

The rise of Euroscepticism on the political scene in Poland – the case of the party *Law and Justice*

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Abstract

The aim of this article is to analyse the growing phenomenon of Euroscepticism on the political scene in Poland, taking into account the power of the ruling coalition headed by the party *Law and Justice*. For this purpose, after a brief discussion on the theoretical framework of Euroscepticism, in order to find the reasons for the rise of this phenomenon in Poland in recent years, the current context of the government's relationship with the European Union (EU) is analysed. Consequently, by analysing the political programmes of the party *Law and Justice* and statements of political actors associated with the main ruling party in Poland, the author verifies the upward trend in unfavourable attitudes towards the EU by current government, as well as consistently appearing considerations of leaving the EU ("Polexit").

Keywords: Euroscepticism, European Union, Poland, political scene, *Law and Justice*, ruling coalition

Wzrost eurosceptycyzmu na scenie politycznej w Polsce – studium przypadku partii *Prawo i Sprawiedliwość*

Streszczenie

Przedmiotem artykułu jest analiza rosnącego zjawiska eurosceptycyzmu na scenie politycznej w Polsce, z uwzględnieniem władzy sprawowanej przez koalicję rządzącą z *Prawem i Sprawiedliwością* (PiS) na czele. W tym celu, po krótkim omówieniu założeń teoretycznych eurosceptycyzmu, chcąc znaleźć przyczyny wzrostu tego zjawiska w Polsce w ostatnich latach, przeanalizowano aktualny kontekst relacji rządu z Unią Europejską (UE). Wykorzystując analizę programów politycznych PiSu oraz stanowisk i wypowiedzi pochodzących od aktorów politycznych związanych z główną partią rządzącą w Polsce, zweryfikowano także tendencję wzrostową nieprzychylnego

nastawienia wobec UE obecnej władzy, jak również pojawiające się rozważania na temat wyjścia z UE („Polexit”).

Słowa kluczowe: eurosceptycyzm, Unia Europejska, Polska, scena polityczna, *Prawo i Sprawiedliwość*, koalicja rządząca

Euroscepticism is a phenomenon found in practically all European Union (EU) Member States. The crises in the EU and multiple reforms or policies implemented over the years do not contribute to its reduction, on the contrary, had an opposite effect. It often takes the form of increased support for populist groups, both on the right and on the left of the political scene. These groups often seek a simple message, blaming the EU, or “Brussels”, for all sorts of problems in their countries. Poland might be an example of the state in which such attitudes have become more noticeable in recent years. Since the winning in the parliamentary elections of a conservative coalition consisting of three parties: *Law and Justice* (pl. *Prawo i Sprawiedliwość*), *Solidarity Poland* (pl. *Solidarna Polska*) and Jarosław Gowin’s party *Agreement* (pl. *Porozumienie*) in 2015, the political discourse has changed, as prominent politicians have been expressing the opposition towards the European Union and European integration. From the very beginning, and on different occasions (such as relocation of immigrants, reforms of the judiciary, media freedoms or LGBT+ rights), there have been disputes between the new authorities in Warsaw and the EU institutions (like the European Commission, the European Parliament and the Court of Justice of the European Union). Although Eurosceptic attitudes have not yet taken on radical forms and members of the ruling parties have been denying that the politics of the current government could lead to “Polexit” (Poland leaving the EU), at the same time, they continued to build their position on the political scene based on the intensive narratives critical of EU institutions and indirectly undermining the rationale of further membership.

The aim of this article is to find the scale of Eurosceptic significance on Polish political scene in recent years (from 2015 to ongoing), during which the governing conservative coalition, specifically the party *Law and Justice*, has been exploiting the Eurosceptic narration on the Polish political scene. Thus, firstly the author will review the literature on Euroscepticism and how it was defined over the years, pointing out its various dimensions. Constituting the thesis, the author assumes that, mainly due to the ongoing disputes between the Polish government and the institutions of the EU, Euroscepticism has been significantly rising amongst actors associated with the party *Law and Justice*, as well as in the party itself. The Polish political scene has therefore become distinctly more Eurosceptic, although at the same time society remains strongly in favour of the membership in the EU. Thus, it might be worrying that as a result, by using this clash with European Union for the purpose of achieving short-term goals and supporting the ongoing Eurosceptic narrative, politicians may eventually lose control over it and initiate actions that would lead to “Polexit”.

Consequently, the research questions are: in which way the rise of Euroscepticism is displayed in the *Law and Justice*’s political programmes and politicians’ statements, and whether this upsurge of Eurosceptic narrative in the largest party of the ruling coali-

tion is factually correlated with many disagreements between the Polish government and the EU institutions that have arisen in the recent years. The evidence will be shortly presented, as stated above, narrowing the case to only party *Law and Justice*, being the major force in the right-wing ruling coalition. Because the focus is put on the criticism of the EU made in election programmes, as well as the statements of the prominent figures from the party *Law and Justice*, the qualitative analysis of political strategies and declarations will be used to provide answers to these questions.

Euroscepticism – the literature review

Euroscepticism, like many phenomena and attitudes in the field of social sciences, is not defined in a uniform way, thus we don't find one, generally accepted definition in the scientific literature. We can distinguish definitions that take into account the level of opposition to the process of integration of Europe or reasons for questioning this process. It is assumed that the term *Euroscepticism* was adopted in the mid-1980s for attitudes averse to European integration. The accepted view in the literature is that the term was first devised by British press in 1986, more specifically in *The Times* to describe British Prime Minister Margaret Thatcher, who was "seen in most of the EEC as a Eurosceptic at best" (Szczerbiak, Taggart 2008: p. 7).

However, Euroscepticism did not usually mean negating the entire process, but its individual aspects. With time, an attempt was made to systematise this phenomenon. In publications from the late 1990s by Paul Taggart, who was one of the first to conduct research on Euroscepticism, one can find a definition that reduces it to conditional and firm, total opposition to the process of European integration. In this attempt at description, the author's broad approach to the issue, which does not clarify the boundary between conditionality and firmness, is evident. With time, especially when the eastern enlargement of the EU was decided, more research was undertaken on the party systems not only of the western but also of the central part of the continent. Consequently, a division into hard and soft Euroscepticism was proposed by Taggart and Szczerbiak (2001). The former group included parties opposing both the integration of Europe and the EU as such, which could be manifested, for example, by opting for withdrawal from the organisation. Representatives of the soft type, on the other hand, were not opposed to integration, but expressed reservations about various aspects of it. Certainly, this was not a division applicable in every situation and to every political entity, but it did make for a clear division of an otherwise heterogeneous phenomenon. An even more far-reaching fragmentation of attitudes was proposed by Petr Kopecký and Cas Mudde (2002), who listed two dimensions – along the support for EU with EU-optimists and EU-pessimists, and support for European integration with Europhiles and Europhobes – and then, on that basis, also Euro-enthusiastic, Euro-sceptical, Euro-pragmatic and Euro-rejecting behaviour of the political parties. Similarly, a detailed six-level typology was proposed by Christopher Flood (2002), starting with Euro-oppositionists, followed by revisionists, minimalists, gradualists, reformists and maximalists.

Finally, it is also worth noting the division into public Euroscepticism, expressed during referendums, elections or polls, and party Euroscepticism, manifested by including such slogans in the programmes of individual political groups (Styczyńska 2018: p. 24). Both are noticeable in the analysis of the political scene in Poland. However, this juxtaposition of different motives and manifestation of Euroscepticism shows that anti-EU or Eurosceptic arguments have diverse axiological bases. The analysis of political parties' attitudes towards European issues shows that parties may also modify their attitudes towards the European Union for strategic or tactical reasons. The calculation that leads to the disclosure of Eurosceptic or (more rarely) Euro-enthusiastic themes in party rhetoric may result from an assessment of their importance at the electoral and governmental level or from an analysis of current public support for the EU. The significance of Euroscepticism in Poland, as being crucial in the electoral narrative, will be later well visible, regarding the analysis of the election programmes of the party *Law and Justice*.

The rising Euroscepticism in Poland

Eurosceptic movements most often include radical parties on both sides of the right-left scale. This relationship was described by Nick Sitter already at the beginning of the century (Sitter 2002). Importantly, it was associated with being an opposition grouping, often anti-systemic. Such tendencies among peripheral parties were also analysed by Liesbet Hooghe, Gary Marks and Carole J. Wilson (2004). Euroscepticism was not always central to the programmes of these movements, most often it was one of the arguments invoked. The Polish case differs somewhat from this pattern. It is true that here, too, fringe groups were formed that denied the need for European integration or Polish membership in the EU, but they never had much influence on the political scene. However, since 2015, the Eurosceptic slogans have been predominantly proclaimed by the ruling coalition.

The predicament between the Polish government and the institutions of the European Union, concerning, above all the changes implemented since 2015 in the functioning of the judiciary in Poland, but also other issues such as the rulings of the Polish Constitutional Court, has been crucial regarding the perception of the EU itself in Poland amongst political elites. These changes, according to the European Commission, which in December 2017 launched the so-called infringement procedure under the Article 7 of the Treaty on European Union (TEU), were contrary to EU law and the values listed in Article 2 TEU, in particular, they violated the rule of law. The crisis in relations with the EU accelerated even more in December 2020, when Poland and Hungary threatened to veto the EU budget for 2021–2027 and the Next Generation EU Fund, due to the adoption of the so-called rule of law mechanism. Thus, with all of those controversies happening between Poland and the EU since 2015, we might assume that the right-wing political scene has been growing to be more Eurosceptic.

The case of Euroscepticism in Poland

Law and Justice (pl. *Prawo i Sprawiedliwość*) is a party labelled Eurosceptic on the Polish political scene by a number of researchers (e.g. Vasilopoulou 2018), while it describes itself as Euro-realist. Since its inception, it has presented an ambivalent attitude towards the European Union. In its first programme document, the *Political Manifesto* of June 2001, which contained seven points – the slogans constituting the party *Law and Justice* – the last one was entitled *Our place in Europe*. In the *Manifesto*, the party *Law and Justice* wrote about the struggle to ensure a worthy place for Poland in Europe and in the world, and took the view that the final decision to join the European Union must be preceded by a thorough analysis of the immediate and foreseeable long-term effects of integration, and of the costs of opting out of EU membership (PIS 2001). Thus, we may say that the party regarded accession to the Union as an important issue, however preserving national identity in a united Europe was more important. In fact, presently it did not change its position in this regard. The party over the years has just grown to be more Eurosceptic, although at the same time, more attention was given to the EU in their next election programmes and manifestos.

Criticism of the EU in the *Law and Justice* party's election programmes

In the *Law and Justice's* election programme from 2014 for elections in 2015, the European Union is firstly mentioned in the chapter 'Poland in Europe and World', in which it is stated that membership in international organisations such as the European Union, should be treated "as a tool for the realisation of Polish national interests and not as an end in itself and the end of Polish subjectivity" (PIS 2014: p. 149–150). Later, in the section *Legislative changes*, there is a proposal for the *Act on the Exercise of State Sovereignty*, which aim is to ensure the independence of the state, by not allowing the EU the possible route of building the structures of a federal state. The proposed act would however go even further, as it was supposed to concern also the confirmation of supremacy of the Constitution of the Republic of Poland over the EU law and rulings of the CJEU (Court of Justice of the European Union). As we now know, although this act actually was not implemented, the scenario proposed earlier came partially true in October 2021, when the Polish Constitutional Court ruled against the supremacy of the EU law, since "parts of EU treaties are incompatible with the Polish constitution" (Euractiv 2021a).

The programme enumerates a number of challenges that the European Union is now facing, such as overregulation, internal imbalance, political inequality, a democratic deficit or the loss of values, and points out the recipe currently being promoted for a post-crisis Union is "completely wrong". The party strongly opposes the abuse of the broadening interpretation of the EU treaty law, in particular, the practice of using implementing acts to take over competences by the central EU bureaucracy. Effectively, there are more objections towards the European Union across the whole document, despite claiming that all they do is simply rejecting political correctness, as restrictions imposed today through cultural aggression and administrative actions are increasingly

painful for many Europeans. In that way, although the view is explained as simply Euro-realistic, we are dealing with evident criticism of the EU, combined with willingness to "defend freedoms in Poland from any practices threatening its sovereignty" (PIS 2014: p. 13–14). Thus, the party and its political programme, by visibly underlining the urgency of Polish national interest, can be typified as soft Eurosceptic, accordingly to Taggart and Szczerbiak (2001).

In the next election programme for following parliamentary elections in 2019, the party *Law and Justice* continues the so-called Euro-realistic, but actually Eurosceptic narrative. The section "Our Euro-realism" demonstrates it clearly, by underlining the need to stand for a "Europe of the homelands" and to respect the treaties and the principle of subsidiarity (PIS 2019: p. 20). Moreover, because the European Union is presented here as the organisation that allows and leads to the progressive erosion of the sovereignty of European states, there should be "appropriate steps taken to protect Polish values primarily". The document refers to the EU and criticises it many times, while the party boasts itself also with blocking several initiatives such as withdrawing the consent to relocate migrants to Poland despite various pressures, or obstructing the EU agreement to achieve climate neutrality by 2050. Ruling coalition therefore, with the major party *Law and Justice* inside, needs to "consistently counteract solutions that are unfavourable to Poland and Poles, including in migration, agricultural, energy, raw materials and social policies" (PIS 2019), meaning all policies in which the European Union can perform certain measures. As a result, we may conclude that *Law and Justice's* political programme, and party itself, is in its essence strongly Eurosceptic, drifting towards being Euro-rejecting, according to Kopecký and Mudde's categorisation (2002). Although the party commonly supports the general idea of European integration, as seen above, they also emphasise certain concerns about the EU's current as well as future projects – being evidently EU-pessimists – especially regarding numerous disagreements between Polish government and the EU.

Criticism of the EU in the politicians' statements

The opposing view towards the European Union is even more noticeable in the statements of the individuals associated with the ruling coalition government, in particular, the party *Law and Justice*. Despite formal declarations of support for Poland's membership in the European Union, the party *Law and Justice* in power since autumn 2015 has been regularly attacking EU institutions and framing them as Poland's greatest enemies, which served to strengthen Eurosceptic attitudes (Noch 2017). However, the Poles weren't persuaded by this narrative – membership in the EU is considered a good thing by a strong majority of Polish citizens.

Nevertheless, Eurosceptic declarations are made by many prominent politicians associated with party *Law and Justice*. President Andrzej Duda was one of them on many occasions, e.g. once in September 2018, two years before the presidential elections, he stated that the European Union is "an imaginary community from which little results for us" (*Duda: Europa nas zostawia...* 2018). During the particular meeting in one of the Polish

towns, the president commented on the ongoing disputes between Poland and the EU, saying that Poles 'have the right to govern themselves and decide what shape Poland should take, and decide how we are going to repair the rotten institutions in Poland', concluding also later that "Europe left us in 1945, thus let them leave us alone now" (*Duda: Europa nas zostawiła...* 2018). Although, in fact, they never expressed their will for Poland to leave the European Union immediately, a number of Eurosceptic characters were part of the anti-EU narrative with statements suggesting the need to rethink the membership in the EU in the future. The case was for instance with the Polish MEP, Ryszard Czarnecki, who once stated that although now the postulate of Polesxit would be "non-political and inappropriate, giving only the ammunition to the total opposition", there definitely should be more considerations on that matter, if there are more Eurosceptics in Poland and more voices of dissatisfaction with the EU (*Niezależna* 2018). The former Minister of Foreign Affairs, Witold Waszczykowski, while Brexit negotiations were coming to an end, declared as well that government in Poland must pursue Polish interests, not the "fetish of Union unity" (*Witold Waszczykowski: problem backstop...* 2019), which again shows Eurosceptic attitudes, leaning towards hard Euroscepticism in its foundations (Taggart, Szczerbiak 2001).

Although, as noted before several times, the Eurosceptic narrative has been notable amongst the party *Law and Justice*, in 2021 we could say that there was an increase in intensity of this message – it began to intensify after the Court of Justice of the European Union fined the Polish government for breaching the ruling on Turów mine (*Euractiv* 2021b). And although the narration has temporarily quietened down towards the end of 2021, as the ruling coalition was focusing on the wave of fear about migrants on the Polish border with Belarus, and then, in early 2022, with Ukraine, the political discourse is still filled with criticism of "an evil EU pushing out poor Poland" (*Dryjańska* 2021). The perfect example is the speech of Marek Suski, Polish MP, who called the EU "an occupier, with which we need to fight" and compared its actions to Hitler's policies (*Nowiński* 2021). Similarly, the statement of the Deputy Marshal of the Sejm, Ryszard Terlecki, who spoke with appreciation about the withdrawal of Great Britain from the EU and the possibility of taking such drastic solutions in Poland, raised public concern, including even *Law and Justice* party's voters (*Badowski* 2021). As a result, the party adopted a resolution in which it ruled out the prospect of Polesxit, emphasising unambiguously the future belonging of Poland to the EU (*Wasylów* 2021). On the other hand, according to party spokeswoman, this does not mean that Polish government has to accept "the gradual, non-treaty-based process of limiting the sovereignty of the Member States" (*Wasylów* 2021).

The attitude of the Polish society towards membership in the European Union

Despite the growing conflict between the government in Warsaw and the EU institutions and the rising Euroscepticism on the political scene in Poland, in particular amongst *Law and Justice* party's figures, public support for EU membership remains at very high level – 82% in 2021 (*Kucharczyk* 2021: p. 9). Opposition to membership was

declared by only 5% of respondents, including 3% who strongly oppose it. On the other hand, as many as 69% of respondents declared their strong support for the participation in this organisation. This distribution of opinions is in line with the results of earlier surveys from CBOS (Centre for Public Opinion Research), which show that the dispute and rising Euroscepticism, which has been in the political discourse for over 6 years now, has not yet resulted in a change in the high level of support for EU membership. Most supporters of all political forces support EU membership, but the support is significantly higher amongst supporters of opposition parties.

The vast majority of respondents (73%) believe that EU membership has brought Poland more benefits than losses. However, the evaluations of the EU membership balance differ depending on the political sympathies of the respondents. Although both government and opposition supporters consider the balance of benefits in various areas as positive (73% recognised the membership as beneficial), when it comes to the impact of membership on the state of democracy or the protection of civil rights and freedoms, supporters of the party *Law and Justice* remain sceptical, as they do with regard to combating climate change (Kucharczyk 2021: p. 11–12).

Conclusions

The provided data proves that Polish society strongly supports Poland's presence in the European Union. Therefore, in this scenario, the government that does not want to lose support cannot directly support "Polexit". However, as it was seen above, the party *Law and Justice* blames the EU for numerous failures in Polish matters and criticises the Union in almost every aspect. Thus, regarding the above evidence, it is notable that phenomenon of Euroscepticism is meaningful in Poland, although mainly not leading towards the idea of leaving the EU. As the result, the point of Polish authorities is to simply convince the public opinion that Poland is doing everything right, and actually it is "bad Union that has been picking on it" on many different occasions, which was noted several times whether in party's agendas or speeches of prominent party's figures. The intensification of Eurosceptic narrative in *Law and Justice's* political programmes, and among its significant politicians' declarations, therefore can undoubtedly be correlated with the rise of disagreements between Polish government and the EU institutions in recent years.

While the Eurosceptic narrative on the political scene was not created to put Poland out of the European Union, Prime Minister David Cameron in 2016 didn't seek Brexit either. The continuing anti-EU position can be dangerous and eventually have consequences, given the time and more Eurosceptic messages introduced into the public sphere. As a result of such significance of Euroscepticism on the political scene, we may anticipate that, ultimately, support for Poland's presence in the European Union will start to decline. Thus, the process of rising Eurosceptic attitudes and discouraging the Polish people from the EU, should definitely be examined closely in future research.

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