

Parliament election campaign in Slovakia



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Evolution of primacy of the EU law

.The European Court of Justice (ECJ) played the crucial role in the process. It was established as the court for the European coal and steel community in 1952. After the Treaty of Rome its jurisdiction widened.

.The ECJ became a tool for an establishment of the primacy of the European law in 1960-1980. The treaties did not define the EU law as superior to national one – effort of individual judges of national courts, which asked ECJ for opinion and then respected it in processes invoked by private entities and citizens.

Current state of affair regarding primacy of the EU 's law

- When the Treaty of Lisbon was adopted, at last the primacy of the EU 's law was formally approved
- Directive 2009/22/EC specifies how national laws can be suspended by European Commission through Injunctions and under which conditions – protection of customers, regulation of state aid or incompatibility with the EU regulations as such

Political situation in Slovakia

- euroelections in May 2019 and parliamentary elections in February/March 2020
- Municipal elections were in November 2018 and presidential elections in March 2019
- Coalition parties:
 - Smer – social democracy
 - Most-Híd – civic party
 - Slovak national party – moderate nationalists, (Russia)
- Murder of a journalist in march 2018; lot of corruption affairs; several governmental crises →

Law on Special levy on retail chains

- Adopted on 28.12.2018 with support of government parties and entered into force on 01.01.2019 – first payment should have been paid by the end of April 2019
- Drafted by the ministry of agriculture – the current minister is Gabriela Matečná from Slovak national party
- Core idea and main marketing headline was to fight foreign retail chains – to transfer their profits into subsidiaries for farmers --> levy 2.5% from turnover paid 4 times a year (every 3 months)

Journey to adoption of the law

- .First of all, it was quite ridiculous, because it was expected that the Commission will suspend the law for its incompatibility with the EU law – it granted unfair competitive advantage to some retail chains over others. Clearly violating the rules of the common market.
- .The point is that the Slovak president vetoed the law and his justification was that the EU will definitely suspend it if adopted. However, in the end the veto was broken by the same government parties that voted for it in the first place.
- .The most of opposition parties adopted the same argumentation as the president, declaring for months that the law is not compatible with the EU legislation, will lead only to increase in consumer prices and that it is tailored specifically to fit certain subjects

Injunction of the EU

.Based on contemporary EU law, the Commission has an authority to suspend any national law, which is in clear contradiction with the supreme EU legislation --> on 2.4.2019 issued the injunction postponing an application of the law and starting an in-depth investigation

.Objections: 1) Exemptions of food retailers if they fulfil conditions regarding scope, size and activities

2) Exemptions for members of trading alliances and franchises

3) Exemption for only Slovak-owned retail chain subjected to the law

4) Negative effects on customers - an increase in prices or a reduction of consumer choice on the Slovak

Reaction of the Slovak national party and its motivation behind

- On 2.4.2019 the minister of agriculture held an Announcement for media, but without an opportunity for asking questions, in which she denounced actions of the EU
- Almost immediately the president of Slovak national party announced that they will abort the law, instead of making it compatible with the EU law.
- Matečná used rather aggressive and anti-EU rhetoric (investigation, anti-slovak approach of the Commission, preclusion of helping slovak farmers)
- Coming elections are the sole reason – only opportunity for good PR in upcoming elections (others activities of

Conclusions for Slovakia

- .Slovak national party created the law, which was incompatible with the superior law of the EU on purpose
- .Try to attach voters of antisystemic parties – according to presidential elections, they represent 25% of population
- .When other actions of Slovak national party are concerned - Marrakech, Istanbul convention + their newly announced economic reforms, which they want to adopt before parliamentary elections – it is obvious that it is only pre-election campaign and not real attempt to improve malnourished slovak agriculture
- .Abusement of political power to affect economy-related legislation in order to securitize a topic and thus achieve better political position

Conclusions for the EU

- Dangerous for the EU – unsuccessful parties are using similar policies to gain public support before elections in order to remain in active politics
- Beneficial for the EU - actions of the EU perceived rather as positive in Slovakia, because of the position of the Slovak national party + the law was perceived negatively (only additional costs for no real gain for farmers) – through similar steps the EU can improve its image
- The EU should intensify its presence in member states in order to combat similar campaigns in the future
- Eurosceptics – similar tactics (exploit the nescience of population)

Sources

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Thank you for your attention

Questions

- What is better? National or supranational?
- What the EU should do in order to combat such PR campaign and save its own face in the eyes of its citizens?