b=1}^k |X_{ijb} - M_{ijb}|}{\sum_{b=1}^k (X_{ijb} + M_{ijb})} \quad (1)$$

where:

i – reporter (reporting country),

j – partner (trading partner),

b – industry (6-digit HS code level),

k – number of industries in the total trade (trade in all products),

GL_{ij} – Grubel-Lloyd index in bilateral trade between country *i* and country *j*,

X_{ijb} – exports from country *i* to country *j* of products belonging to industry *b*,

M_{ijb} – imports to country *i* from country *j* of products belonging to industry *b*.

In our research, the reporting country is Poland. We calculated the value of the GL indices with respect to trade with a number of Poland's trading partners. We focused only on the general IIT shares, without calculating indices for vertical and horizontal intra-industry trade. This approach allowed us to avoid including excessive amounts of data in this article. Additionally, statistics on quantity of exports (imports) are unreliable, particularly those related to trade with developing countries. This means that the GL index values for horizontal and vertical intra-industry trade would be rather questionable.

The second analysed index is a GL index for a selected country:

$$GL_i = 1 - \frac{\sum_{j=1}^n \sum_{b=1}^k |X_{ijb} - M_{ijb}|}{\sum_{j=1}^n \sum_{b=1}^k (X_{ijb} + M_{ijb})} \quad (2)$$

where:

i – reporter (trading country),

j – partner (trading partner),

n – number of trading partners,

b – industry (6-digit HS code level),

k – number of industries in the total trade (trade in all products),

GL_i – Grubel-Lloyd index for country i ,

X_{ijb} – exports from country i to country j of products belonging to industry b ,

M_{ijb} – imports to country i from country j of products belonging to industry b .

Due to limited access to statistical data, the number of Poland's trading partners used as a basis for calculating the GL indices is unstable. The number of trading partners increased from 70 in 2000–2003 to 140–150 in 2004–2010, and to 160 in 2011–2014, reaching a record high of 180 in 2015–2022. The number of trading partners influences the GL index: the lower the number, the more overstated is the index. It results from the fact that in the years with a relatively low number of partners the index does not cover trade with developing countries, for which data is missing and which usually bring relatively low contributions. An alternative approach is to calculate the index using only trade parameters, for which data is available for each year of the research period. However, in such comprehensive study as ours, many available statistical data would then have to be ignored, and the value of the GL index for Poland would be artificially overstated throughout the research period. For this reason, we decided to include a varying number of Poland's trading partners, fully aware of the limitations of this choice.

The third one is a GL index for the world:

$$GL_{world} = 1 - \frac{\sum_{i=1}^m \sum_{j=1}^n \sum_{b=1}^k |X_{ijb} - M_{ijb}|}{\sum_{i=1}^m \sum_{j=1}^n \sum_{b=1}^k (X_{ijb} + M_{ijb})} \quad (3)$$

where:

i – reporter (trading country),

m – number of reporters (trading countries),

j – partner (trading partner),

n – number of partners (trading partners),

b – industry (6-digit HS code level),

k – number of industries in the total trade (trade in all products),
 GL_{world} – Grubel-Lloyd index for the world,
 X_{ijb} – exports from country i to country j of products belonging to industry b ,
 M_{ijb} – imports to country i from country j of products belonging to industry b .

Using a similar formula, we also calculated GL indices for the EU (the reporters are limited to EU Member States). The number of reporters (m) used for calculating GL_{world} is presented in *Table 1*.

Table 1: Number of reporters during 2000–2022.

Year	m	Year	m	Year	m	Year	m
2000	137	2006	158	2012	170	2018	171
2001	142	2007	165	2013	170	2019	166
2002	147	2008	164	2014	157	2020	163
2003	153	2009	168	2015	167	2021	162
2004	152	2010	170	2016	172	2022	143
2005	159	2011	167	2017	173		

Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

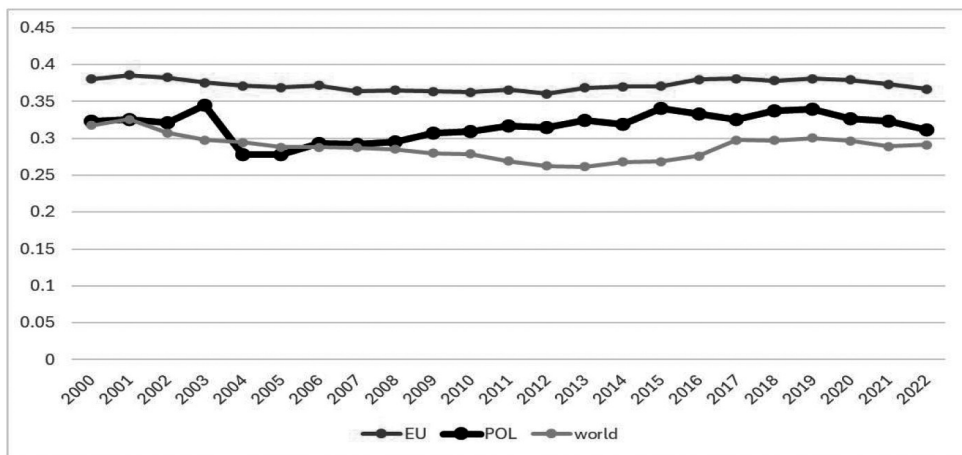
In case of the global GL index, both the number of reporting countries and the number of their trading partners vary over time. In the years, for which data is available for only a limited number of reporting countries, value of the GL index is most likely overstated in comparison to the respective values for the years with more available statistical data. We believe, however, that the scale of this inaccuracy is minor, since global values of the GL indices are shaped mainly by the indicators calculated for all developed countries and the largest developing countries, for which data is available for the entire research period. Therefore, the fact that the GL index for 2017 is based on data from 173 reporting countries, compared to 159 countries in 2005, does not significantly distort the results, because a difference of around a dozen countries between these two reference years corresponds to less than 1% in terms of global trade.

Results and discussion

The values of the GL index reflecting Poland's IIT in 2000–2022 are relatively stable, even if more fluctuating than IIT shares of the European Union and of the world (see: *Figure 1*). It is rather surprising, taking into account the fact that the analysed period was full of turbulence in the global economy, with intensive globalisation (so-called *hiper-globalisation*), global financial and economic crisis, post-crisis stagnation/economic

recovery (depending on the region of the world), globalisation slowdown (so-called *slowbalisation*), and the COVID-19 pandemic. It can be presumed that factors (both intensifying and weakening global, EU and Polish intra-industry trade) occurred concurrently during this period. The highest, and therefore the most stable, GL indices were recorded in the EU trade (with a variation of approximately 0.025), which is not surprising, considering that it involves highly developed states that primarily engage in exchange with partners from the EU. These partners are both culturally and geographically close, with free trade arrangements in place.

Figure 1: GL index values for Poland, the EU and the world in 2000–2022.



Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

When looking at Poland's intra-industry trade, it is firstly worth noting that the GL index value dropped significantly in 2004 (approx. -0.07 compared to 2003), as a result of a significant change in the number of trading partners included in the calculations (an increase from 70 to 140 with the most newcomers distant and less developed. Secondly, from 2004 onward, the index values demonstrated a regular increase until 2015 (rising by a total of 0.06), even though the number of trading partners also grew. It means that we certainly faced an increasing intensity of Poland's intra-industry trade. After 2015, the index values fluctuated, although still remaining above the 2004 level.

After analysing the changes in the GL index for Poland's intra-industry trade in total, we move to analysis of Poland's bilateral IIT with selected trading partners. We start discussing trade with the EU Member States, because these are Poland's natural trading partners due to the country's presence in the most developed and integrated political bloc. In our empirical research we divide 26 EU Member States into several groups using a geographical criterion. The first group is composed of the Western European states: Germany (DEU), France (FRA), the Netherlands (NLD), Belgium (BEL), Luxembourg (LUX), Ireland (IRL) and Austria (AUT).

Table 2: GL index values for Poland's bilateral trade with Western European states in 2000–2022.

Year	POL-DEU	POL-FRA	POL-BEL	POL-NLD	POL-LUX	POL-IRL	POL-AUT
2000	0.347	0.346	0.248	0.248	0.253	0.187	0.352
2001	0.348	0.318	0.267	0.273	0.475	0.204	0.351
2002	0.375	0.295	0.219	0.259	0.310	0.268	0.303
2003	0.383	0.290	0.235	0.308	0.281	0.282	0.294
2004	0.367	0.297	0.196	0.248	0.249	0.075	0.243
2005	0.379	0.290	0.216	0.227	0.318	0.074	0.247
2006	0.389	0.327	0.247	0.251	0.203	0.091	0.261
2007	0.417	0.319	0.236	0.270	0.183	0.101	0.277
2008	0.425	0.322	0.249	0.270	0.124	0.267	0.265
2009	0.428	0.319	0.266	0.274	0.180	0.294	0.242
2010	0.435	0.327	0.264	0.269	0.186	0.121	0.245
2011	0.444	0.342	0.271	0.286	0.123	0.105	0.248
2012	0.444	0.358	0.256	0.266	0.140	0.114	0.246
2013	0.458	0.362	0.263	0.256	0.162	0.122	0.272
2014	0.453	0.367	0.264	0.282	0.188	0.115	0.272
2015	0.488	0.384	0.278	0.282	0.168	0.100	0.285
2016	0.488	0.390	0.274	0.272	0.211	0.142	0.282
2017	0.488	0.407	0.292	0.279	0.179	0.198	0.266
2018	0.500	0.377	0.292	0.300	0.153	0.194	0.278
2019	0.505	0.379	0.291	0.295	0.200	0.176	0.291
2020	0.484	0.369	0.293	0.299	0.178	0.196	0.304
2021	0.483	0.367	0.286	0.317	0.178	0.157	0.309
2022	0.462	0.339	0.299	0.289	0.160	0.177	0.301

Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

Among the Western European countries, Poland's intra-industry trade was most intensive with Germany (see: *Table 2*), which should not be a surprise given that these are neighbouring countries sharing a long land border. Another factor intensified the bilateral IIT is the large economic potential of Germany and generally intensive Polish trade with this country. Worth mentioning is that values of the GL index for trade between Poland and Germany was increasing throughout almost the entire analysed period.

France ranks second in terms of intra-industry trade intensity (with the GL index also mostly increasing). The least intensive and largely unstable IIT was observed in trade with Ireland, which is not only an island state, but also the most distant among the Western European countries under analysis, what discourages IIT as trade with substitutes.

The second group of the Member States includes the Southern European countries: Italy (ITA), Spain (ESP), Portugal (PRT), Greece (GRC), Cyprus (CYP), Malta (MLT) and Croatia (HRV). They all are relatively distant from Poland and less developed than members of the previous group, therefore we expect its less intensive IIT with Poland.

Table 3: GL index values for Poland's bilateral trade with Southern European states in 2000–2022.

Year	POL-ITA	POL-ESP	POL-PRT	POL-GRC	POL-HRV	POL-CYP	POL-MLT
2000	0.326	0.460	0.058	0.399	0.135	0.009	n/a
2001	0.311	0.406	0.061	0.441	0.234	0.315	0.801
2002	0.290	0.359	0.062	0.429	0.183	0.892	0.852
2003	0.291	0.327	0.090	0.269	0.543	0.939	0.288
2004	0.235	0.278	0.259	0.123	0.310	0.833	0.808
2005	0.234	0.279	0.224	0.238	0.207	0.172	0.058
2006	0.265	0.297	0.185	0.128	0.327	0.180	0.118
2007	0.277	0.286	0.228	0.246	0.294	0.229	0.052
2008	0.281	0.341	0.230	0.168	0.371	0.228	0.060
2009	0.266	0.338	0.206	0.163	0.335	0.388	0.277
2010	0.278	0.346	0.180	0.237	0.215	0.439	0.207
2011	0.285	0.340	0.174	0.455	0.203	0.856	0.134
2012	0.304	0.324	0.165	0.282	0.262	0.747	0.173
2013	0.311	0.322	0.172	0.254	0.221	0.387	0.184
2014	0.304	0.334	0.246	0.301	0.250	0.536	0.667
2015	0.322	0.351	0.170	0.458	0.367	0.646	0.195
2016	0.336	0.367	0.194	0.379	0.376	0.584	0.183
2017	0.343	0.376	0.237	0.176	0.200	0.539	0.085
2018	0.355	0.389	0.273	0.171	0.219	0.735	0.106
2019	0.371	0.389	0.282	0.152	0.212	0.608	0.148

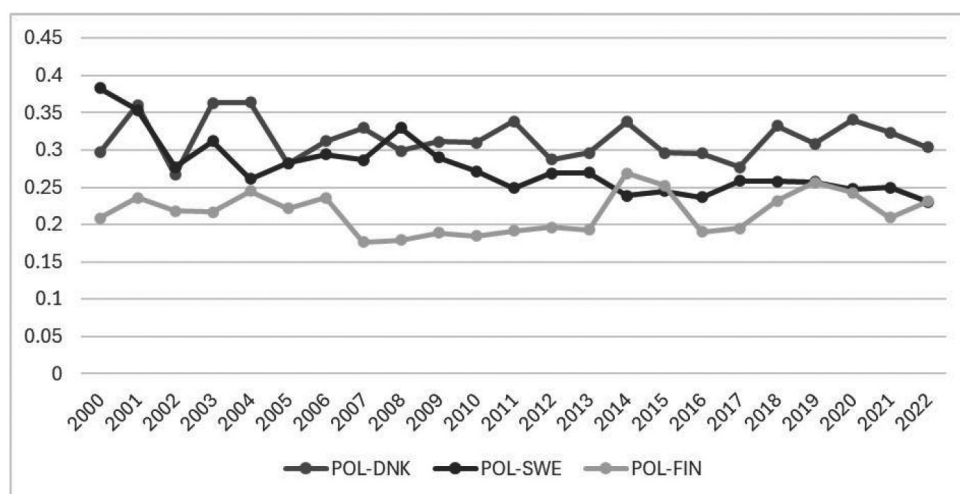
2020	0.391	0.350	0.279	0.200	0.227	0.771	0.206
2021	0.384	0.358	0.257	0.162	0.207	0.444	0.282
2022	0.371	0.339	0.246	0.183	0.215	0.212	0.107

Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

In this group, Poland's intra-industry trade with Italy and Spain is the most stable in terms of intensity (see: *Table 3*). Cyprus and Malta are at the other end of the spectrum, with large fluctuations of GL index values. These variations are due to relatively small trade streams with these countries. As expected – in average – none of these IIT shares achieved level observed in Poland's trade with Germany.

The third group consists of the EU Nordic states: Denmark (DNK), Finland (FIN) and Sweden (SWE). Poland's intra-industry trade is the most intensive with Denmark, and least intensive with Finland (see: *Figure 2*).

Figure 2: GL index values for Poland's bilateral trade with Northern European states in 2000–2022.



Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

The fourth group consists of the states of Central and Eastern Europe: Czechia (CZE), Slovakia (SVK), Hungary (HUN), Slovenia (SVN), Lithuania (LTU), Latvia (LVA), Estonia (EST), Bulgaria (BGR) and Romania (ROU), which joined the EU in 2004 and 2007. Intra-industry trade between Poland and Czechia is relatively the most stable and intensive, with GL indices of approx. 0.4 throughout the analysed period (see: *Table 4*). The development of this trade is supported by the facts that both countries are neighbours sharing a long land border, have a similar level of development, and share the same free trade arrangements.

Table 4: GL index values for Poland's bilateral trade with Central and Eastern European states in 2000–2022.

Year	POL- -CZE	POL- -SVK	POL- -HUN	POL- -SVN	POL- -LTU	POL- -LVA	POL- -EST	POL- -BGR	POL- -ROU
2000	0.420	0.277	0.347	0.391	0.271	0.412	0.673	0.568	0.174
2001	0.434	0.289	0.375	0.251	0.299	0.463	0.702	0.510	0.471
2002	0.419	0.314	0.356	0.205	0.235	0.471	0.461	0.517	0.518
2003	0.400	0.282	0.398	0.247	0.274	0.380	0.383	0.421	0.411
2004	0.371	0.278	0.279	0.163	0.120	0.109	0.171	0.229	0.250
2005	0.399	0.296	0.251	0.253	0.184	0.095	0.151	0.212	0.254
2006	0.380	0.271	0.310	0.270	0.188	0.165	0.162	0.208	0.217
2007	0.400	0.260	0.310	0.248	0.237	0.157	0.166	0.265	0.249
2008	0.421	0.267	0.323	0.280	0.233	0.185	0.207	0.199	0.235
2009	0.392	0.274	0.336	0.274	0.240	0.193	0.182	0.251	0.257
2010	0.399	0.333	0.325	0.268	0.251	0.209	0.152	0.224	0.241
2011	0.377	0.304	0.360	0.304	0.307	0.202	0.132	0.270	0.262
2012	0.372	0.279	0.394	0.321	0.300	0.227	0.155	0.255	0.294
2013	0.387	0.292	0.391	0.319	0.270	0.190	0.171	0.300	0.321
2014	0.368	0.299	0.357	0.360	0.266	0.156	0.118	0.274	0.322
2015	0.371	0.328	0.387	0.322	0.267	0.141	0.110	0.245	0.308
2016	0.366	0.327	0.351	0.325	0.241	0.174	0.161	0.218	0.308
2017	0.392	0.347	0.343	0.298	0.224	0.227	0.191	0.245	0.306
2018	0.390	0.339	0.348	0.321	0.257	0.190	0.175	0.261	0.315
2019	0.377	0.349	0.374	0.309	0.277	0.201	0.175	0.283	0.307
2020	0.385	0.342	0.376	0.280	0.281	0.193	0.169	0.286	0.318
2021	0.415	0.332	0.359	0.293	0.244	0.192	0.195	0.270	0.330
2022	0.370	0.313	0.359	0.310	0.322	0.184	0.181	0.222	0.293

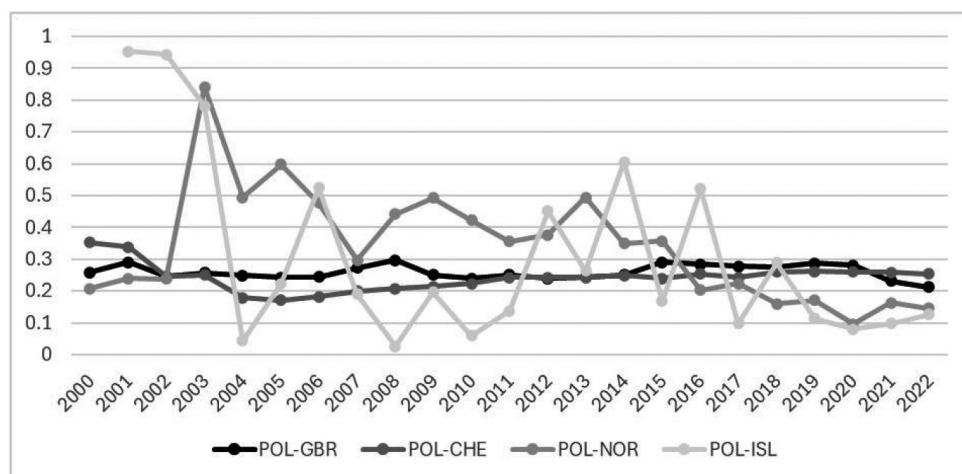
Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

The GL index values are relatively more fluctuating and usually lower for other states of this region than those recorded for the trade between Poland and Czechia. Only IIT with Hungary was equal or even slightly more intensive in some years. The least in-

tensive trade in this group was observed between Poland and Estonia, even if in the first year of research Estonia was the leader in intensity of IIT with Poland. IIT between Poland and Latvia also was poor. Both last cases can be explained mainly with the difference in the size of trading economies.

As we have already discussed Poland's intra-industry trade with various groups of the EU Member States, now we move on to the analysis of trade with non-EU states. We begin with developed European states: Switzerland (CHE), Norway (NOR) and Iceland (ISL), which are linked with the EU by customs unions and other advanced formats of economic integration. We also analyse Poland's IIT with Great Britain (GBR), where a free trade area was established after Brexit.

Figure 3: GL index values for Poland's bilateral trade with Switzerland, Norway, Iceland and Great Britain in 2000–2022.



Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

The GL index values for Poland's intra-industry trade with Switzerland and the Great Britain demonstrate only slight variations (see: *Figure 3*). A decrease in the index value for Poland's trade with the Great Britain was not significant, although it became clearly visible in 2022, i.e. after the UK's exit from the EU (annual decrease of the index by 0.02 was observed). As for Poland's trade with Norway and Iceland, index values are very diverse (the annual amplitude for Norway is almost 0.7, and for Iceland even as 0.9 p.p.). Similar situation was seen in trade with Cyprus and Malta, where even a single transaction matters, because the value of trade volumes is relatively small.

The GL index values for Poland's bilateral trade with European states other than the developed countries was also calculated in this research (see: *Table 5*). To this group belong the Eastern and Northern neighbours of Poland, namely Belarus (BLR), Russia (RUS) and Ukraine (UKR), as well as non-EU Balkan countries: Albania (ALB), Montenegro (MNE), North Macedonia (MKD), Serbia (SRB), Moldova (MDA) and Georgia (GEO) are also included in this research.

Table 5: GL index values for Poland's bilateral trade with European states other than developed countries in 2000–2022.

Year	POL- -UKR	POL- -BLR	POL- -RUS	POL- -SRB	POL- -MDA	POL- -ALB	POL- -MNE	POL- -MKD	POL- -GEO
2000	0.167	0.191	0.142	0.350	n/a	n/a	n/a	n/a	n/a
2001	0.166	0.136	0.176	0.873	n/a	n/a	n/a	0.576	n/a
2002	0.185	0.109	0.162	0.429	n/a	n/a	n/a	n/a	n/a
2003	0.200	0.108	0.242	0.417	n/a	n/a	n/a	n/a	n/a
2004	0.064	0.050	0.030	0.120	n/a	0.012	0.488	0.389	0.119
2005	0.082	0.070	0.035	0.259	n/a	0.401	0.140	0.279	0.108
2006	0.068	0.077	0.090	0.172	n/a	0.044	0.372	0.159	0.123
2007	0.098	0.085	0.037	0.148	n/a	0.047	0.009	0.153	0.066
2008	0.097	0.054	0.025	0.179	n/a	0.080	0.013	0.199	0.126
2009	0.102	0.059	0.089	0.190	n/a	0.045	0.004	0.068	0.153
2010	0.092	0.057	0.095	0.154	0.282	0.049	0.033	0.114	0.099
2011	0.087	0.052	0.128	0.230	n/a	0.094	0.007	0.120	0.048
2012	0.083	0.059	0.135	0.243	0.009	0.047	0.566	0.153	0.042
2013	0.070	0.081	0.102	0.146	n/a	0.071	0.006	0.117	0.050
2014	0.095	0.108	0.115	0.175	n/a	0.072	0.349	0.133	0.091
2015	0.128	0.120	0.150	0.159	0.279	0.047	0.119	0.131	0.082
2016	0.129	0.127	0.136	0.187	0.018	0.073	0.173	0.144	0.079
2017	0.135	0.098	0.052	0.226	0.405	0.071	0.270	0.200	0.130
2018	0.138	0.096	0.100	0.249	0.049	0.025	0.110	0.174	0.126
2019	0.146	0.119	0.093	0.251	0.364	0.037	0.070	0.161	0.105
2020	0.159	0.146	0.096	0.246	0.182	0.047	0.240	0.050	0.075
2021	0.170	0.136	0.094	0.246	0.215	0.146	0.201	0.057	0.097
2022	0.119	0.150	0.070	0.259	0.196	0.185	0.051	0.061	0.097

Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

With a few exceptions, the GL index values do not exceed 0.3, and half of them are even below 0.2. Exceptional were years 2000–2003 in trade with Serbia, and GL indices reaching at most 0.87, as well as 2012 in trade with Montenegro, and GL indicator of 0.57. These values indicate low intensity of intra-industry trade, which is not surprising, taking into account the generally limited trade with these countries and differences in develop-

ment levels of the partners. Data on Poland's intra-industry trade with Albania, Georgia, North Macedonia, Moldova and Montenegro is not complete, making it impossible to calculate GL indices only for some years (especially for the first years of the analysed period).

The last group included in the analysis consists of non-European G7 states (Japan – JPN, Canada – CAN and the United States – USA) and BRICS countries (Brazil – BRA, China – CHN, India – IND, and South Africa – ZAF).

Table 6: GL index values for Poland's bilateral trade with selected non-European states in 2000–2022.

Year	POL-USA	POL-CAN	POL-JPN	POL-CHN	POL-IND	POL-BRA	POL-ZAF
2000	0.261	0.137	0.145	0.072	0.325	0.178	0.888
2001	0.226	0.166	0.157	0.199	0.297	0.026	0.384
2002	0.300	0.185	0.188	0.113	0.335	0.390	0.680
2003	0.242	0.223	0.248	0.116	0.134	0.277	0.568
2004	0.225	0.119	0.103	0.101	0.126	0.146	0.110
2005	0.221	0.183	0.090	0.071	0.108	0.112	0.104
2006	0.259	0.131	0.094	0.045	0.105	0.117	0.109
2007	0.240	0.105	0.119	0.043	0.153	0.119	0.151
2008	0.242	0.113	0.109	0.048	0.175	0.108	0.197
2009	0.345	0.083	0.122	0.053	0.181	0.134	0.124
2010	0.397	0.483	0.119	0.059	0.215	0.140	0.154
2011	0.378	0.166	0.115	0.066	0.154	0.158	0.190
2012	0.424	0.188	0.107	0.067	0.149	0.163	0.177
2013	0.351	0.138	0.116	0.077	0.139	0.111	0.127
2014	0.427	0.136	0.127	0.071	0.120	0.096	0.098
2015	0.401	0.113	0.135	0.067	0.108	0.113	0.113
2016	0.392	0.139	0.151	0.079	0.116	0.094	0.175
2017	0.348	0.155	0.121	0.083	0.125	0.128	0.183
2018	0.356	0.153	0.138	0.085	0.155	0.120	0.208
2019	0.399	0.129	0.160	0.084	0.138	0.157	0.163
2020	0.343	0.164	0.142	0.075	0.135	0.145	0.205
2021	0.348	0.171	0.112	0.064	0.120	0.138	0.127
2022	0.352	0.186	0.110	0.067	0.109	0.191	0.135

Source: own authors' calculation based on WITS-COMTRADE database (15.05.2024).

The United States definitely stands out in this group, because the GL indicator values for Poland's intra-industry trade with the USA were around 0.4 after the year 2010. An increase in the GL index since 2008 means that the initial success achieved by Poland in this type of trade in the period of economic crisis brought a stable intensification of such exchange. This is more positive, because IIT, which is the exchange of substitutes, is very prone to larger distances between trading partners, differences in their economic potentials and trade barriers between them. These factors are indeed present in the exchange between Poland and the United States.

For the other non-European states covered by this analysis, GL index values usually did not exceed 0.2, although with some exceptions. For example, at the beginning of the research period Poland experienced a very intensive IIT with India (with an index of 0.34 in 2002) and in 2010 – with Canada (GL index 0.48). Even more intensive and dominating in this bilateral exchange was Poland's IIT with South Africa till 2003. In these last three cases the main reason are small trade streams with even marginal changes could influence the value of GL indices.

Conclusions

Apart from a few exceptions, in 2000–2022 the GL index values for Poland's bilateral intra-industry trade did not exceed 0.4, with the intra-industry trade between Poland and Germany being closest to such a high level of intensity: the index value of 0.4 was exceeded in 2007–2022, although a result of 0.5 was achieved only in 2019. As for Poland's IIT with Czechia, the GL index values were above 0.3 throughout the whole research period. The situation was similar in trade between Poland and France, with the exception of 2002–2005, when the respective values remained slightly below 0.3. In trade between Poland and Hungary, the GL index was slightly below 0.3 in 2004–2005, and in trade between Poland and Spain in 2004–2007 (in all other years its value was above 0.3). Trade between Poland and Italy is also of interest, with GL index values above 0.3, except in the years 2002–2011. All mentioned trade partners are with Poland in the EU – the most integrated bloc in the world consisting of highly developed countries. This fact demonstrates importance of trade freedom for IIT development.

The United States also deserve mentioning, with GL index values above 0.3 in 2009–2022. It is surprising, because the United States have a much bigger economic potential than Poland, they are geographically distant, and there is no free trade agreement between these countries. We therefore perceive the high IIT index for Poland's trade with the United States as a Polish trade success.

If we were to make a list of ten states, with which Poland's intra-industry trade is most intensive, the already mentioned seven states should be followed by Belgium, Netherlands, Slovakia and Denmark. Values of GL indices in trade with Belgium and Netherlands were slightly below 0.3 throughout the research period, while in the case of Slovakia and Denmark, for half of the research period the respective values were below 0.3, and for the remaining half – above 0.3. It means that 9 of 10 most important IIT partners of Poland are the EU members with 5 of them being European Economic Community founding

countries. Their intensive IIT with Poland proves that during analysed period Poland was able to keep up with these highly developed countries in trade with differentiated, usually manufactured, often technologically advanced products.

The described *status quo* of bilateral trade is reflected in the GL index values for Poland's intra-industry trade in total, which ranged from 0.28 to 0.34 (for the years 2000–2022). The respective index for the European Union was between 0.36 and 0.39.

Elżbieta Czarny – full professor, employed in Institute of International Economics at the SGH Warsaw School of Economics. Research interests: international trade, foreign direct investments, economic integration, digitization

Elżbieta Czarny – profesor zwyczajny, zatrudniona w Instytucie Ekonomii Międzynarodowej w Szkole Głównej Handlowej w Warszawie. Zainteresowania naukowe: handel międzynarodowy, bezpośrednie inwestycje zagraniczne, integracja gospodarcza, cyfryzacja.

Paweł Folfas – associate professor, employed in Institute of International Economics at the SGH Warsaw School of Economics. Research interests: international trade, foreign direct investments, economic integration, global value chains

Paweł Folfas – profesor uczelni, zatrudniony w Instytucie Ekonomii Międzynarodowej w Szkole Głównej Handlowej w Warszawie. Zainteresowania naukowe: handel międzynarodowy, bezpośrednie inwestycje zagraniczne, integracja gospodarcza, globalne łańcuchy wartości

Aleksandra Szarek-Piaskowska – assistant professor, employed in Institute of World Economy at the SGH Warsaw School of Economics. Research interests: international trade, economic integration, corporate finance

Aleksandra Szarek-Piaskowska – adiunkt, zatrudniona w Instytucie Gospodarki Światowej w Szkole Głównej Handlowej w Warszawie. Zainteresowania naukowe: handel międzynarodowy, integracja gospodarcza, finanse przedsiębiorstw.

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Priorytety Komisji Europejskiej w kadencji 2024–2029: znaczenie kompromisów w obliczu wyzwań politycznych i globalnych

Klaudia Sienkiewicz, *University of Maria Curie-Skłodowska in Lublin
(Lublin, Poland)*

E-mail: klaudiasienkiewicz2004@gmail.com

<https://orcid.org/0009-0009-1885-6441>

Streszczenie

Celem artykułu jest analiza priorytetów strategicznych Komisji Europejskiej na lata 2024–2029 w kontekście ich wdrażania w zmieniającym się środowisku globalnym i politycznym. Autorka analizuje, w jaki sposób kompromisy polityczne, szczególnie te zawierane pomiędzy grupami politycznymi w Parlamencie Europejskim, wpływają na zdolność Komisji do realizacji tych priorytetów. Analiza została przeprowadzona na podstawie studium przypadku (*case study*), z uwzględnieniem trzech głównych obszarów badawczych: (1) procesów negocjacyjnych, związanych z formowaniem Komisji, (2) priorytetów strategicznych Komisji Europejskiej na lata 2024–2029 oraz (3) zewnętrznych czynników wpływających na realizację wyznaczonych celów. Badania weryfikują hipotezę o kluczowej roli negocjacji instytucjonalnych w realizacji polityk UE. Wyniki analizy wskazują na konieczność spójnej współpracy w obliczu złożoności dynamicznych wyzwań, przed którymi stoi Unia Europejska.

Słowa kluczowe: Komisja Europejska, priorytety strategiczne, kompromisy polityczne, Unia Europejska, Parlament Europejski

European Commission's priorities 2024–2029: the role of compromises in the face of political and global challenges

Abstract

The aim of this article is to analyse the European Commission's strategic priorities for 2024–2029 in the context of their implementation in a changing global and political environment. The author examines how political compromises, particularly in the European Parliament, affect the Commission's ability to achieve

these priorities. The analysis is based on a case study approach, focusing on three main research areas: (1) the negotiation processes related to the formation of the Commission, (2) the European Commission's strategic priorities for 2024–2029, and (3) external factors influencing the achievement of the established objectives. The research verifies the hypothesis about the crucial role of institutional negotiations in implementing EU policies. The findings highlight the necessity of cohesive cooperation in the face of the complex and dynamic challenges confronting the European Union.

Keywords: European Commission, strategic priorities, political compromises, European Union, European Parliament

W obliczu licznych kryzysów na przestrzeni ostatnich lat, z którymi zarówno państwa członkowskie jak i Unia Europejska (UE) musiały zmagać się, podejmowane działania wymagały koordynacji na wielu poziomach. Skutki pandemii COVID-19, a następnie sytuacja w Ukrainie, uwydatniły konieczność dalszej integracji i współpracy w ramach UE. Obecnie Unia funkcjonuje w niestabilnym i złożonym środowisku międzynarodowym. Te dynamiczne zmiany wymagają od instytucji unijnych, w szczególności od Komisji Europejskiej (KE), przystosowania swoich strategii oraz wyznaczania priorytetów działania na najbliższe lata (European Commission 2024). Realizacja wyznaczonych celów oraz polityk prowadzonych przez Unię Europejską i jej państwa członkowskie wymaga umiejętności zawierania licznych kompromisów (Giurcanu, Kostadinova 2021). Proces ten, zgodnie z zasadą "osiągania wspólnych celów" (TFUE: art. 1), często wiąże się z koniecznością balansowania między interesami różnych aktorów. Nie każdy przywódca polityczny potrafi skutecznie poruszać się w tej złożonej unijnej sieci negocjacji. Poniżej zostanie szczegółowo przeanalizowany przypadek zawierania układów i porozumień politycznych, które miały przyczynić się do pierwszego z sukcesów ponownie wybranej na stanowisko Przewodniczącej KE Ursuli von der Leyen.

Cel badania i zastosowana metodologia

Celem niniejszego badania jest analiza priorytetów KE na lata 2024–2029 w kontekście ich wdrażania w zmieniającym się środowisku globalnym i politycznym. Szczególny nacisk zostanie położony na procesy negocjacyjne prowadzone podczas formowania nowej Komisji oraz na rolę przewodniczącej Ursuli von der Leyen w osiąganiu kompromisów politycznych. Problemem badawczym postawionym w artykule jest kwestia relacji między Komisją Europejską, Parlamentem Europejskim (PE) a Radą Unii Europejskiej (RUE) – uczestnikami procesu legislacyjnego. Zmieniający się kontekst globalny, w tym wzrost napięć geopolitycznych oraz rosnąca konkurencja gospodarcza z Chinami i USA, wymagać będzie elastyczności i współpracy ze strony tego tzw. trójkąta instytucji unijnych. Autorka stawia tezę, że kluczową rolę w osiągnięciu wyznaczonych celów i priorytetów na kolejną kadencję odegra Przewodnicząca Ursula von der Leyen. Jej sukces będzie zależał od dalszego wykorzystywania umiejętności wprowadzania harmonii (synergii) pomiędzy trzema instytucjami UE, co z zewnątrz postrzegane jest jako zdolność do budowania konsensusu wokół najważniejszych kwestii.

Kluczowymi **pytaniami badawczymi** są:

- Czy sukces w realizacji wyznaczonych celów i priorytetów zależy wyłącznie od większości w Parlamencie Europejskim oraz poparcia ze strony państw członkowskich, które głosują nad projektami i propozycjami przedstawianymi przez Komisję Europejską?
- Czy Komisji Europejskiej uda się zrealizować wyznaczone priorytety w obliczu złożonych wyzwań politycznych i globalnych?

Analiza została przeprowadzona na podstawie studium przypadku (ang. *case study*), z uwzględnieniem trzech głównych obszarów badawczych: (1) procesów negocjacyjnych związanych z formowaniem Komisji, (2) priorytetów strategicznych Komisji Europejskiej na lata 2024–2029 oraz (3) zewnętrznych czynników wpływających na realizację wyznaczonych celów. Główne źródła danych obejmują dokumenty strategiczne UE, w tym priorytety Komisji Europejskiej, sprawozdania z debat Parlamentu Europejskiego oraz publikacje medialne. W pracy zastosowano obserwacje własne oraz metodę analizy treści (ang. *content analysis*), która umożliwia identyfikację kluczowych trendów i motywów. Ponadto, szczegółowej analizie poddano proces negocjacji politycznych podczas formowania Komisji Europejskiej, ze szczególnym uwzględnieniem interakcji pomiędzy grupami politycznymi Parlamentu Europejskiego. Wnioski z analizy umożliwiają ocenę zdolności KE do realizacji swoich celów w kontekście złożoności procesu decyzyjnego UE.

Kompromis polityczny

Przewodnicząca KE w dniu 18 lipca 2024 roku wygłosiła przemówienie przed Parlamentem Europejskim, w którym omówiła priorytety na nową kadencję Komisji na lata 2024–2029 (zob. European Parliament 2024a). Osadzone są one na programie strategicznym, który został zatwierdzony przez Radę Europejską oraz na konsultacjach z grupami politycznymi Parlamentu Europejskiego. Proces formowania nowej Komisji Europejskiej na kadencję 2024–2029 napotkał trudności. Były one związane m.in. z rozbieżnościami politycznymi w Parlamencie Europejskim (Cuboni 2024). W efekcie intensywnych negocjacji pomiędzy Przewodniczącą KE a trzema głównymi grupami politycznymi w PE – Grupą Europejskiej Partii Ludowej (EPP), Grupą Postępowego Sojuszu Socjalistów i Demokratów w Parlamencie Europejskim (S&D) oraz Europejskimi Konserwatystami i Reformatorami (ECR) – osiągnięto porozumienie w sprawie zatwierdzenia ostatecznego składu nowej Komisji (Bonini 2024).

Socjaliści i Demokraci (S&D) pierwotnie sprzeciwiali się kandydaturze włoskiego konserwatysty Raffaele Fitto, nominowanego na wiceprzewodniczącego KE ds. spójności i reform. Ich poparcie zostało uzależnione od zgody EPP na nominację hiszpańskiej socjalistki Teresy Ribery na stanowisko wiceprzewodniczącej KE ds. czystej, sprawiedliwej i konkurencyjnej transformacji (Rosana 2024a,b; Torbidoni 2024). Sprzeciw wobec kandydatury R.Fitto wyrazili również liberalni postawie zrzeszeni w grupie *Renew Europe* argumentując, że jego macierzysta frakcja – ECR – głosowała w lipcu przeciwko reelekcji Ursuli von der Leyen (Krzysztozek 2024). Kompromis ostatecznie osiągnięto (Rosana

2024b). Socjaldemokraci wycofali swoje weto wobec kandydatur Raffaele Fitto oraz Olivéra Várhelyiego, węgierskiego kandydata na komisarza ds. zdrowia i dobrobytu zwierząt (Pacione di Bello 2024). W zamian EPP zgodziła się poprzeć T.Riberę (Pacuta 2024a,b,c,d).

Ponadto wysokie stanowisko dla włoskiego kandydata na komisarza umocniło wsparcie premier Giorgii Meloni dla przewodniczącej KE (Malfetano 2024; Folli 2024). Jest to o tyle istotne, że opisywane przetargi polityczne miały miejsce po wygranej Donalda Trumpa na prezydenta USA. Wydarzenie to spowodowało, że pozycja G.Meloni wśród przywódców pozostałych państw członkowskich UE uległa znacznemu wzmocnieniu, ponieważ utrzymuje ona pozytywne relacje z D.Trumpem (Pacuta 2024a). Takie powiązania mają kluczowe znaczenie dla kształtowania przyszłych relacji UE ze Stanami Zjednoczonymi, w szczególności biorąc pod uwagę politykę zagraniczną, ale i politykę gospodarczą, w tym konkurencję oraz transformację energetyczną. W związku z tym, Ursula von der Leyen oraz Europejska Partia Ludowa intensywnie lobbowały o stanowisko dla R.Fitto, mając na uwadze strategiczną wagę współpracy z Włochami (Tito 2024a,b).

Ostatecznie w dniu 27 listopada 2024 roku wszystkie kandydatury na komisarzy zostały zatwierdzone (European Parliament 2024b), choć poszczególne grupy polityczne uzależniły swoje wsparcie od spełnienia określonych warunków przez kandydatów. Osiągnięte porozumienie podkreśla naturę kompromisów i ich rolę w osiąganiu sukcesu w złożonym procesie decyzyjnym Unii Europejskiej, zwłaszcza w kontekście różnorodnych interesów politycznych i narodowych.

Priorytety i nowe wyzwania

Podczas debaty w Parlamencie Europejskim, która odbywała się przed głosowaniem nad całym składem Komisji, europosłowie podkreślali znaczenie poprawy konkurencyjności UE oraz realizacji celów Europejskiego Zielonego Ładu (European Parliament 2024b). Wyzwania, takie jak katastrofy naturalne, kryzysy związane z bezpieczeństwem oraz nasilająca się polaryzacja polityczna, wpisują się w szerszy kontekst działań Unii. Porównując obecne cele strategiczne z tymi wyznaczonymi na lata 2019–2024, można odnieść wrażenie, że wiele priorytetów pozostaje niezmienionych (patrz: Tabela 1).

Tabela 1. Porównanie wybranych priorytetów KE w latach 2019–2024 oraz 2024–2029.

2019–2024	2024–2029
Europejski Zielony Ład	Troska o jakość życia: bezpieczeństwo żywnościowe, woda i przyroda
Gospodarka służąca ludziom	Nowy plan na rzecz trwałego dobrobytu w Europie i konkurencyjności Europy
Silniejsza pozycja Europy na świecie	Nowa epoka dla obrony i bezpieczeństwa w Europie; Globalny wymiar Europy: silna pozycja, silne partnerstwa

Promowanie europejskiego stylu życia	Wsparcie dla ludzi, silne społeczeństwo i europejski model społeczny
Nowy impuls dla demokracji europejskiej	Ochrona demokracji i wartości europejskich

Źródło: opracowanie własne na podstawie: Komisja Europejska 2019; Unia Europejska WWW; European Council 2024.

Poprzednia kadencja Komisji skupiała się na osiągnięciu neutralności klimatycznej do 2050 roku, odbudowie gospodarczej po pandemii COVID-19 oraz reagowaniu na sytuację w Ukrainie. Reelekcja Ursuli von der Leyen na kolejną kadencję wskazuje na wolę kontynuacji dotychczasowych działań, takich jak Europejski Zielony Ład, transformacja cyfrowa, wzmocnienie strategicznej autonomii oraz promowanie unijnych wartości. Program nowej Komisji Europejskiej na lata 2024–2029 stanowi rozwinięcie kluczowych regulacji z poprzedniej kadencji. Uwzględnia nowe wyzwania stojące przed Unią Europejską w zmieniającym się kontekście globalnym (Gozzi 2024a,b). Europejski Zielony Ład, który dotychczas koncentrował się głównie na polityce energetyczno-klimatycznej, zostanie poszerzony o wymiar przemysłowy (Zegarski 2024). Priorytetem nowej Komisji jest wsparcie zielonego przemysłu oraz wzmocnienie konkurencyjności gospodarki UE, co jest szczególnie istotne w obliczu rosnącej presji ze strony Chin i Stanów Zjednoczonych (Molinari 2024).

Obecne wyzwania Unii Europejskiej obejmują m.in. sytuację geopolityczną wynikającą z sytuacji na Ukrainie i Bliskim Wschodzie. KE podkreśliła konieczność zwiększenia wydatków na obronność oraz pogłębienia współpracy w zakresie bezpieczeństwa, co wpisuje się w szersze działania na rzecz umocnienia strategicznej autonomii UE oraz jej pozycji na arenie międzynarodowej (Polski Instytut Ekonomiczny 2024). Komisja Europejska, po zakończeniu działań związanych z zarządzaniem kryzysem wywołanym pandemią COVID-19, będzie koncentrować swoje wysiłki na nowych wyzwaniach, takich jak regulacje dotyczące sztucznej inteligencji oraz zmniejszenie luki innowacyjnej w Europie w porównaniu z USA i Chinami (Pacuta 2024c). Sztuczna inteligencja zostanie wykorzystana jako narzędzie do przeciwdziałania kryzysom dzięki swoim innowacyjnym rozwiązaniom, przy jednoczesnym zapewnieniu przez Unię Europejską ochrony podstawowych praw obywateli. Ponadto, rosnąca konkurencja gospodarcza wymaga wzmocnionych inwestycji w technologie przyszłości oraz zwiększenie bezpieczeństwa i niezależności gospodarczej UE (Edwards 2024).

Kolejnym kluczowym wyzwaniem jest kryzys migracyjny oraz presja na unijny system azylowy, który wymaga reformy w duchu solidarności między państwami członkowskimi (Pacuta 2024a,c). Równocześnie Komisja będzie dążyć do zwiększenia dynamiki politycznej wewnątrz Unii Europejskiej, podejmując działania na rzecz przeciwdziałania wzrostowi populizmu oraz łagodzenia napięć między centralnymi instytucjami a niektórymi rządami krajowymi (Pacuta 2024c).

W kontekście realizacji programu nowej Komisji Europejskiej, przyszłość wprowadzania zmian i regulacji w UE pozostaje niepewna, w szczególności w kwestii współpracy

między Komisją Europejską a Parlamentem Europejskim. Komisja Europejska, jako organ wykonawczy, ma dużą swobodę w inicjowaniu projektów legislacyjnych, jednak jej propozycje muszą przejść przez proces legislacyjny w Parlamencie Europejskim i Radzie Unii Europejskiej (TFUE: art. 289 i 294). Parlament, reprezentujący obywateli UE, pełni istotną rolę w kształtowaniu przyszłości Unii, a jego poszczególne grupy polityczne często wyrażają odmienne stanowiska w kwestiach kluczowych, takich jak polityka klimatyczna, regulacje dotyczące sztucznej inteligencji czy zarządzanie kryzysem migracyjnym (Silva et al. 2022). Różnice w poglądach mogą prowadzić do opóźnień lub zmian w pierwotnych propozycjach Komisji, jak miało to miejsce w czasie negocjacji dotyczących składu nowej Komisji Europejskiej.

Podsumowanie

Analiza wykazała, że formowanie Komisji Europejskiej na lata 2024–2029 było procesem wysoce złożonym, wymagającym intensywnych negocjacji pomiędzy głównymi grupami politycznymi Parlamentu Europejskiego. Kluczowym wyzwaniem była konieczność uzyskania akceptacji dla kandydatów na kluczowe stanowiska w Komisji, co skutkowało zawarciem kompromisu między Europejską Partią Ludową, Socjalistami i Demokratami oraz Europejskimi Konserwatystami i Reformatorami. Wyniki wskazują, że kompromisy te były niezbędne dla zapewnienia stabilności politycznej i funkcjonowania Komisji w nowej kadencji. Priorytety KE na lata 2024–2029, takie jak rozszerzenie Europejskiego Zielonego Ładu o wymiar przemysłowy, wzmocnienie konkurencyjności gospodarczej UE oraz pogłębienie współpracy w zakresie obronności, spotkały się z poparciem grup politycznych. Niemniej jednak analiza wykazała również, że zmieniający się kontekst globalny, w tym wzrost napięć geopolitycznych oraz rosnąca konkurencja gospodarcza z Chinami i USA, wymagać będzie elastyczności i współpracy ze strony instytucji unijnych.

Wyniki badania podkreślają rolę Przewodniczącej KE Ursuli von der Leyen jako mediatora między grupami politycznymi PE oraz jej zdolność do budowania konsensusu wokół kluczowych priorytetów. Przewodnicząca KE, mimo braku początkowej większości i poparcia, była w stanie zbudować niezbędne sojusze. Kluczowe w tym procesie było jej zaangażowanie, umiejętność negocjacji i zdolność do przekonywania, co okazało się decydujące dla osiągnięcia sukcesu. Gdyby nie podejmowała takich działań, sukces byłby niemożliwy. To podkreśla znaczenie indywidualnych umiejętności przywódczych i zdolności budowania konsensusu w strukturach unijnych.

Podsumowując, można stwierdzić, że działania Unii Europejskiej w latach 2024–2029 będą bardziej strategiczne, skoncentrowane na budowie długoterminowej odporności. Przez następne pięć lat przyszłość UE będzie stanowiła wyzwanie w obliczu globalnych problemów, takich jak zmiany klimatyczne, migracja, konkurencja gospodarcza, sytuacja w Ukrainie i bezpieczeństwo Europy. Ursula Von der Leyen podkreśliła: „Walka o wolność jest tym, co nas, Europejczyków, łączy. Dla mnie to jest *raison d'être* naszej Unii, a dziś bardziej niż kiedykolwiek pozostaje jej siłą napędową” (European Parliament 2024c).

Realizacja celów nowej kadencji będzie wymagała jeszcze większej współpracy państw i instytucji europejskich oraz solidarności w obliczu wyzwań globalnych.

Klaudia Sienkiewicz – a student of International Relations at the University of Maria Curie-Skłodowska in Lublin. Board member of the International Relations Scientific Club, a member of the European Law Scientific Club and Forum of Young Diplomats. Laureate and finalist of national olympiads on the European Union. Her research interests are focused on the European Union, its institutions and foreign policy.

Klaudia Sienkiewicz – studentka stosunków międzynarodowych na Uniwersytecie Marii Curie-Skłodowskiej w Lublinie. Członkini zarządu Koła Naukowego Stosunków Międzynarodowych, członkini Koła Naukowego Prawa Europejskiego oraz Forum Młodych Dyplomatów. Laureatka i finalistka ogólnopolskich olimpiad o Unii Europejskiej. Jej zainteresowania badawcze koncentrują się na Unii Europejskiej, jej instytucjach oraz polityce zagranicznej.

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Jak żyć w postkognitywnej rzeczywistości

Recenzja książki:

**Naomi Klein, *Doppelganger. Podróż do lustrzanego świata*,
Warszawa 2024, 336 str.**

Łukasz Zweifel, Pomeranian Higher School (Starogard Gdański, Poland)

E-mail: zweifel@poczta.onet.pl

<https://orcid.org/0000-0002-4471-1619>

Książki Naomi Klein zawsze wywołują intelektualne poruszenie, począwszy od „*No logo: bez przestrzeni, bez wyboru, bez pracy*” z 2000 roku (polskie pierwsze wydanie – 2004), po *Doktryna szoku: jak współczesny kapitalizm wykorzystuje klęski żywiołowe i kryzysy społeczne* (2017), czy *To zmienia wszystko: kapitalizm kontra klimat* (2020). Wszystkie one są racjonalną i opartą na faktach krytyką neoliberalnej globalizacji, turbokapitalizmu, kapitalistycznej ekonomii środowiska oraz związanego z tym darwinizmem społecznym. Książki autorstwa Naomi Klein są uznawane za swoista biblię alterglobalistów, ostatnia z nich, *Doppelganger. Podróż do lustrzanego świata*, jest w pewnym sensie dopełnieniem wcześniejszych. Autorka jednak tym razem bardziej skupia się na politycznych i społecznych skutkach działań współczesnego kapitalizmu, na jego nadbudowie instytucjonalno-ideologicznej, której zadaniem jest zapanowanie nad umysłami wyborców. Dlatego Naomi Klein nie skupia się aż tak mocno na kwestiach wyzysku, niszczenia planety, zmian klimatycznych wywołanych bezwzględnością zasady akumulacji kapitału, ale na kolonizacji umysłów za pomocą internetu i mediów społecznościowych.

Doppelganger jest też książką osobista, opisująca zmagania samej Naomi z tym – jak ona nazywa – „lustrzanym światem”, czyli rzeczywistością mediów społecznościowych. W „lustrzanym świecie” każdy z nas, jej zdaniem, ma swoją replikę, swojego sobowtóra (Klein 2024: s. 74). Czasem wygląda to tak dramatycznie jak w historii *Doktor Jekyll i pan Hyde* szkockiego pisarza Roberta Louisa Stevensona (2007).

W przypadku Naomi Klein, takim mrocznym jej *alter ego* jest kiedyś postępową i feministyczną pisarką Naomi Wolf, obecnie podpora intelektualna skrajnie prawicowych

ruchów antyspółecznych, głosicielka teorii spiskowych. Co ciekawe, Naomi Wolf to też autorka klasycznych pozycji z zakresu myśli feministycznej, która w książce *Mit urody* (Wolf 2014) demaskuje nowy rodzaj społecznej kontroli, jakim jest obsesja cielesnej perfekcji, która zmusza współczesne kobiety do spełniania tego co niemożliwe, czyli bycie zgodną ze społeczną definicją „nieskazitelnej piękna”. Znając wcześniejsze jej zaangażowanie, tym bardziej szokująca jest zmiana mentalna, jaka się w Naomi Wolf dokonała oraz daleko idące tego konsekwencje. W tym przypadku chodzi o częste mylenie dwóch Naomi i przypisywanie Naomi Klein kontrowersyjnych poglądów i teorii Naomi Wolf. To częsty przypadek w „lustrzanym świecie”, gdzie mało kto wnikliwie sprawdza, czy fakty cyfrowe korespondują z rzeczywistością.

Semantyczna definicja prawdy Alfreda Tarskiego nie ma tam powszechnego zastosowania, uczestnicy świata cyfrowego na ogół nie zadają sobie pytania, czy dany przekaz jest prawdziwy¹. Mieszkańcy „lustrzanego świata” często żyją w swoich bańkach informacyjnych, inaczej mówiąc w „kabinach pogłosowych” (szerzej: Demczuk 2022). Szczególnie widoczne stało się to podczas pandemii COVID-19, która stała się, jak pisze Naomi Klein, swoista kopalnią złota dla tej części internetu, w którym promowana jest „alternatywna” rzeczywistość społeczna, lansowane są teorie spiskowe i sprzeciw wobec głównego nurtu oficjalnej polityki (Klein 2024: s. 123). Pobieżne czytanie treści internetowych, tak powszechne, doprowadziło do jeszcze mocniejszego sklejenia dwóch Naomi w czasie trwania pandemii. Tej jednej stojącej po stronie faktów i racjonalności dyskursu i tej drugiej będącej po drugiej stronie lustra, rozsiewającej ze zdwojoną energią teorie spiskowe, m.in. na temat wykorzystania szczepień do śledzenia ludzi i wprowadzenia złowrogięgo totalitarnego porządku światowego. Naomi Klein pomimo prób wyjaśniania, że „to nie ta Naomi”, stawiała się w cyfrowej rzeczywistości mediów społecznościowych Naomi Wolf (Klein 2024: s. 49).

Mechanizm ten próbowała już kilkanaście lat temu wytłumaczyć brytyjska pisarka Zadie Smith, pisząc o rozwoju mediów społecznościowych. Zauważyła, że „człowiek staje się zbiorem danych, ulega zredukowaniu, wszystko się kurczy. Indywidualny charakter, przyjaźnie, język, wrażliwość”. Dlatego, według Klein, w mniejszym stopniu jesteśmy sobą, a taką zredukowaną wersję siebie łatwiej pomylić ze spleśzczoną i zredukowaną wersją kogoś innego (Klein 2024: s. 51). W przypadku dwóch Naomi powstaje pytanie: dlaczego początkowo będąc po tej samej stronie lustra, jedna przeszła na drugą stronę? Zdaniem Naomi Klein, złożyło się na to wiele kwestii: od osobowościowych po naturę działania mediów społecznościowych. W tym pierwszym przypadku, od momentu jak Naomi Wolf zaczęła folgować rzetelności naukowej i dziennikarskiej przy kolejnych publikacjach. Podczas pisania doktoratu zaczęła popełniać proste błędy, nie sprawdzając dokładnie źródeł, wyciągając pochopne i uogólniające wnioski, bez wnikliwego sprawdzenia faktów.

¹ Alfred Tarski wypracował tak zwaną semantyczną definicję prawdy, w której nawiązał do starej koncepcji Arystotelesa, nazywanej czasem klasyczną. Głosi ona, iż „jest prawdą powiedzieć o tym, co jest, że jest lub o tym, co nie jest, że nie jest; jest fałszem powiedzieć o tym, co jest, że nie jest lub o tym, co nie jest, że jest”. A zatem zdanie „pada deszcz”, mówi Tarski, jest prawdziwe wtedy, gdy pada deszcz.

Doprowadziło to do sytuacji, że na niektórych uniwersytetach jej błędy popełnione podczas pisania dysertacji doktorskiej stały się przykładem dla studentów, którym pokazywano, do czego prowadzi niestaranność w pracy badawczej. Ta ostra krytyka oraz nieszczęścia w życiu osobistym, pchnęły Wolf w kierunku teorii i środowisk, w których odnalazła pełną i bezkrytyczną akceptację (Klein 2024: s. 79). Rozwiązaniem dla takiego kryzysu twórczego byłby uczciwy, wewnętrzny krytyczny dialog, ale znacznie łatwiejsza okazała się rezygnacja z niego. To przestroga dla nas wszystkich, zajmujących się działalnością naukową. Dotyczy to nie tylko wspomnianej Naomi Wolf. Jeśli każdy z nas uciszy ten wewnętrzny dialog, to – jak pisała Hannah Arendt – „uobecnianie się w umyśle, stanowiska tych, którzy są nieobecni”, to jesteśmy na najlepszej drodze do stanu bezmyślności, czyli totalitaryzmu (Klein 2024: s. 81).

Poza cechami osobowościowymi, o takiej radykalnej wolcie Naomi Wolf zdecydowała też natura mediów społecznościowych. Ciągła obecność w nich przynosi określone konsekwencje. Publikując filmiki na *You Tube*, influencer zmuszony jest do ciągłej publikacji nowych wideo, w obawie przed ucieczką kapryśnych subskrybentów. Maszyna, jaką jest *You Tube*, wpaja cyfrowym twórcom, że musimy nieustannie pompować w nią treści, nawet za cenę naszego życia, jak twierdzi Lilly Saini Singh (kanadyjska „YouTuberka”). Zdaniem Naomi Klein, ta maszyna przekształca ludzi w maszyny (Klein 2024: s. 76). Ten rodzaj uzależnienia, jakie budują media społecznościowe, można porównywać do alkoholowego.

Kolejna kwestia to moc, jaką nagle zyskała Wolf, głosząc teorie spiskowe, m.in. strasząc masy ludzi nadciągającym totalitaryzmem, czego dowodem miały być np. „paszporty covidowe” (Klein 2024: s. 107). Dodajmy do tego jeszcze tysiące bezkrytycznych wyznawców. Jak pisał amerykański pisarz, dramaturg i scenarzysta, Gore Vidal, jedni pisarze się rozpijają, a innych upaja publiczność. Naomi Wolf, jak widać, należy do tych ostatnich. Ponadto, media społecznościowe dają możliwość upajania się publicznością w sposób nieporównywalny do czasów wcześniejszych.

Wolf po skandalu ze swoim nieudanym doktoratem oraz książką, która powstała w oparciu na nim, nie miała szans na powrót do kręgów liberalnej inteligencji. Dlatego musiała znaleźć sobie nowy świat, w którym fakty nie mają znaczenia i do niego się przeniosła (Klein 2024: s. 128). Została tam supergwiazdą, a to w erze powszechnej monetyzacji internetu można zamienić na realne olbrzymie ilości szeleszczących zielonych banknotów (Klein 2024: s. 125).

Tyle o sobowtórce Naomi Klein w „lustrzanym świecie”, jednak *Doppelgänger. Podróż do lustrzanego świata* to nie tylko książka o tym, ale przede wszystkim o rzeczywistości cyfrowej, o jej negatywnym wpływie na społeczeństwo oraz demokrację. Jak pisze ta właściwa Naomi, „szerzenie w internecie kłamstw i teorii spiskowych jest zjawiskiem dziś tak nieokietnzanym, że zagraża to zdrowiu publicznemu i a także demokracji przedstawicielskiej” (Klein 2024). „Lustrzany świat” z jego absurdalnymi teoriami, fake-newsami i rzeszami wyznawców jest nie tylko zagrożeniem dla demokracji liberalnej, ale może być przyczyną masowych tragedii, podobnych do czasów palenia czarownic. Już w XVII wieku hiszpański inkwizytor Alonso de Salazar Frias trafnie uznał cały przemysł polowań na

czarownice za intersubiektywną sferę informacji. Historia tego europejskiego obłędu na punkcie czarownic pokazuje, że usunięcie barier w obiegu informacji niekoniecznie prowadzi do odkrycia i upowszechnienia prawdy (Harari 2024). Stawką jest nie tylko istnienie demokracji, ale w czasach kiedy bezmyślność uważana za cnotę, bycie inteligentnym może być śmiertelnie niebezpieczne.

Na współczesnych stosach zamiast czarownic znajduje się wszyscy ci, którzy ośmielają się myśleć racjonalnie. Problemów z oceanem fałszywych informacji w internecie nie rozwiążą oligarchowie technologii. Jedynym sposobem jest „deprywatyzacja” internetu i przekazanie go w ręce społeczeństwa, pod demokratyczną kontrolę, co jest niemożliwe przy internecie zorganizowanym na bazie motywu zysku. Tworzenie demokratycznego internetu, zdaniem Klein, musi być dziełem ruchu społecznego, jednak problem w tym, że ruch taki jak na razie nie istnieje, a przeciwnicy tej idei są doskonale zorganizowani (Klein 2024: s. 109). Poza tym wiedzą, że ludzki rozum jest momentami całkowicie bezbronny w obliczu cyfrowej rzeczywistości.

Ilość faktów, bodźców do przetworzenia jest zdecydowanie za duża. Teoretycznie mózg ludzki jest w stanie przetworzyć olbrzymie ilości danych, ale praktyka życia codziennego pokazuje, że problem jest z jakością przetwarzania tego tsunami danych, jakimi codziennie jesteśmy „bombardowani”. Przeciętny Amerykanin spędza dziś 7 godzin i 11 minut patrząc w ekran każdego dnia, co stanowi prawie jedną trzecią całego życia, 109 dni w roku (*How much...* 2022). Natłok informacji, często jej niska jakość, kampanie dezinformacyjne, fake-newsy przeplatające się z realnymi faktami, powodują, że ludzie czują się w tym oceanie bitów zagubieni. Szukają jakiejś bezpiecznej przystani, ludzie podobnie myślących lub coraz częściej niemyślących podobnie jak oni.

„Lustrzany świat” dzieli, odbiera przyjaciół, członków rodziny. Teksty typu „nie potrafię rozmawiać ze swoją siostrą, ojcem, bratem” nie należą do rzadkości. Dotyka nas zbiorowa histeria, po obu stronach lustra nie spieramy się o różne interpretacje rzeczywistości, ale o to, kto żyje w świecie rzeczywistym, a kto w symulowanym. A każdy, nawet ten jak najbardziej oderwany od rzeczywistości, żyjący w sieci absurdalnych teorii spiskowych będzie bronić do upadłego, że ten jego świat jest jedynym światem prawdziwym (Klein 2024: s. 131). Powstaje pytanie: po co komu to szaleństwo? Co otrzymują w zamian twórcy alternatywnych rzeczywistości, głosiciele teorii spiskowych? Jedni – jak wspomniana Naomi Wolf – sławę, poważanie, szacunek, pieniądze, ale tacy jak były doradca Trumpa Steve Bannon, który w swoim podcaście *War Room* „podsycił amerykański gniew celowymi kłamstwami” (Daniluk 2022) ma cel raczej daleko idący. Bannon należy do głównych propagatorów wielkiego kłamstwa, czyli teorii głoszącej, że to Trump, a nie Joe Biden wygrał wybory prezydenckie. Ponadto jest twórcą programu *MAGA plus*, co było uzupełnieniem programu wyborczego Trumpa (Klein 2024: s. 143). Bannon mówi swojej gwardii, że będą „rządzić krajem przez 100 lat, w interesie każdej narodowości, koloru skóry, rasy i religii, bo tym polega „inkluzywny nacjonalizm” (s. 151). Celem Banona było zwycięstwo ruchu *MAGA – Make America Great Again* oraz wprowadzenie nowego porządku, mającego polegać nie tylko na całkowitym odsunięciu liberalnych i lewicowych elit politycznych od władzy, ale całkowity demontaż liberalnej demokracji. W polityce

globalnej zaś wprowadzenie nowego porządku świata razem ze sprzymierzona Rosją (Mastrolilli 2024). Czy jest szansa by te zamierzenia Banona i jemu podobnych z „lustrzanego świata” odwrócić? Naomi Klein wychodzi z założenia, że tak, podstawą jest oddolny aktywizm, ale zanim powstanie, dobrze byłoby uświadomić sobie błędy jakie poczyniono, dzięki czemu ludziom typu Banona i Trumpa udało się zdobyć władzę.

Folgowanie drapieżnemu kapitalizmowi przez liberalne elity polityczne, przyzwolenie na masowe zwolnienia, cięcia w wydatkach publicznych, postępujące nierówności społeczne, zapaść w edukacji publicznej, polityce zdrowotnej i mieszkaniowej, zwyczajne odrealnienie elit liberalnych, całkowity brak empatii i znajomości problemów tzw. szarego człowieka – to są główne powody skupiania się ludzi wokół teorii spiskowych i ich głosicieli. Za tym wszystkim kryje się fantazja o sprawiedliwości, naiwne przekonanie, że jak się zastąpi całą klasę zarządzającą i bankową nowym gatunkiem „lepszyc” ludzi, to nastąpi fundamentalna zmiana.

Kulturze spisków sprzyja nieprzejrzysty system, pełen pułapek zastawionych na ludzi, m.in. rynek mieszkaniowy, który niewiele ma wspólnego z mieszkaniem, za to bardzo dużo ze spekulacjami i funduszami hedgingowymi; uniwersytety, które nie służą kształceniu, ale zarabianiu pieniędzy; praca naukowców, których celem nie jest dochodzenie do prawdy, ale zbieranie punktów; domy opieki służące drenowaniu z pieniędzy seniorów; portale informacyjne służące rozpowszechnianiu reklam. Elity liberalne nic z tym nie robią, dlatego pojawianie się zwolenników teorii spiskowych w tym kontekście nie powinno zadziwiać (Klein 2024: s. 283).

Zdaniem Naomi Klein, jest wyjście z tej sytuacji. Po pierwsze, uzmystowienie sobie, że nie jesteśmy aż tak wyjątkowi, czego dowodem są nasze sobowtóry, i nie jesteśmy aż tak odseparowani od siebie, jak się może wydawać. Po drugie – aktywizm, tj. zaangażowanie na rzecz innych, siła zbiorowego organizowania się poszerza poczucie tego co możliwe, poszerzając też zakres potencjalnego „my”. Nie muszą to być jakieś wielkie ruchy społeczne, z wielkimi celami, ale przykładowo ruch w obronie lokatorów czy praw pracowników na początek wystarczy (Klein 2024: s. 381). Ostatni z kluczowych warunków – to otwarty i racjonalnie myślący umysł, jedyna latarnia w postkognitywnych ciemnościach naszej rzeczywistości.

Łukasz Zweiffel – dr hab., pracownik naukowy Pomorskiej Szkoły Wyższej (PSW) w Starogardzie Gdańskim. Doktor habilitowany nauk społecznych w zakresie nauk o polityce, profesor PSW. Od ponad 25 lat pracuje naukowo. Zainteresowania badawcze: współczesne idee polityczne i społeczne, wartości kulturowe oraz ich wpływ na życie społeczno-gospodarcze ze szczególnym uwzględnieniem ich znaczenia w Holandii i w Polsce. Ekspert od mikro-mobilności oraz mobilności rowerowej. Członek zespołu opracowującego na zlecenie Śląskiego Urzędu Marszałkowskiego dokument *Regionalną Politykę Rowerową Województwa Śląskiego* (w perspektywie 2030 roku).

Łukasz Zweiffel – Ph.D., D.Sc., employed at the Pomeranian Higher School (PSW) in Starogard Gdański. Doctor of social sciences in the field of political science, univ. professor of PSW. He has been working as a researcher for 25 years. Research interests: contemporary political and social

ideas, cultural values and their impact on socio-economic life with particular emphasis on their significance in the Netherlands and Poland. He is also an expert in micro-mobility and cycling mobility. He was a member of the team prepared for the Silesian Marshal's Office the document *Regional Bicycle Policy of the Silesian Voivodeship* (with perspective by 2030).

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