

# (12) Accession and Membership in the EU

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# Economic and other integration of socialist countries

- The Council of Mutual Economic Assistance (CMEA or COMECON in English) established in 1949.
- It served coordination of planned economies of the member states.
- Dominance of the Soviet Union according to level of submission of the member states.
- Central and eastern European and non-European member states.
- Warsaw Pact – military organization.

# Socialist Czechoslovakia and the European Communities

- Socialist countries maintained limited relations with EC.
- Attempts to delegitimize EC.
- Subversive operations aimed at worsening of relations of west European countries.
- Pragmatic recognition in trade.
- Some other socialist countries launched closer cooperation in period of *perestroika*

# Preliminary contact after democratization

- Velvet Revolution in 1989 – quick democratization without engagement of reformed communist party, first democratic elections in 1990.
- 1990 – preliminary agreement between Czechoslovakia and EC.
- 1991 – European agreement on association CS – EC did not entered into force due to breakup of Czechoslovakia in 1992.

# New state - Czech Republic

- 1993 – new Czech Republic and Slovakia as successor countries of Czechoslovakia.
- Partial takeover and renegotiation of Czechoslovak international treaties.
- 1993 – accession to the Council of Europe
- 1999 – accession to the North Atlantic Treaty Organization (NATO).

# Association of the Czech Republic

- New negotiation of association in 1993, the agreement entered into force in 1995.
- The Agreement expected:
  - - gradual removal of customs duties on non-agricultural goods.
  - - limited liberalization of services and freedom of establishment.
  - - gradual approximation of Czech law in economic issues with requirements of the EC.

# Economic integration in central Europe

- Former post socialist countries in central Europe did not want to retain CMEA which was untransformable and poorly oriented.
- Central European Free Trade Area (CEFTA) in 1992 by Poland, Hungary, Czech Republic and Slovakia and later other CEE countries for free trade in goods.
- Customs union and other closer relations including free movement of workers and enhanced administrative and judicial cooperation with Slovakia.

# Application for membership

- 1993 Copenhagen Presidency  
Conclusions – democracy, efficient market economy and administrative and judicial capacity as criteria for future accession of central European countries.
- The Czech Republic applied for EC/EU membership in 1996 similarly as other other CEE countries did in that time.



# Invitation to negotiate

- 1998 – first group of CEE countries was invited to negotiate (CZ, PL, SLO, EE and H, SK excluded!)
- 2000 – second group of CEE countries invited (LV, LT, RO, BG, SK).
- European Commission evaluated every year progress in preparation for membership.

# Negotiations on conditions of membership

- 2000-2002 12 countries negotiated on membership.
- 30 thematic chapters of negotiation between candidate country, EC/EU authorities and all then 15 member states. Consensus required for closure of every negotiation.
- Competition in closing of chapters resulted in worse than possible outcome of negotiation – limited experience, willingness to accede.

# Approximation of laws

- Czech laws need to be gradually adopted to EU law.
- Implementation of both directives and temporary implementation of regulations in Czech law.
- EC/EU law standards applicable partly earlier and partly in moment of accession.
- The process culminated in 2000-2002 – „legislative storm“.

# Treaty on accession

- 2003/4 – treaty on accession agreed in Athens.
- Short treaty with principal Act on Conditions of Accession and with numerous annexes and changes of secondary law – 5000 pages.
- Treaty as part of EC/EU primary law applicable after ratification.

# Approval of accession

- Referenda held in all candidate countries.
- Czech Republic: 55% voters participating, 77% agreed and 23% opposed instead of parliamentary approval according to ad hoc constitutional law, then ratification by the president.
- Parliamentary approvals and ratification by heads of states in every member state on whole treaty on accession with 10 candidate countries.
- Separate approval of every candidate country by the European Parliament.

# Routine after accession

- Instant cessation of remaining customs duties.
- Removal of customs controls at borders with other member states (CZ without external borders).
- Application of all previously prepared standards.
- Election to the European Parliament in 2004/6, nomination of Czech representatives in EU/EC institutions.

# Temporary exceptions

- 7 years delay of free movement of workers. Limitations did not used by CZ and other new member states and several west European member states.
- Similar exception related to acquisition of immovable property by non-resident nationals of the member states – ineffective.
- Delayed implementation of standards related to pollution of water.

# Instant application in part of administration

- Part of Czech administrative authorities started to apply EC/EU law instantly after the accession.
- Profound change for customs authorities (sudden drop of agenda, other tasks).
- Agricultural and regional policy to be administered.
- Coordination of social security for migrant workers.



# Gradual implementation in judiciary

- Czech judiciary absorbed EC/EU law gradually due to lengthy proceedings in various instances.
- Largest impact in administrative judiciary.
- Smaller impact on civil and criminal judiciary.
- Judges have only gradually started to learn about EU/EC law.

# Delays and troubles

- Candidate countries and institutions of EU failed to translate and publish all EC/EU law in new official languages in time.
- The task was underestimated.
- Consequences for application. Complaints against imposition of duties.
- Judgment of the Court of Justice (Skoma-Lux) accepted part of these complaints.

# Absorbtion of EC/EU law by lawyers

- Most judges, attorneys, in-house counclers and officers continue to apply mostly national, i.e. Czech law.
- EC/EU law is applied only occassionally and the number of documents is extremery rare.
- EU law as „rare and diverse spices“ added to staple food of national law.
- Limited knowledge, experience and interest.

# Absorbtion of principles of EC/EU law in Czech legal practice

- Czech courts gradually started to respect principles of EC/EU law.
- Direct effect and primacy, indirect effect of directives for implementation of EC law.
- Several requests for preliminary ruling by Czech courts.
- Extraordinary rebellion of the Constitutional Court against primacy of EU law in one specific issue related to specific situation.

# Economic impact of integration

- Increased industrial production for internal trade in EU.
- Economic slowdown since 2009 following global economic slowdown.
- Use of agricultural for stabilization and regional subsidies for modernization.

# Czech politics towards EU

- Widespread scepticism towards EU integration at part of rightist parties (ODS) leading government since 2006 and former president (Klaus)
- Indefinite delay in adoption of single currency – conditions partially met due to limited willingness and debt and currency crisis of the EU.

# Persistent problems of post-socialist central European countries

- Post-socialist countries faced significant problems with transition to democracy and market economy.
- Democratic institutions were weak and people were not accustomed to democracy.
- Liberalization of neglected economy brought significant decline of production.
- Social protection diminished.
- Inefficient and administration and judiciary.
- Widespread corruption.