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Poland: Background and U.S. Relations

Over the past three decades, the relationship between the United States and Poland has been close and cooperative. The United States strongly supported Poland's accession to the North Atlantic Treaty Organization (NATO) in 1999 and backed its entry into the European Union (EU) in 2004. Poland made strong contributions to U.S.- and NATO-led military operations in Iraq and Afghanistan. Poland and the United States continue to work together closely on a range of foreign policy and international security issues, mostly notably in response to Russia's invasion of Ukraine in 2022. In February 2023, U.S. President Joe Biden visited Poland for the second time in 11 months.

Response to Russia's War Against Ukraine

Poland has been a leader in Europe and NATO in supporting Ukraine following Russia's February 2022 invasion. Poland is one of the leading providers of military assistance to Ukraine, and it serves as the main logistics and transit hub for international assistance to Ukraine. Poland also has taken in the most Ukrainian refugees of any country. Polish leaders have urged the EU adopt the strongest possible sanctions against Russia. Poland's support for Ukraine has raised Poland's profile in Europe and NATO and deepened the U.S.-Poland security and defense relationship.

Domestic Political Situation

The conservative-nationalist Law and Justice party (PiS) has led the government of Poland since 2015. Mateusz Morawiecki (PiS) is Poland's prime minister (head of government). The center-right Civic Platform (PO) is the largest opposition party. Poland's next parliamentary election is due to occur in autumn 2023.

Andrzej Duda is the president of Poland (head of state). Running as the candidate backed by PiS, Duda won a second term in office in Poland's 2020 presidential election.

Law and Justice has made changes to the country's judicial system and enacted other reforms that have generated concerns about democratic backsliding and caused tensions between Poland and the EU. As a result, the EU has withheld approximately \$38.9 billion in grants and loans that Poland applied for from the EU pandemic recovery fund. The Polish government has initiated measures that attempt to address the EU's concerns, but the dispute remains unresolved.

Defense Modernization and U.S.–Poland Defense Cooperation

In 2022, Poland was one of nine NATO members to have met the alliance's benchmark of spending at least 2% of gross domestic product (GDP) on defense. Following Russia's 2022 invasion of Ukraine, Poland adopted legislation that sets defense spending at a minimum of 3% of GDP and calls for doubling the size of the country's armed forces over the next five years.

Arms purchases from the United States play a central role in Poland's armed forces modernization planning. Over the past five years, U.S. defense sales to Poland have included F-35 Joint Strike Fighters, advanced Patriot air and missile defense systems, High Mobility Artillery Rocket Systems (HIMARS), and Abrams main battle tanks. In addition, the United States has approximately 10,000 military personnel deployed in Poland. At the 2022 NATO Summit, the United States announced that it would establish a permanent headquarters in Poland for the U.S. Army's V Corps to command U.S. rotational forces in Europe.

Energy Security

Poland has moved quickly to end reliance on Russia natural gas and oil imports, including by constructing a liquefied natural gas (LNG) terminal and a pipeline connecting Poland to Norwegian gas supplies. In 2022, Poland announced a deal with the U.S. company Westinghouse to build six nuclear reactors in Poland by the mid-2040s. Poland continues to rely on coal for more than two-thirds of its electricity generation.

Outlook and Issues for Congress

Given its role as a close U.S. ally and partner, Poland and its relations with the United States are of continuing congressional interest. The main areas of interest include allied efforts to deter further Russian aggression and support Ukraine, bilateral defense cooperation, the future of NATO, energy security, and concerns about governance and democratic backsliding.

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Introduction and Issues for Congress

Many U.S. officials and Members of Congress consider Poland to be a strong ally of the United States and one of the most pro-U.S. countries in Europe. Of the Central European and Baltic countries that have joined the North Atlantic Treaty Organization (NATO) and the European Union (EU) since the end of the Cold War, Poland is the most populous, has the largest economy, and is the most significant actor in terms of security and defense issues. In 1999, with strong backing from the United States, Poland was among the first group of post-communist countries to join NATO. In 2004, again with strong support from the United States, it was among a group of post-communist countries to join the EU.

Figure 1. Poland: Map and Basic Facts



Area: Land area is about 120,728 sq. mi.; slightly smaller than New Mexico.

Population: 37.654 million.

Ethnicity: 96.9% Polish.

Languages: Polish is the official language and first language of 98.2% of the population.

Religion: 85% Catholic, 12.9% listed as unspecified.

Gross Domestic Product (GDP), 2022 (current prices): \$716.305 billion; per capita GDP \$19,023.

Currency: złoty (PLN), \$1=approx. PLN 4.5, €1=approx. PLN 4.75.

Political Leaders:

President: Andrzej Duda

Prime Minister: Mateusz Morawiecki

Foreign Minister: Zbigniew Rau

Defense Minister: Mariusz Błaszczak

Sources: Created by CRS using data from the U.S. Department of State and ESRI. Factual information from International Monetary Fund, *World Economic Outlook Database* (October 2022) and CIA World Factbook.

Russia's 2022 invasion of Ukraine and the attendant effects on U.S. policy and NATO are likely to remain priority issues of interest and relevance for the 118th Congress. Poland is a central interlocutor and partner for the United States in responding to the war in Ukraine. Events in Ukraine have deepened U.S.-Poland security cooperation and brought increased urgency to security concerns along NATO's eastern flank. Numerous congressional delegations have visited Poland since early 2022 to confer with Polish officials and conduct oversight of U.S. defense commitments and military activities in Central and Eastern Europe. Members of Congress visiting Poland also have examined humanitarian efforts to address the refugee crisis caused by the war in Ukraine.

Alongside the overall positive tone of U.S.-Poland relations and bilateral security cooperation, some Members of Congress have expressed concerns about democratic backsliding and rule of law issues in Poland since the country's 2015 parliamentary election.

The Congressional Poland Caucus is a bipartisan group of Members of Congress who seek to maintain and strengthen the U.S.-Poland relationship and engage in issues of mutual interest to both countries.¹

Response to Russia's War Against Ukraine

Poland is one of the international community's biggest supporters of Ukraine and one of the strongest critics of Russia. Historically, Poland has had a difficult relationship with Russia. Poland's view of Russia remains affected by the experience of Soviet invasion during World War II and Soviet domination during the communist era. Over the past two decades, Polish leaders have expressed warnings about the nature of Vladimir Putin's government in Russia, tending to view Russia as a potential threat to Poland and its neighbors. Russia's invasion of Georgia in 2008 and its initial invasion of Ukraine in 2014 sharpened Polish concerns about Russia's intentions, and Russia's renewed invasion of Ukraine in February 2022 has put security at the top of Poland's national agenda.

Following Russia's February 2022 invasion, Polish Prime Minister Mateusz Morawiecki stated that, "Russia wants to annihilate Ukraine as a sovereign state" and called the invasion an existential threat to peace in Europe.² Polish Foreign Minister Zbigniew Rau has described Russia's targeting of the civilian population and infrastructure in Ukraine as "state terrorism."³ Polish President Andrzej Duda has called Russia's war on Ukraine "totally unprovoked aggression" and stated in January 2023 that it is "crucial to send additional support to Ukraine specifically modern tanks and modern missiles."⁴ Polish leaders have argued for harsh sanctions against Russia, including the cancellation of energy imports and a total ban on trade, warned that Russia will not stop its aggression with Ukraine, and advocated for the EU to offer Ukraine a path to membership (the EU named Ukraine an official candidate country in June 2022).

Poland shares a 330-mile border with Ukraine. In November 2022, an errant Ukrainian air defense missile landed on Polish territory, killing two people. Earlier, in March 2022, Russia launched a missile attack against a military training base in Ukraine 15 miles from the Polish

¹ For the 118th Congress, the co-chairs of the Congressional Poland Caucus are Representative Marcy Kaptur, Representative Bill Keating, Representative Chris Smith, and Representative Mike Turner.

² "Mateusz Morawiecki Calls for a Strong European Army," *Visegrad Post*, March 1, 2022.

³ Margaret Besheer, "OSCE Chair: Russian Actions in Ukraine 'State Terrorism'," *Voice of America*, March 14, 2022.

⁴ John Irish, "Davos 2023-Polish President Says Crucial to Give Ukraine Modern Weapons," Reuters, January 18, 2023. Judy Woodruff and Dan Sagalyn, "Poland President Andrzej Duda on Russia's War in Ukraine, Putin's Nuclear Threats," *PBS News Hour*, September 21, 2022.

border, killings dozens of people. Such incidents have raised concerns about the conflict in Ukraine potentially spreading to NATO member countries. (Poland also shares a 130-mile border with Russia's Kaliningrad exclave and a 260-mile border with Russia's ally Belarus.)

Military Assistance

As of early 2023, Poland is the third largest donor of military aid to Ukraine, behind the United States and the United Kingdom. Military assistance committed by Poland to Ukraine between January 2022 and January 2023 was valued at approximately \$2.64 billion and included 240 T-72 main battle tanks, as well as infantry fighting vehicles, self-propelled howitzers, multiple rocket launchers, air defense systems, unmanned aerial vehicles, mortars, small arms, and ammunition.⁵

In January 2023, Polish officials announced plans to transfer German-made Leopard main battle tanks to Ukraine and urged other European countries to do likewise. Poland is training Ukrainian personnel on operating Leopard tanks at a military base in Poland.⁶

Poland also functions as the main logistics center and transit hub for delivering international military assistance to Ukraine. The city of Rzeszów, in southeastern Poland, has been a particularly important focus of such activity.

Refugee Support

As of February 21, 2023, more than 1.56 million refugees from Ukraine had registered for temporary protection in Poland since February 2022, the largest number of Ukrainian refugees received by any country.⁷ In keeping with the EU Temporary Protection Mechanism adopted in March 2022, registered Ukrainian refugees receive the same access to public services and social benefits as Polish citizens.

Support thus far for assisting Ukrainian refugees has been widespread across Polish society and political parties. In a February 2023 speech, President Duda noted that “there are no refugee camps in Poland” due to the Polish people’s willingness to welcome Ukrainian refugees into their homes.⁸ Poland shares many cultural and historical ties with Ukraine; in total, approximately 3.5 million Ukrainians live in Poland. The Organization for Economic Cooperation and Development (OECD) estimates that the cost to Poland of hosting and supporting Ukrainian refugees totaled €8.36 billion (approximately \$9.2 billion) in 2022.⁹ Poland also is hosting a number of international humanitarian relief efforts for the refugees. (For additional information, see CRS Insight IN11882, *Humanitarian and Refugee Crisis in Ukraine*, by Rhoda Margesson and Derek E. Mix.)

⁵ Kiel Institute for the World Economy, *Ukraine Support Tracker*, February 21, 2023. According to the Kiel Institute’s *Ukraine Support Tracker*, between January 24, 2022 and January 15, 2023, the United States committed military assistance to Ukraine valued at €44.34 billion, the United Kingdom committed €4.89 billion, and Poland committed €2.43 billion. Germany committed the fourth most military assistance to Ukraine, €2.36 billion, and Canada the fifth most, €1.29 billion.

⁶ Lara Jakes, “Ukrainians Demonstrate Training on Leopard Tanks in Poland,” *New York Times*, February 13, 2023.

⁷ United Nations High Commissioner for Refugees, *Operational Data Portal, Ukraine Refugee Situation*. As of February 20, 2023, nearly 4.9 million refugees from Ukraine had registered for Temporary Protection or similar national schemes in Europe.

⁸ Government of Poland, *Message by the President of the Republic of Poland Andrzej Duda*, February 24, 2023.

⁹ Organization for Economic Cooperation and Development, *International Migration Outlook 2022*, p. 105.

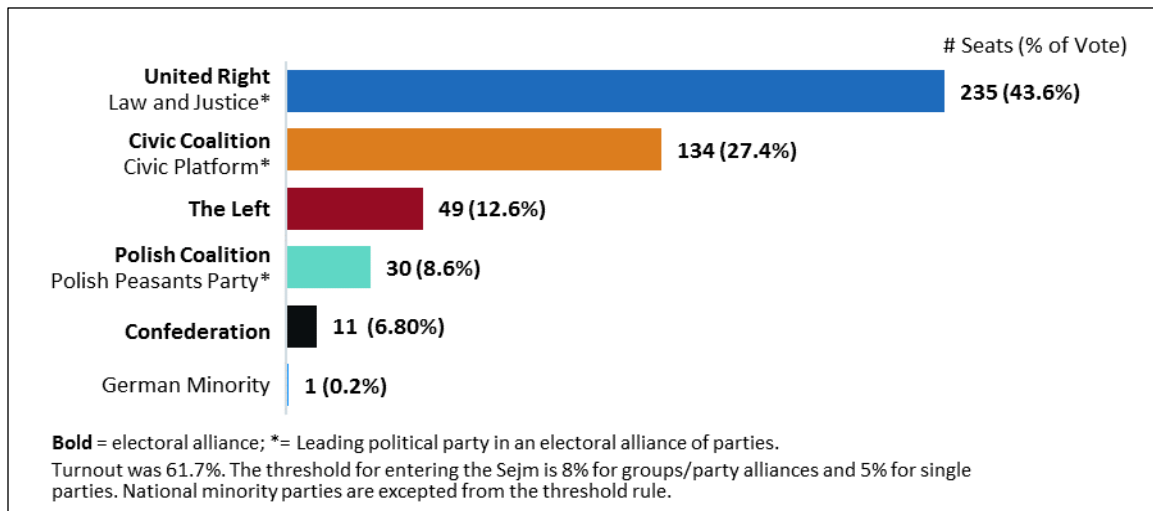
Domestic Political Situation

Prime Minister Mateusz Morawiecki of the conservative-nationalist Law and Justice party (PiS) leads the government of Poland. United Right, an alliance of three political parties led by Law and Justice, won the 2019 parliamentary election with 43.6% of the vote, giving the parties 235 of the 460 seats in the *Sejm*, Poland's lower house of parliament.¹⁰ (The coalition fractured in 2021, depriving the government of a parliamentary majority; see below.) Law and Justice has led Poland's government since winning the 2015 election as the head of a similar electoral alliance that received 37.6% of the vote and 235 seats in the *Sejm*.

Civic Coalition, a centrist electoral alliance of parties led by the center-right Civic Platform (PO) party, came in second place in the 2019 election with 27.4% of the vote and 134 seats in the *Sejm*.¹¹ Civic Platform led the government of Poland from 2007 to 2015, and it has since been the largest opposition party in the *Sejm*.

The Left (*Lewica*), an electoral alliance of left-wing parties, came in third place in the 2019 election with 49 seats; Polish Coalition, a center-right electoral alliance led by the Polish Peasants' Party (PSL), won 30 seats; Confederation Liberty and Independence (*Konfederacja*), an electoral alliance of far-right parties, won 11 seats.

Figure 2. Results of the 2019 Polish Parliamentary Election (Sejm)



Source: Graphic created by CRS. Information from Poland National Electoral Commission, at https://pkw.gov.pl/uploaded_files/1571084597_obwieszczenie_sejm.pdf.

In the 2019 election, the Law and Justice-led coalition lost the majority it had held in the 100-seat Polish Senate, the country's upper house of parliament, dropping from 61 seats to 48. Civic Platform, other opposition parties, and independent candidates won 52 seats. Winning the Senate allows opposition parties to propose amendments to legislation passed by the *Sejm* and to slow

¹⁰ The other parties in the 2019 United Right electoral alliance were the conservative-nationalist United Poland party, led by Justice Minister Zbigniew Ziobro, and the socially conservative-economically liberal Agreement party. The three parties subsequently formed a coalition government. Election results from the National Electoral Commission, at https://pkw.gov.pl/uploaded_files/1571084597_obwieszczenie_sejm.pdf.

¹¹ The other parties in the 2019 Civic Coalition electoral alliance were the liberal Modern (*Nowoczesna*) party, the center-left Polish Initiative party, and the center-left Greens.

down the legislative process. The two houses of parliament do not have equal status, however, as the Polish Constitution “provides the Sejm with a dominant role in the legislative process.”¹²

Andrzej Duda, the president of Poland, won the 2015 and 2020 presidential elections as the candidate backed by the Law and Justice party. He won re-election with 51.2% of the vote in the second round of voting in 2020, defeating the Civic Platform candidate and mayor of Warsaw, Rafał Trzaskowski, in Poland’s closest presidential election since the end of communism in 1989. The president, who serves a five-year term, is Poland’s head of state and resigns party membership upon election. The president exercises functions including making formal appointments, overseeing the country’s executive authority, influencing legislation, representing the state in international affairs, and acting as commander-in-chief of the armed forces.¹³

Jarosław Kaczyński is head of the Law and Justice party; many observers assert that Kaczyński remains the most powerful politician in Poland who, as party chairman, exerts considerable influence behind the scenes.¹⁴ Jarosław Kaczyński co-founded Law and Justice with his twin brother Lech in 2001 and served as prime minister in 2006-2007. Lech Kaczyński was the president of Poland from 2005 to 2010, when he died in an airplane crash in Russia that also killed 95 other people, including many high-ranking Polish officials.

In winning the 2019 election, United Right received the largest share of the popular vote won by any political party or electoral alliance in a Polish election since 1989, but was unable to increase its number of seats in the Sejm.¹⁵ Voter support for Law and Justice increased despite strong criticism of the party’s policies by domestic political opponents, European officials, and international media and non-governmental organizations (NGOs). Particular targets of criticism have included a series of reforms to the judicial system and public media, the government’s contentious relationship with the EU, leaders’ anti-lesbian, gay, bisexual, and transgender (LGBT) rhetoric and regional “LGBT-free zones,” and the tightening of restrictions on abortion. Critics charge that the Law and Justice party’s policies and reforms since 2015 have undermined judicial independence and damaged democracy in Poland (see *Controversial Reforms and Tensions with the EU* section below).

Analysts attribute the success of Law and Justice partially to a perception among its voters that the party places strong emphasis on fulfilling election promises and reflecting the preferences of its voters.¹⁶ Law and Justice has moved to reform national institutions, most notably the judiciary, which it has argued were in need of rebalancing. The party, which has close ties with the Catholic Church, has appealed to socially conservative voters by pushing back against perceived cultural

¹² Sejm of the Republic of Poland, *Sejm in the System of Power*, at <https://www.sejm.gov.pl/english/sejm/sejm.htm>. Only the *Sejm* decides on the final wording of legislation, and an absolute majority of the *Sejm* can vote to reject amendments proposed by the Senate or to deny a Senate motion to reject proposed legislation. The *Sejm* alone decides whether to accept or override a presidential veto, appoints the government and conducts oversight of its activities, and appoints judges to the constitutional tribunal. The Senate has a role in making some official appointments, and the consent of the Senate is required for constitutional amendments and ratifying international agreements. See Senate of the Republic of Poland, *How an Act Is Made?* and *The Role of the Senate in the Constitutional Structure of the Polish State*, at <https://www.senat.gov.pl/en/about-the-senate/senat-wspolczesny/>.

¹³ See Official Website of the President of Poland, at <https://www.president.pl/en/president/competences/>.

¹⁴ Sarah Huemer, “Poland’s Kaczyński to Quit Government Role and Focus on Party Leadership,” *Politico Europe*, October 13, 2021.

¹⁵ Members of the *Sejm* are elected to four-year terms through an open-list proportional representation system in which there are 41 multi-member constituencies with between 7 and 20 members each. Members of the Polish Senate are elected to four-year terms by plurality vote in 100 single-member constituencies.

¹⁶ Tomasz Grzegorz Grosse, *Poland’s 2019 Parliamentary Election*, Warsaw Institute, November 5, 2019.

liberalism and promoting itself as the defender of the “traditional family, Polish national identity, and Christian values.”¹⁷

Civic Platform’s inability to make gains in the 2019 parliamentary election and its loss in the 2020 presidential election reflected analysts’ assertions that the party has struggled to find effective leadership and promote a counter-narrative that broadens its support.¹⁸ Despite arguments that Law and Justice policies endanger the country’s institutions and democracy, observers note that Civic Platform and other opposition parties have had difficulties formulating a persuasive campaign agenda other than a wish to defeat Law and Justice.¹⁹

Civic Platform received a boost in July 2021 when Donald Tusk, who was prime minister from 2007 to 2014 and president of the European Council (the leading political institution of the EU) from 2014 to 2019, announced his return to national politics and intention to lead the party in the next election.

In large part, Polish politics have become characterized by an entrenched social divide between national-oriented social conservatives, represented by Law and Justice, and Western-oriented liberals, represented by Civic Platform. In the 2019 election, Law and Justice and its allies overwhelmingly won in the country’s more rural districts, while Civic Platform and other opposition parties won mainly in Poland’s large cities. Many voters, including many younger voters, shifted their support towards the ends of the political spectrum; parties comprising The Left alliance and the Confederation of far-right parties re-entered the *Sejm* after being shut out in the 2015 election.²⁰

The United Right governing coalition has faced significant internal tensions. While there have been disagreements about several policy issues, the in-fighting takes place in the context of a power struggle between two rival wings of the coalition attempting to position themselves for the future leadership of the political right in Poland. Prime Minister Morawiecki heads the relatively moderate wing; Justice Minister Zbigniew Ziobro of the United Poland party leads a more hardline faction.

In August 2021, Prime Minister Morawiecki fired the leader of the socially conservative-economically liberal Agreement party from his post as a deputy prime minister amid tensions over economic plans and a controversial media law. The departure of some Agreement members from the government’s parliamentary caucus left the coalition with 228 members in the *Sejm*, three short of a majority.²¹ The government has proceeded as a minority government, marshalling the support of smaller parties and independent members to pass legislation.

The next parliamentary election is due in autumn 2023. As of February 2023, polling indicates support for a Law and Justice-led coalition at 36%, versus 30% for Civic Coalition, 10% for the new, centrist Poland 2050 party, 9% for the Left, and 7% for the far-right Confederation.²²

¹⁷ Aleks Szczerbiak, “Why Is Poland’s Law and Justice Party Still So Popular?,” *Polish Politics Blog*, September 23, 2019.

¹⁸ Daniel Tilles, “Civic Platform Turns 20: Is Poland’s ‘Zombie Party’ Now Undermining Opposition to PiS?,” *Notes From Poland*, January 24, 2021.

¹⁹ Claudia Ciobanu, “Election Blues: Why Poland’s Opposition Keeps Losing,” *Reporting Democracy - Balkan Insight*, July 22, 2020.

²⁰ Tomasz Grzegorz Grosse, *Poland’s 2019 Parliamentary Election*, Warsaw Institute, November 5, 2019.

²¹ See Sejm of the Republic of Poland, *Current Members*, at <https://www.sejm.gov.pl/Sejm9.nsf/poslowie.xsp>.

²² “Poland - National Parliament Voting Intention,” *Politico Europe*, at <https://www.politico.eu/europe-poll-of-polls/poland/>.

Controversial Reforms and Tensions with the EU

As noted above, the Law and Justice party-led government has been criticized by domestic opponents and the EU for a range of controversial reforms related to social policies (including those that affect women and LGBT rights), public media, and perhaps most prominently, the judicial system. Critics charge that numerous moves enacted regarding the judicial system since late 2015 subvert institutional checks and balances, undermine judicial independence and the rule of law, and place the country's courts under political control.²³ Party leaders maintain that the judicial system needed extensive reform because it was slow and inefficient, judges were not properly vetted after the transition from communism to democracy, and procedures for selecting new judges lacked fairness and accountability.²⁴

Reforms to the judicial system have included the following:²⁵

- Changes to the functioning of the country's constitutional tribunal, a court composed of 15 judges who decide whether legislation is constitutional. Critics argue that the Law and Justice government has sought to diminish the constitutional tribunal's role as a systemic check on legislative power and to mold it into a rubber stamp for the party's policies.
- The replacement of the 15 judges on the National Council of the Judiciary with new judges chosen by the *Sejm*; previously, other judges selected the members of the council. The role of the National Council of the Judiciary is to select and discipline the country's judges and to safeguard the independence of the courts.
- New discretionary power for the justice minister (who is also the country's prosecutor general) to remove and replace district court judges.
- The establishment of a disciplinary chamber in the country's Supreme Court with the power to punish or dismiss judges based on their decisions or their criticism of the government's judicial reforms. (The government formally abolished the chamber in June 2022; see below.)

Beyond the judicial system, a law adopted in 2016 granted the government the power to hire and fire management of public broadcasting stations, a function previously performed by a non-partisan National Broadcasting Council. The government subsequently established a new National Media Council, controlled by Law and Justice members, to regulate broadcast media and oversee public radio and television.²⁶ The government maintained that the moves were needed to correct political bias and restore balance in the public media. Critics argue that the reforms have compromised the independence of public media and relegated it to publicizing the government's official narrative.²⁷ The taxpayer-funded TVP, which encompasses a large network

²³ See, for example, Brittany Benowitz, *Threats to Judicial Independence – Not Discussion of the Holocaust – Are the Real Threat to Polish Democracy*, American Bar Association, January 19, 2019 and Christian Davies, *Hostile Takeover: How Law and Justice Captured Poland's Courts*, Freedom House, May 2018.

²⁴ Rob Schmitz, "Poland's Overhaul of Its Courts Leads To Confrontation With European Union," *NPR*, February 13, 2020.

²⁵ Alistair Walsh, "What Are Poland's Controversial Judicial Reforms?," *Deutsche Welle*, November 5, 2019.

²⁶ Nathan Stormont, *How Poland's Government Set Out to Conquer a Free Press*, Freedom House, June 28, 2017.

²⁷ Dariusz Kalan, "Poland's State of the Media," *Foreign Policy*, November 25, 2019.

of public television and radio stations, is Poland's largest broadcaster and reaches by far the largest audience in the country.²⁸

Critics have raised additional concerns about media freedom in Poland after the energy company PKN Orlen purchased regional newspaper publisher Polska Press from a German publishing company in 2020.²⁹ PKN Orlen, which owns oil refineries, gas stations, and other energy assets in multiple countries, is the largest company in Central Europe; the Polish state is the largest shareholder in the company, and the Polish government controls the management. The acquisition brought under Orlen's control 20 of Poland's 24 daily regional newspapers, 120 weekly newspapers, and news websites with an estimated 17.4 million users.³⁰

Multiple democracy indexes have registered declines in the quality of democracy in Poland. The *Nations in Transit 2022* report published by the non-governmental organization Freedom House, measuring the quality of democratic governance in 29 countries in Europe and Eurasia, downgraded Poland's score for the eighth consecutive year due to concerns about democratic backsliding.³¹ According to the Varieties of Democracy (V-Dem) Institute, Poland was among the 10 most "autocratizing" countries globally between 2012 and 2022.³² Law and Justice leaders and supporters dispute such portrayals, alleging that their political opponents have crafted an exaggerated narrative in an attempt to undo the results of elections and block the government's ability to implement its agenda.

The European Union has undertaken a number of measures challenging the Law and Justice party's reforms. In 2016, the European Commission (the EU's executive institution) launched an inquiry into the effects of the judicial reforms and other controversial legislation in Poland. The inquiry concluded that the measures "structurally undermine the independence of the judiciary" and pose "a systemic threat to the rule of law in Poland."³³ The Commission subsequently proposed that the Council of the EU (the EU institution representing the national member state governments) determine whether to initiate an "Article 7" procedure; Article 7 of the Treaty on European Union allows for suspension of a member's voting rights in the Council if it is found to breach EU core values.³⁴ The measure was never likely to be enacted, however, because Hungary (which has similar tensions with the EU) vowed it would veto actions against Poland.

The Commission additionally launched a series of legal challenges asking the European Court of Justice (ECJ) to suspend provisions of Poland's judicial reforms and rule on their compatibility with EU law. The Polish government has generally rejected the EU's challenges, objecting that the EU is interfering with the country's sovereignty and does not understand its legal system, and that the EU's actions are politically motivated.³⁵ In 2018, however, Poland complied with an EU

²⁸ Rob Schmitz, "Poland's Government Tightens its Control Over Media," *NPR*, January 4, 2021.

²⁹ "Court Looks Into Polska Press Takeover by Oil Giant PKN Orlen," *Reuters*, June 7, 2022.

³⁰ Jan Cienski and Paola Tamma, "Poland's State-Run Refiner Becomes a Media Baron," *Politico Europe*, December 7, 2020.

³¹ Freedom House, *Nations in Transit 2022, Poland*, at <https://freedomhouse.org/country/poland/nations-transit/2022>.

³² Varieties of Democracy (V-Dem) Institute, *Democracy Report 2023: Defiance in the Face of Autocratization* at https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf.

³³ European Commission, *Commission Recommendation (EU) 2018/103 of 20 December 2017 Regarding the Rule of Law in Poland Complementary to Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520*.

³⁴ European Commission, *Proposal for a Council Decision on the Determination of a Clear Risk of a Serious Breach by the Republic of Poland of the Rule of Law*, December 20, 2017.

³⁵ Anna Wolska, "Polish Government Reacts To EU Court Ruling On Judicial Reform," *Euractiv*, March 4, 2021. Holly Ellyatt, "Controversial Judicial Reform Still 'Needed,' Polish Prime Minister Says After EU Battle," *CNBC*, January 22, 2020.

court order suspending a law that allowed the president to decide whether to retire Supreme Court judges over the age of 65. The episode marked the first time Law and Justice backtracked on any major element of its controversial reform program. In 2021, the ECJ imposed a fine of €1 million (approximately \$1.1 million) per day until Poland complies with a ruling to dissolve the Supreme Court disciplinary chamber.

The EU also developed a regulation linking regional funding from the EU budget to judicial independence and rule of law standards (Poland is the largest beneficiary of such regional funds from the EU budget) and included a provision in its pandemic recovery fund that links funding access to rule of law criteria. Due to the ongoing dispute, the EU has continued to delay the approval of €35.4 billion (approximately \$38.9 billion) worth of grants and loans that Poland has applied for from the EU pandemic recovery fund.³⁶

President Duda prepared legislation that abolished the Supreme Court disciplinary chamber in June 2022, but the EU asserted that the reforms and the structure replacing the chamber (the Chamber of Professional Responsibility) did not satisfy its concerns about impartiality and independence. In an effort to end the dispute and unlock the money from the pandemic recovery fund, Prime Minister Morawiecki introduced new legislation in December 2022 that would move judicial disciplinary matters to the country’s Supreme Court of Administration and make other changes that had been negotiated with the European Commission.³⁷ Some members of the governing coalition oppose the changes, however, and President Duda has been cautious about the bill, stating that he would study its compliance with the constitution “but also take into account Poland’s sovereign right to shape the justice system in the way we, as Poles, want to.”³⁸

In 2021, Poland’s constitutional tribunal ruled that sections of the Treaty on European Union that grant the EU the power to set standards for the independence and impartiality of judges in all EU member states are incompatible with Poland’s constitution. In challenging the principle of the primacy of EU law, some observers suggested that Poland may be on a track to leave the EU, although Law and Justice leaders have dismissed the notion.³⁹ Surveys show that a large majority of the Polish public views EU membership as beneficial.⁴⁰

The Economy

Poland’s economy is among the most successful in Central and Eastern Europe. Starting with post-communist reform programs in the 1990s and continuing beyond Poland’s accession to the EU in 2004, pro-market policies and stable institutions have underpinned strong economic growth, an expanding private sector, and a steady increase in per capita gross domestic product (GDP).⁴¹

³⁶ Piotr Buras, *The Final Countdown: The EU, Poland, and the Rule of Law*, European Council on Foreign Relations, December 14, 2022.

³⁷ Jan Cieski, “Poland’s Rule of Law Legislation Moves Forward—But Fights Remain,” *Politico Europe*, January 13, 2023.

³⁸ “Poland’s New Judicial Reform in Limbo After President Voices Concerns,” Reuters, December 15, 2022.

³⁹ “Poland: Ruling Party Chief Says ‘There Will Be No Poles,’” *Deutsche Welle*, September 15, 2021.

⁴⁰ Aleksandra Rebelińska, “Ponad 80 proc. Polaków za pozostaniem w Unii. Sondaż Kantar,” *Bankier.pl*, September 12, 2021.

⁴¹ For background on Poland’s economic development since communism, see World Bank, *Lessons from Poland, Insights for Poland: A Sustainable and Inclusive Transition to High-Income Status*, 2017, and Marcin Piatkowski, *How Poland Became Europe’s Growth Champion: Insights from the Successful Post-Socialist Transition*, Brookings

The Coronavirus Disease 2019 (COVID-19) pandemic negatively affected the economy, but less so than in most other EU countries. The Polish economy contracted by 2.2% in 2020 (the EU as a whole contracted by 5.7%), before rebounding with 5.9% growth in 2021 and 3.8% growth in 2022.⁴² Economic growth is projected to slow to 0.5% in 2023, as Poland's economy faces challenges from high inflation and encounters lower demand for exports due to a projected economic slowdown in Poland's main EU trading partners (Germany is Poland's largest trading partner). Economic growth is projected to reach 3.1% in 2024. Unemployment was low, at 3.2% as of late 2022.

Although Poland joined the EU in 2004, it is not a member of the Eurozone.⁴³ Poland continues to use the zloty (PLN) as its national currency, and the European sovereign debt crisis of 2008-2012 dampened Polish enthusiasm for adopting the euro. Under the terms of its EU accession treaty, Poland is bound to adopt the euro as its currency eventually, but there is no fixed target date for doing so.

Alongside the party's right-wing ideology, Law and Justice has implemented a left-wing socioeconomic policy focusing on redistribution and the reduction of income inequality. The government's flagship Family 500+ program, which provides a monthly PLN500 (approximately \$111) allowance per child, has proven especially popular with much of the electorate.⁴⁴ The Law and Justice-led government also has lowered the retirement age and increased the minimum wage. With inflation driving a cost-of-living crisis ahead of the 2023 election, the government has provided support packages that subsidize high energy costs for households and enterprises.

Since 2015, the Law and Justice-led government has sought to "repolonize" the economy by using state-owned enterprises to acquire businesses in sectors such as banking, energy, and media. According to the Economist Intelligence Unit, about half of Poland's 20 largest companies are state-controlled.⁴⁵

Defense Spending and Modernization

According to NATO, Polish defense expenditures were an estimated 2.42% of GDP in 2022, approximately \$17.8 billion.⁴⁶ (NATO member states have agreed to a target of spending at least 2% of GDP on defense.) Russia's invasion of Ukraine prompted Poland to adopt legislation in 2022 that increases defense spending to a minimum of 3% of GDP starting in 2023. The legislation also calls for Poland to more than double the size of its armed forces over the next five years, to 300,000 personnel.⁴⁷ In January 2023, Prime Minister Morawiecki stated that he wants to increase defense spending to 4% of GDP.⁴⁸

Weapons and equipment purchases from the United States play a central role in Poland's military modernization program. Approximately \$20 billion in U.S. Foreign Military Sales cases to

Institution, February 11, 2015.

⁴² Economic statistics from International Monetary Fund, *World Economic Outlook Database*, October 2022.

⁴³ The twenty EU member countries that use the euro as their common currency are collectively referred to as the Eurozone.

⁴⁴ Anna Louie Sussman, "The Poland Model—Promoting 'Family Values' With Cash Handouts," *Atlantic*, October 14, 2019.

⁴⁵ Economist Intelligence Unit, *Poland Country Report*, February 2023.

⁴⁶ NATO Public Diplomacy Division, *Defence Expenditures of NATO Countries (2014-2022)*, June 27, 2022.

⁴⁷ Matilde Stronell, "Poland Unveils Record 2023 Defence Budget," *Janes*, September 1, 2022.

⁴⁸ Alexandra Fouché, "Poland Boosts Defence Spending Over War in Ukraine," *BBC News*, January 30, 2023.

Poland were active as of late 2022. Sales since 2016 have included 32 F-35 aircraft, 250 M1A2 Abrams main battle tanks and 116 M1A1 Abrams main battle tanks, Patriot-3+ integrated air and missile defense systems, High Mobility Artillery Rocket Systems (HIMARS), advanced air-to-air and air-to-surface missiles, and Javelin anti-tank missiles. In September 2022, Poland requested U.S. government approval for the purchase of 96 AH-64E Apache attack helicopters, valued at approximately \$7 billion.⁴⁹ Poland also is leasing MQ-9 Reaper drones from the United States to assist in conducting reconnaissance along Poland's eastern border.

In 2022, Poland also concluded deals for arms purchases from South Korea valued at approximately \$12.3 billion. Purchases from South Korea include 189 K2 main battle tanks, 212 K9 self-propelled howitzers, 48 FA-50 light combat aircraft, and 288 K239 multiple rocket launchers. Under the agreements, Poland intends to produce K2s and K9s domestically, and eventually to have 1,000 K2s and nearly 700 K9s.⁵⁰

Energy Security

Prior to Russia's 2022 invasion of Ukraine, Poland had taken steps to diversify its energy supplies away from Russian oil and natural gas, including by expanding pipeline connections with its European neighbors and constructing a liquefied natural gas (LNG) terminal that receives gas from a U.S. supplier. Poland also was a leading opponent and critic of the halted Nord Stream 2 pipeline that would have increased direct Russian gas supplies to Germany via the Baltic Sea.

Before 2022, Poland had imported 53% of its gas from Russia. In April 2022, Russia halted supplies of natural gas to Poland, ostensibly because of Poland's refusal to comply with demands to pay for gas deliveries in rubles. Polish officials described the cutoff as a breach of contract but indicated they would be able to prevent shortages by importing gas (including LNG) from other suppliers.⁵¹ Baltic Pipe, a new gas pipeline connecting Poland's gas infrastructure to Norwegian supplies via Denmark, became fully operational in November 2022.⁵² Also in November 2022, Poland announced a \$20 billion deal with the U.S. company Westinghouse to build six nuclear reactors in Poland by the mid-2040s, with the first expected to come online in 2033.⁵³ Overall, Poland remains the most coal-dependent country in the EU, with coal accounting for approximately 72% of Poland's electricity generation in 2021.⁵⁴ In February 2023, Russia halted the delivery of oil via pipeline to Poland. The chief executive officer of Polish refining company PKN Orlen stated that they had been prepared for the cutoff, had reduced Russian supplies to 10% of Poland's oil imports, and would be able to compensate with other suppliers.⁵⁵

Successive U.S. presidential administrations have encouraged EU member states to reduce energy dependence on Russia through diversification of supplies and supply routes. Some Members of Congress have expressed support for the Three Seas Initiative as a way to reduce Central and Eastern European countries' dependence on Russian energy. (See CRS In Focus IF11547, *The Three Seas Initiative*, by Sarah E. Garding and Derek E. Mix.) Since Russia's war on Ukraine in

⁴⁹ U.S. Department of State, *U.S. Security Cooperation With Poland*, October 31, 2022.

⁵⁰ Daniel Tilles, "First Korean Tanks and Howitzers Arrive in Poland," *Notes From Poland*, December 6, 2022.

⁵¹ "Ukraine War: Russia Halts Gas Exports to Poland and Bulgaria," *BBC News*, April 27, 2022.

⁵² See Baltic Pipe Project, at <https://www.baltic-pipe.eu/the-project/>.

⁵³ Wojciech Kości, "Poland Gives Details on \$20B Nuclear Power Bid," *Politico Europe*, November 2, 2022.

⁵⁴ U.S. Department of Commerce, International Trade Administration, *Poland - Country Commercial Guide, Energy Sector*, July 22, 2022.

⁵⁵ "Russia Halts Pipeline Oil to Poland Says Refiner PKN Orlen," Reuters, February 25, 2023.

2022, the Biden Administration has strongly backed renewed efforts by the EU and its member states to reduce dependence on Russian energy quickly.

Relations with the United States

Since the end of the Cold War, Poland and the United States have had close relations. The United States strongly supported Poland's accession to NATO in 1999, and Poland has become an important U.S. security partner over the past two decades. Poland contributed large deployments to the U.S.-led coalition in Iraq and the NATO-led mission in Afghanistan. The two countries have considerable cultural ties, including nearly 10 million Americans of Polish heritage. The United States granted Poland membership in the U.S. Visa Waiver Program in 2019, resolving a long-standing irritant in bilateral relations.⁵⁶

In February 2023, U.S. President Joe Biden travelled to Poland to commemorate the one-year anniversary of Russia's February 2022 invasion of Ukraine. The trip—which included a surprise visit to Kyiv, Ukraine, and a meeting with the leaders of NATO's nine eastern flank countries—was President Biden's second trip to Poland in 11 months. During a speech in Warsaw on February 21, 2023, President Biden opened by calling Poland “one of our great allies,” thanked Poland for its support of Ukraine, and declared that, “Our support for Ukraine will not waver, NATO will not be divided, and we will not tire.”⁵⁷ In a subsequent speech on February 24, 2023, President Duda stated that “the United States is the guarantee of security” in Europe.⁵⁸ Poland is among the strongest European voices in favor of retaining a leading U.S. role in European security affairs.

While relations between Poland and the United States remain largely positive, there have been concerns among some U.S. officials and Members of Congress since 2015 about the reforms made by the Law and Justice party and their effect on the rule of law in Poland.⁵⁹ In 2021, a proposed media law (that President Duda eventually vetoed) and a new law affecting Holocaust-era property restitution claims in Poland caused tensions with the Biden Administration and additional concern from some Members of Congress.⁶⁰ As a presidential candidate, Biden made comments critical of the state of democracy in Poland; the tone of President Biden's 2022 and 2023 visits to Poland, however, demonstrate that the war in Ukraine and Poland's support for Ukraine have shifted the priorities of the U.S.-Poland relationship toward a greater focus on security issues.⁶¹

⁵⁶ The Visa Waiver Program allows for visa-free travel to the United States for up to 90 days. See CRS Report RL32221, *Visa Waiver Program*, by Abigail F. Kolker.

⁵⁷ White House, *Remarks by President Biden Ahead of the One-Year Anniversary of Russia's Brutal and Unprovoked Invasion of Ukraine*, February 21, 2023.

⁵⁸ Government of Poland, *Message by the President of the Republic of Poland Andrzej Duda*, February 24, 2023.

⁵⁹ See, for example, Office of Representative Jamie Raskin, *House Democrats Urge Pence to Address Poland's Democratic Erosion*, August 30, 2019, U.S. Department of State, *Poland: Independence of the Judiciary*, July 21, 2017 and “U.S. Senators Urge Poland to Respect Democracy, Rule of Law,” Reuters, February 14, 2016.

⁶⁰ See Antony J. Blinken, Secretary of State, *Poland's Troubling Legislation*, U.S. Department of State, August 11, 2021 and Office of Senator Marco Rubio, *Rubio, Baldwin, Lankford, Rosen, Colleagues Urge Polish President to Clearly Oppose Bill that Would Prevent Holocaust Restitution Claims*, July 19, 2021.

⁶¹ Emily Rauhala, “Poland Was Once an Outcast in Europe. Then Russia Invaded Ukraine,” *Washington Post*, February 21, 2023.

Defense Relations

Defense cooperation between Poland and the United States is especially close and extensive. Poland has been a core focus of U.S. and NATO efforts to deter Russian aggression in the region. There were approximately 10,000 U.S. military personnel deployed in Poland as of early 2023. More than 4,000 U.S. personnel, including elements of an Armored Brigade Combat Team and a Combat Aviation Brigade, are deployed to Poland as part of the European Deterrence Initiative's Operation *Atlantic Resolve*.⁶² The United States also is the lead nation in a multinational battlegroup stationed in Poland as part of NATO's Enhanced Forward Presence.⁶³ The number of U.S. military personnel in the country increased to approximately 10,000 after the United States deployed approximately 4,700 additional personnel to Poland in February 2022 as a reassurance and deterrence measure in the context of Russia's military build-up on its border with Ukraine.⁶⁴

The United States is building an Aegis Ashore facility in Poland as part of the NATO Ballistic Missile Defense program; U.S. officials expect the facility to become operational in 2023.⁶⁵ The two countries signed an Enhanced Defense Cooperation Agreement in 2020 that supplements the NATO Status of Forces Agreement, streamlines cooperation on infrastructure construction and logistics, and enables the eventual presence of 1,000 additional U.S. soldiers in Poland. At the June 2022 NATO Summit, the United States announced that it would establish a permanent headquarters for the U.S. Army's V Corps in Poznań, Poland to command U.S. rotational forces in Europe.⁶⁶

The United States provides significant security assistance to Poland. In September 2022, the United States obligated \$288.6 million in FY2022 Foreign Military Financing (FMF) funds to Poland in order to help build the capacity of the Polish armed forces and deter against threats to Poland's territorial sovereignty.⁶⁷ As noted in the *Defense Spending and Modernization* section, the United States and Poland maintain a robust arms sales relationship.

Economic Ties

According to the U.S. Department of State, "Relatively strong economic growth, a large domestic market, tariff-free access to the European Union (EU), political stability, and a relatively low-cost well-educated workforce are prime reasons that U.S. companies do business in Poland."⁶⁸ As Poland is a member of the EU, the U.S.-Poland economic and trade relationship is set in the wider context of the U.S.-EU economic and trade relationship. In 2021, U.S. direct investment in Poland was \$13.4 billion, U.S. exports of goods and services to Poland were valued at \$7.6 billion, and U.S. imports of goods and services from Poland were valued at \$11.9 billion.⁶⁹ In

⁶² U.S. Army Europe and Africa, *Operation Atlantic Resolve*, at <https://www.europeafrica.army.mil/AtlanticResolve/>.

⁶³ NATO, *Enhanced Forward Presence, Present Structure*, at <https://shape.nato.int/efp/efp/present-structure>.

⁶⁴ U.S. Department of Defense, *Posture Updates in Support of Allies in Europe*, March 9, 2022 and February 22, 2022.

⁶⁵ Andrew Eversden, "Missile Defense Chief 'Confident' Poland's Aegis Ashore Ready in 2023," *Breaking Defense*, August 12, 2022.

⁶⁶ Ministry of National Defence (Poland), *The Permanent HQ for US Army's V Corps Will Be Established in Poland*, June 30, 2022.

⁶⁷ U.S. Embassy & Consulate in Poland, *United States Invests \$288.6 Million in New Foreign Military Financing for Poland*, September 29, 2022.

⁶⁸ U.S. Department of State, *U.S. Relations with Poland*, January 20, 2021.

⁶⁹ U.S. Department of Commerce, Bureau of Economic Analysis, *Poland - International Trade and Investment Country Facts*.

2020, majority U.S.-owned affiliates employed approximately 211,900 people in Poland.⁷⁰ U.S. companies with significant investment in Poland include Amazon, Citigroup, Discovery Communications, General Electric, IBM, Lear, Mars, Procter & Gamble, United Technologies, and Whirlpool.⁷¹

Outlook

Russia's war against Ukraine has fundamentally altered the security outlook along NATO's eastern flank and elevated Poland's role in allied efforts related to European security. Poland is likely to continue acting as a leader in NATO and Europe in providing support to Ukraine and advocating for a strong stance against Russia. Russia's war against Ukraine and Poland's role in supporting Ukraine are likely to bring about a continued deepening of U.S.-Poland security and defense cooperation.

Members of Congress may

- continue to confer with their Polish counterparts and the Biden Administration on wartime developments in Ukraine, Poland's role in the transatlantic effort to support Ukraine, and the ongoing security threats posed by Russia.
- monitor the deployment of U.S. military personnel and equipment to Poland. Related congressional action may include continuing oversight of regional U.S. defense policy and commitments.
- track efforts to bolster the capabilities of Poland's armed forces, including through defense sales and the provision of U.S. security assistance. Congressional actions in these areas may include continuing security assistance appropriations and conducting oversight of related executive branch programs and activities.
- remain informed about democracy, governance, and rule of law issues in Poland. Members of Congress may have an interest in monitoring political developments in relation to the Polish parliamentary election due to occur in autumn 2023.
- examine Poland's transition away from Russian oil and natural gas supplies. Related congressional action may include continued oversight of U.S. policies toward European energy security, including funding for the Three Seas Initiative.

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⁷⁰ U.S. Department of Commerce, Bureau of Economic Analysis, *Poland - International Trade and Investment Country Facts*.

⁷¹ American Chamber of Commerce in Poland and KPMG, *30 Years of American Investments in Poland*, April 2020.

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