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Course: Law of the European Union

[11] Accession and membership of the Czech Republic

The milestones on the way of the Czech Republic to the European Union

Socialist Czechoslovakia: Justification of no relations – non-compliance of the integration in the ECs with international law (nonsens). Since 1985 modest attempts to establish some economic cooperation with ECs (other socialist countries went further: Poland, Hungary etc.)

1989 – „Velvet revolution“, vast majority of population wanted to return to „Europe“

1990 – Czechoslovakia member of the Council of Europe, interim economic agreement with ECs

1991 – Czechoslovakia concluded the European Agreement on Association

1992 – Breakdown of Czechoslovakia

1993 – Czechia became new independent unitary republic

Czechia and Slovakia new members of the Council of Europe

Newly negotiated association agreements with ECs (non-agricultural free trade area with ECs and obligation to approximate Czech law to EC standards: partial transposition of directives and regulation)

Czech-Slovak customs union (and other bilateral treaties establishing closer relationship)

Central European Free Trade Area

1996 – Czechia applied for EU/EC membership according to EU Treaty provisions

1998 – Invitation to further negotiations (together with other four states, however without Slovakia!)

1999 – Czechia became member of NATO

2000 – Slovakia and several other states invited to negotiations

2002 – negotiations culminated (30 chapters preliminary closed)

2003 – the Treaty of Accession signed in Athens (16th April)

2003 – ratification by all member states (approval by their parliaments) and by candidate countries (includes plebiscites). Czech voters approved EU membership by 77:23

2004 – EU/EC membership (1st May), the first European elections in Czechia (June)

The conditions of accession

The Treaty of Accession (includes „core“ Treaty, Act concerning conditions of accession and state-related and topic-related appendixes, approx. 5000 pages) describes conditions of accession of new member states (temporary or permanent exceptions and gradual). The Treaty is legal instrument of membership of new member states.

Big exceptions: (1) no free movement of workers for nationals of new member states for seven years (however, states can open labour markets earlier), (2) limited access of non-residents to immovable property in several new member states, (3) partial subsidies in common agricultural policy, (4) temporary suspension of standards of protection of environment (water pollution).

Introduction of EU/EC law in Czechia and other new member states

The EU law (especially EC law) shall be applied in the Czech Republic since the accession.

Several parts of state agencies have started to apply EC law immediately (customs authorities, agriculture authorities). Officers of these authorities have usually sufficient knowledge of EC law they are expected to apply. Almost all these authorities are centralised.

Other authorities are expected to apply EC law only occasionally: tax administration, social security administration, administrations of various branches of industry, services, transports etc. The knowledge of EC law is limited.

However, there is only gradual entry of EC law into Czech judiciary. Czech courts have to decide only several EC-related cases: „average judge“ has no euro-case at all. Therefore, the attention of judges to the EC law is limited or non-existent at all.