

Zofia Szpringer

## **Answers to the questionnaire on the role of national parliaments in the recovery and resilience plans and the draft budgetary plans in the framework of the COVID-19 recovery measures<sup>1</sup>**

Rola parlamentów krajowych w planach naprawy i odporności oraz projekty planów budżetowych w ramach działań naprawczych z powodu COVID-19

The author replies to the questionnaire devoted to the involvement of the Sejm in a recovery plan for Europe after the crisis caused by the COVID-19 pandemic, including the preparation of the National Recovery and Resilience Plan (RRP), which should constitute an annex to the National Reform Program. The author points to the issues of consulting EU documents on these plans, both at the parliamentary and governmental levels. In the latter case, she also presents the work schedule on the RRP and information on the activities of working groups at the Ministry of Funds and Regional Policy on the submitted projects.

**Keywords:** coronavirus, Recovery and Resilience Facility, NextGenerationEU

Autorka udziela odpowiedzi na kwestionariusz poświęcony zaangażowaniu Sejmu w plan odbudowy dla Europy po kryzysie wywołanym pandemią COVID-19, w tym w przygotowywanie krajowego planu odbudowy i zwiększania odporności (KPO), który będzie załącznikiem do „Krajowego programu reform”. Autorka wskazuje na kwestie dotyczące konsultowania dokumentów unijnych związanych z tymi planami, tak na szczeblu parlamentarnym, jak i rządowym. W tym ostatnim przypadku przedstawiony został harmonogram prac nad KPO oraz informacja o pracy grup roboczych w Ministerstwie Funduszy i Polityki Regionalnej nad zgłoszonymi projektami.

**Słowa kluczowe:** koronawirus, Instrument na rzecz Odbudowy i Odporności, Next Generation EU

Doktor nauk ekonomicznych – naczelnik Wydziału Analiz Społecznych i Ekonomicznych w Biurze Analiz Sejmowych ■  
Kancelaria Sejmu, Biuro Analiz Sejmowych, Wydział Analiz Społecznych i Ekonomicznych,  
WARSZAWA, POLSKA ■  
zofia.szpringer@sejm.gov.pl ■ <https://orcid.org/0000-0002-8265-4440>

<sup>1</sup> *Answers to the questionnaire on the role of national parliaments in the recovery and resilience plans and the draft budgetary plans in the framework of the COVID-19 recovery measures prepared on November 26, 2020 r.; BAS-WASiE-2383/20.*

At the beginning, it should be noted that EU documents (including, *inter alia*, communications, reports, proposals of regulations and directives) are the subject of work of the Sejm<sup>2</sup> European Union Affairs Committee (the EUAC).

For the purposes of this committee, the Bureau of Research of the Chancellery of the Sejm (the BAS) prepares – practically every week – a bulletin which presents synthetic notes on the recently received European Union documents. These notes contain a recommendation suggesting which document should be placed on list A (without comments) or on list B (for discussion) on the Committee's agenda.

This means the division of documents into those on which the Presidium of the EUAC asks its Members not to submit comments and for those that should be subject to detailed consideration by the committee during its meeting.

The EUAC receives draft government positions for documents on the B list, as well as in-depth opinions of the BAS before the scheduled committee meeting. During the meeting, in the case of a B-list document, the chairman of the EUAC gives the floor to the government representative, who synthetically presents the government's draft position on the document, and then to the Member appointed by the committee (the rapporteur) to present his/her opinion. After these speeches, it is possible to ask questions and participate in discussions.

Documents related to the Next Generation EU, Recovery and Resilience Facility (RRF), national recovery and resilience plans, were generally recommended by the BAS for consideration by the EUAC (included in list B). This concerned, for example, such documents as: COM (2020) 139, COM (2020) 408, COM (2020) 441, COM (2020) 442, COM (2020) 451, COM (2020) 453, COM (2020) 456<sup>3</sup>.

---

<sup>2</sup> The Parliament in Poland consists of the Sejm and the Senate.

<sup>3</sup> Proposal for a Council Regulation on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak. COM(2020)139, Proposal for a Regulation of the European Parliament and of the Council establishing a Recovery and Resilience Facility. COM(2020) 408, Proposal for a Council Regulation establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 pandemic. COM(2020) 441, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The EU budget powering the recovery plan for Europe. COM(2020) 442, Regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards exceptional additional resources and implementing arrangements under the Investment for growth and jobs goal to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and preparing a green, digital and resilient recovery of the economy (REACT-EU). COM(2020) 451, Proposal for a Regulation of the European Parliament and of the Council on the public sector loan facility under the Just Transition

In the case of some of them (e.g. COM (2020) 139, 408, 441 and 442), there was no standard information on the effects of public consultations in the draft government positions. This may mean that the government did not formally seek the views of social partners on these documents. However, this does not mean that these partners were completely deprived of access to these documents.

EU documents are publicly available on the website of the European Commission. Moreover, it cannot be assumed in advance that the government unit leading to a given document and the units cooperating with it<sup>4</sup> acted without consulting specific issues (after all, quick and informal talks with specialists and representatives of some institutions could have been involved).

In the case of COM (2020) 451, the draft government position indicated that: „As part of public consultations, the document was submitted to: Polish Alliance of Trade Unions (NSZZ Solidarność), Forum of Trade Unions (OPZZ), Lewiatan Confederation, Employers of the Republic of Poland, Polish Craft Association, Business Center Club Employers' Union and the Union of Entrepreneurs and Employers.

NSZZ Solidarność did not comment on the fact that the consultation period was too short. The OPZZ expressed its support for the REACT-EU initiative, emphasizing that the cohesion policy will play an important role not only in counteracting the socio-economic effects of the COVID-19 pandemic, but above all in preventing the widening of differences between EU member states.”

In the case of COM (2020) 453, the draft position of the government indicated that: „As part of the public consultations, the Ministry of Climate published the above-mentioned document asking for any comments or suggestions that could affect the shape of the Government's position. No comments from the social partners were received”. Nevertheless, the government also stated that „The process of consulting the document indicates that despite including the definition of „beneficiary” in Article 2 and Article 9 of the document, some institutions have doubts as to whether private entities implementing public investments may be beneficiaries of the instrument. It should be taken into account that some

---

Mechanism. COM(2020) 453, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Europe's moment: Repair and Prepare for the Next Generation. COM(2020) 456.

<sup>4</sup> For example, in the case of COM (2020) 441 and 442, the leading unit was the Chancellery of the Prime Minister, and the cooperating units were: the Ministry of Finance, the Ministry of Funds and Regional Policy, the Ministry of Climate, the Ministry of Agriculture and Rural Development and the Ministry of Development. However, in the case of COM (2020) 408, the leading unit was the Ministry of Economic Development, and the cooperating units: the Chancellery of the Prime Minister, the Ministry of Finance, the Ministry of Funds and Regional Policy, the Ministry of Infrastructure, the Ministry of Climate and the Ministry of Agriculture and Rural Development.

projects (in particular the energy efficiency, waste management, water and sewage management sectors) may be implemented in the public-private partnership (PPP) model, i.e. in a model in which the selected contractor (apart from carrying out works) may also be responsible for the total or partial financing of capital expenditure”.

In the case of COM (2020) 456, the draft government position indicated that: „Due to its general nature, the Communication was not subject to consultation with social partners.”

To sum up, it should be noted that documents related to the Next Generation EU, Recovery and Resilience Facility (RRF), national recovery and resilience plans were the subject of the BAS opinion and, as a rule, were consulted formally or informally as part of the preparation of the draft government position.<sup>5</sup>

The issues of Recovery and Resilience Facility (RRF), draft national recovery and resilience plan (DRRP) were of interest to Members of Parliament (MPs). They asked questions to representatives of the government also as part of parliamentary interpellations.<sup>6</sup>

Moreover, on September 17 this year there was a meeting of the Sejm Standing Subcommittee on the use of funds from the European Union<sup>7</sup>, at which Information on the current proposal for the long-term budget of the European Union for 2021–2027 – new possibilities of obtaining support for Polish projects from external sources was presented.<sup>8</sup> At this meeting MEPs also inquired about work on the DRRP. The next Subcommittee meeting was scheduled for October 8, but has not yet taken place.<sup>9</sup>

<sup>5</sup> <https://www.consilium.europa.eu/en/policies/eu-recovery-plan>.

<sup>6</sup> See e.g. interpellations no. 7117, 11768, 10026, 7317, 11701, 11649, 9512, and the answers to them. The deputies were mainly interested in local issues and asked, *inter alia*, whether and what investments will be financed under the DRRP.

<sup>7</sup> It is the subcommittee created under the EUAC.

<sup>8</sup> The meeting was attended by: Marcin Kwasowski, Deputy Director of the European Union Economic Department in the Chancellery of the Prime Minister, Renata Calak, Director of the Strategy Department of the Ministry of Funds and Regional Policy.

<sup>9</sup> Earlier, on May 13, 2020, a meeting of the Standing Subcommittee monitoring the use of EU funds was held. The agenda for the meeting was as follows:

I. Information of the Minister of Funds and Regional Policy and the Minister of Finance on the implementation of the financial perspective 2014–2020 as of March 31, 2020, including:

- the value of signed contracts for co-financing of projects co-financed from EU funds in part with the EU contribution and the value of funds paid to applicants in the part concerning the EU contribution, broken down for all programs and axes,
- the percentage ratio of these values to that assumed for each program and allocation axis as well as the comparison of data with the comparable period of the previous financial perspective.

DRRP issues are currently the subject of intense work at government level. The work schedule is as follows:<sup>10</sup>

- VII–X 2020 – preparation of the initial DRRP, identification and selection of projects
- Q4 2020 – informal dialogue with the European Commission, introduction of possible changes and work on projects
- Q4 2020 – public consultations
- 2020/2021 – work in committees and the Council of Ministers
- Q1 2021 (formally until the end of April 2021) – transfer of DRRP to the European Commission, formal negotiations.

As indicated by Małgorzata Jarosińska-Jedynak (Deputy Minister of Funds and Regional Policy) Poland was one of the first EU member states to start an informal dialogue with the European Commission. The meetings are aimed at discussing the key issues related to the preparation of the national RRP. The first stage of work on DRRP has been completed. The ministry collected investment proposals from ministries and local governments. Over 1,200 projects were submitted to it, covering various fields. 588 were sent by the regions and 662 by the ministries. Then, they were analysed, identified as consistent with the RRP objectives and the project evaluation criteria were developed. It was verified that they can be financed from the RRP and those, after meeting the appropriate conditions, can be financed from other sources (e.g. from the cohesion policy, the Just Transition Fund). The Ministry analysed the reported investments based on the RRP Road Map (Matrix) – tools for organizing the submitted project proposals for the Recovery and Resilience Facility.

Currently, the process of merging projects into umbrella projects is underway within 8 working groups<sup>11</sup> established at the Ministry of Funds and Regional

---

II. Information of the Minister of Funds and Regional Policy on the strategy of spending European funds in the part intended for combating the epidemic.

The Standing Subcommittee monitoring the use of EU funds was created under the Public Finance Committee.

<sup>10</sup> <https://www.gov.pl/web/planodbudowy>, <https://www.gov.pl/web/planodbudowy/harmonogram>.

<sup>11</sup> The working groups are composed of:

- Chairman (director or deputy director of the department of the Ministry of Funds and Regional Policy),
- Representatives of ministries relevant to the thematic scope of the group,
- Representatives of voivodship self-government,
- Representatives of social and economic partners,
- External experts,
- Working groups for the selection of projects for the RRP: – Energy and environment, – Transport, – Infrastructure, – Health, – Innovation, – Society, – Digitalisation, – Territorial cohesion.

Policy. The next step will be to create the final list of project bundles under which it will be possible to apply for support from the RRP. At the same time, reform projects were collected from the ministries in the areas to be supported under the RRP. They are also important in talks with the European Commission, because they are a condition for obtaining investment support.

**Answering the 4 questions of the questionnaire it should be stated that in all cases, the answer is „no” because the work on the DRRP is still ongoing.**

Answers to additional questions:

**1) Please specify which dedicated committees are in lead on the national recovery and resilience plans in your national parliament.**

Answer:

The Sejm European Union Affairs Committee (and the Standing Subcommittee on the use of European Union funds).

However, it should be assumed that when the national RRP is established, the procedure for working on this document in the Sejm under the European Semester may be similar to the work that took place earlier when the Convergence Program and the National Reform Program were considered (because the national RRP will constitute an annex to the National Reform Program – please see COM (2020) 408, page 4). This means that the draft of these plans will be presented by the Minister of Finance<sup>12</sup> or his representatives and other relevant ministers at a joint meeting of several Sejm committees competent in these matters (including, among others, the European Union Affairs Committee, the Public Finance Committee, the Infrastructure Committee, but also the Digitization, Innovation and Modern Technologies Committee, and the Energy, Climate and State Assets Committee).

**2) Has the government explained if and how the 2021 DBP and the draft recovery and resilience are connected to each other?**

Answer:

An unequivocal answer to the question cannot be given, because the national RRP has not been established yet. Nevertheless, the draft budget for 2021, which was sent to the Sejm at the end of September, does not contain such explanations. This budget was constructed without indicating funds from the recovery plan for Europe, because work on this plan was still ongoing at the EU level.

If these issues are important for the EU institutions responsible for the EU budget (the European Commission, the European Parliament and the Council),

---

<sup>12</sup> After the recent changes: the Minister of Finance, Funds and Regional Policy.

the Polish government should inform widely about matters related to the national RRP and spending funds from the Recovery and Resilience Facility in the justification of the amendment to the Budget Act for 2021 (if any) or in the report on the implementation of the Budget Act for 2021, as well as in the update of the Convergence Program and the National Reform Program, which will be presented by the end of April 2021.

**3) Has your parliament/Chamber taken recent positions relating to the Recovery and Resilience Facility and related matters, notably on the proposed amendment to the EU Own Resources Ceiling?**

Answer:

No, however the Sejm European Union Affairs Committee raised no objections to the government's draft position regarding the document (COM (2020) 445 final) or COM (2020) 451 final, which, albeit positive, contained some doubts.

It can be noticed that there are bills that would allow for an increase in budget revenues, e.g. a bill on tax on certain digital services and the Digital Technologies Fund.<sup>13</sup>

**4) Please specify if you have a dedicated person in your national parliament coordinating the COVID-19 recovery process for the national/European level; if yes, could you please specify his/her role.**

Answer:

There is no such person in the Polish Sejm.

If, however, such position is established, the role of this person may be very difficult because the development of the COVID-19 pandemic is unpredictable and it is not known what legislative initiatives may appear in the Polish parliament, and what actions of the EU institutions may be.

Also, linking the spending of funds from the EU budget with the so-called rule of law may cause chaos with regard to spending EU funds and national funds<sup>14</sup>. This principle – as indicated by the EU documents from 2020<sup>15</sup> – is not precise and raises serious reservations<sup>16</sup>. It seems that these reservations may

<sup>13</sup> Draft submitted by MPs from the parliamentary club of the Left.

<sup>14</sup> See: BAS Opinion No. 1196/18 prepared by Z. Szpringer and J. Łacny to document: Proposal for a Regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the member states. COM (2018) 324.

<sup>15</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Rule of Law Report The rule of law situation in the European Union. COM(2020) 580.

<sup>16</sup> See: BAS Opinion No. 2368/20 prepared by Prof. C. Mik for document: Communication from the Commission to the European Parliament, the Council, the European



also relate to the lack of accountability for bad decisions taken at European level. Objective understanding of the situation in a given country requires time and specialist knowledge.

There are fears that an economically weaker member state may be arbitrarily deprived of funds from the EU budget, both in the grant and loan part, with the simultaneous burden of repayment costs of loans that will be taken on behalf of the EU. As a result, it is difficult to predict whether and to what extent the positive effects of the European recovery plan will occur.

It should be also mentioned that important investment projects are implemented in Poland by contractors from more than one member state, hence the blocking of the EU and national funds on the basis of the imprecise rule of law may expose all these contractors to financial problems and delay the implementation of investments.

The adoption of the regulation linking funds to the rule of law should mean that there will be transparent and objective information on why funds were blocked for a given EU member state, on the consequences of this blocking, as well as on the appeal procedure and possibly compensating for losses resulting from improperly taken decisions, also at the EU level.

Returning to the question, it can be stated that the role of a coordinator would be limited to collecting information (from government and local government institutions and the EU institutions) on funds planned and spent from the state budget, from the budget of European funds, local government budgets, funds for specific purposes, and signaling problems to the chairmen of relevant committees and parliamentary subcommittees.

In Polish conditions, it is difficult to imagine that one person would be able to effectively coordinate this process. Experience shows that it could be more useful

---

Economic and Social Committee and the Committee of the Regions. 2020 Rule of Law Report The rule of law situation in the European Union. COM (2020) 580.

The Prime Minister points out that he is opposed to the adoption of the act (a regulation on linking the budget and its funds with the so-called rule of law). This would be contrary to the treaties.

Treaty law takes precedence over subordinate acts. There is also a hierarchy in national law: the constitution is higher than the act, and the act is higher than the regulation.

The proposed regulation creates an extra-treaty procedure that will bypass key articles contained in the treaty, such as, for example, Article 7.

Besides, its main disadvantage is that:

- the criteria are not clear enough to indicate that the regulation refers to Art. 322 of the Treaty on the Functioning of the European Union,

- it significantly impedes compliance with the fundamental principle of legal certainty.

<https://wydarzenia.interia.pl/polska/news-premier-morawiecki-do-tsue-mozna-zaskarzyc-tylko-akt-prawny-,nId,4876944>.



to impose specific disclosure and reporting obligations on the government and the Minister of Finance and local governments, as well as, where appropriate, to request an audit of the implementation of tasks by specialized audit institutions (e.g. the Supreme Audit Office, Regional Chambers of Auditors or the European Court of Auditors).

It seems that publicly available and transparent information (for example on the European Commission's website) presented, e.g. on a semi-annual or annual basis, is needed on how much funds from Next Generation EU have been transferred to individual EU member states, for what purposes and under what conditions (including the amount of capital and interest repayments on a loan taken at the EU level per member state in subsequent years).