

**THE EU FOREIGN POLICY AND
THE PROCESS OF ACCESSION
OF THE CZECH REPUBLIC**

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Introduction

At the turn of 80s and 90s the Western countries have come up with ideas about the future structure of Europe, primarily about adjustment of relations towards new democratic systems established in Central and Eastern Europe. However, the internal reform of the European Union became a precondition for selection of the most sufficient alternative for the new European structure. Proposals for such reforming steps resulted in an amendment to the general treaties known as the Maastricht Treaty from February 7, 1992 and its further revisions in the form of Amsterdam Treaty from 1997.

The Maastricht Treaty laid out a new policy (refer to Article V. thereof) – the Common Foreign and Security Policy that introduced a new decision-making method, and which was then assumed to have a fundamental impact on the relations towards the Central and East European countries.

For a number of these countries, the Czech and Slovak Federative Republic incl. (and after the country split-up, the Czech Republic in particular), the foreign policy main objective was to initiate the closest relations with the European Union countries leading to the association with the West European integration groups.

The instruments and procedures of the second pillar, as indicated in the Treaty on European Union¹, could not cover variety of issues the Czech Republic had to solve in all phases of the preparation for the association. The Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic of the other part, happens to be a specific contractual document, the fulfillment of which should gradually eliminate the current problems, and create new conditions necessary for the association in terms of the Czech economy, policy, legislation, culture, etc.

Decision-Making Progress within the 2nd Pillar

The provisions of Articles 11 to 28 (formerly J1 to J18) stipulated in Title V of the Maastricht Treaty, established a new topic of the Common Foreign and Security Policy. At the intergovernmental conference in 1996 to 1997, their stipulation was amended based on proposals initiated mainly by the Reflex Group². The drafts negotiated at the conference had focused on needs of the future expansion of the European Union and influence which the unified foreign policy was supposed to have in the process of the mutual European Union expansion where up to 27 countries are planned to join.

Nevertheless, any dualism due to the adoption of amendment pursuant to the Maastricht Treaty (creation of different pillar) was neither removed by Amsterdam Treaty, nor amended during the negotiations of the Nice conference in December 2000.

The building and development of internal market is a foundation of the most developed pillar of the European Union. While the community bodies are responsible for its functioning and reinforcement of different principles of the membership countries' economics, the second (and third) pillar(s) is (are) characterized by the intergovernmental form of cooperation.

¹ Vertrag von Nizza zur Änderung der Vertrags über die Europäische Union, der Vertrag zur Gründung der Europäischen Gemeinschaften sowie einiger damit zusammenhängenden Rechtsakte vom 26. Februar 2001 (Abl 2001 C 80 S 1, berichtigt Abl 2001 C 96 S 27).

² Bericht der ReflexGruppe, Weissbuch über die Regierungskonferenz, 1996.

However, the procedure applied during a concept of the decision-making process in the area of the common foreign (and security) policy is closely interconnected with the community policy area. The classic example is the negotiations about the entry into the European Union by new countries. If the European Council shall make a decision about the negotiations having been initiated pursuant to Title V of the Treaty on European Union, the specific negotiations about the association agreement between any particular country and the European Union should take place, pursuant to the provisions of the Treaty establishing the European Community (Articles 300 and 310 thereof).

Article 11 of the Treaty on European Union (in its consolidated stipulations) proclaims objectives of the common foreign and security policy, Article 12 then controls the methods of their achievement. The following provisions of Articles 13 to 28 of the Treaty on European Union set forth the aspects of external impact of the European Union towards third countries and international organizations.

Europe Agreement

The fundamental contractual document controlling the mutual relations between the European Union and the Czech Republic is the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic, of the other part.³

The first official contacts between the Central and East European countries and the EC were permitted at the end of 80s, when in 1988 the diplomatic relations between the European Union and the Council for Mutual Economic Assistance were established. This opened up a space for bilateral negotiations. In December 1988 the first Trade Agreement on industrial products between Czechoslovakia and the European Community was signed.

After the bipolar world fall-down, and changes of the system that follows, the Czech and Slovak Federative Republic concluded within a short

³ Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic, of the other part, OJ L 360, 1994.

period of time the first more detailed Trade and Economic Cooperation Agreement with the European Economic Community and the Euratom, dated May 7, 1990.

On June 28, 1991 even the relations with the European Coal and Steel Community were contractually established, especially in the form of a treaty on trade, business and economic cooperation. Within the same year and during the following period the contractual basis between the Czech and Slovak Federative Republic, then the Czech Republic, and the European partners has been strongly developed ever since.

On December 15, 1991, an Association Agreement between former Czechoslovakia and the European Communities was signed. After the split-up of the Czech and Slovak Federative Republic, the Czech Republic did not succeed the already agreed upon documents, but with respect to the changed situation it negotiated with the European Union countries a new, qualitatively better treaty. The existing Europe Agreement was signed on October 4, 1993 and following the approval of the Parliament of the Czech Republic and its ratification by the President of the Czech Republic, it became effective on February 1, 1995 (No. 7/1995 Coll.) after conclusion of the ratification process in the countries of the European Union.

This multidimensional Treaty on Association, having replaced the previously adopted agreements, focuses primarily the progressive creation of the area of free trade for the industrial products within a transition period of ten years (Articles 7 and 8). This transition period is divided into two subsequently following phases to take basically five years each. The first phase was launched by the effective date of this Treaty.

In 1993 the Association Council in parity representation on behalf of the Czech Republic, and the European Union had been established (Article 104 *et seq.* of the Association Treaty), which was empowered to supervise the completion of document requirements and solution of issues arisen therefrom.

The Association Council was authorized to adopt resolutions and solve disputes, relating to the application or interpretation of the Treaty (Articles 105 and 106 of the Association Treaty). Besides regular meetings of the Association Council, there are special working teams that get together on regular basis.

The Association Council negotiates the fulfillment of the Treaty at regular meetings, and assesses the progress achieved by the Czech Republic when it comes to the economic standards.

Prior to the expiration of the first five-year interim period, pursuant to Article 7(3), the representatives of the Czech party and the European Union met together at the Association Council in order to evaluate whether the Czech party complies with the conditions associated with the first interim period. They also assessed whether it is possible to progress towards other reforming phases, possibly, whether it is necessary to adopt certain changes opposing to the original provisions of the European Treaty. The Association Council then issued a resolution on entry of the Czech Republic into the second phase of the process, approved by the European Union bodies. This opened up the second interim period for the Czech Republic.

Common Foreign and Security Policy of the European Union and the Czech Republic

The European Union bodies examine the effectiveness of the Common Foreign and Security Policy, and its impact on development of the relations with candidate countries, primarily in relation to the European Union enlargement.

Shortly after the Amsterdam Treaty had been signed, the European Parliament compiled one of the key assessment reports about influence and role of the Common Foreign and Security Policy on enlargement of the European Union in general. This material examines in detail e.g. whether the intergovernmental conference met its basic mandate, when it comes to the revision of this title in terms of the European Union enlargement, and in addition, it examines the reverse impact of executed changes and any and all proposed measures are justified from the point of view of need to secure the capacity for action of the Common Foreign and Security Policy in the future enlarged European Union⁴.

In terms of the Czech Republic, the Common Foreign and Security Policy did not become a formal part of the Europe Agreement. Nevertheless, in certain stipulations of the Europe Agreement of the Czech

⁴ J. Javier Fernandez Fernandez, Report of the European Parliament: The new common foreign and security policy in the Union following the signature of the Amsterdam treaty with a view to enlargement, "Enlargement" Task Force, DG IV, International and Institutional Affairs Division, Doc. No. PE 167.822.

Republic there are some sections reflecting the fundamental provisions of the second pillar. They follow from certain provisions of the Treaty on European Union stipulated in its preamble, then from the Common Provisions, which state that one of the objectives of the European Union is to assert its identity on the international scene, which should be achieved in particular by means of Common Foreign and Security Policy (Article 2 of the Treaty on European Union).

The CFSP shall ensure the consistency of its external relations, security, economic and development policies in order to avoid contradictions between the pillars (Article 3 of the Treaty on European Union).

The application of Article 6 of the Treaty on European Union became one of the instruments as how to measure the advancement of democracy within every candidate country. It stipulates, that the system of the European Union is based on principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.

In accordance with these provisions the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic, of the other part established in its Article 2 a regular political dialogue with aim to create permanent relations and new forms of cooperation with the countries of the European Union. The Czech party declares to share values common to the association of democratic nations, as well as it respects the principle of the rule of law, respect for the rights of minorities, multi-political parties system and democratic elections.

In 1994 the European Commission compiled a plan to make sure a greater level of cooperation between the European Union countries and candidate countries is established in the form of the so called pre-accession strategy. This allows to coordinate the foreign policy standpoints of the European Union with those of the relevant candidate countries.

Negotiations of the Czech Republic

In January 1996 the Czech Republic submitted its application to join the EU. This decision was followed by a process of legal analyses of Czech legislation.

In November last year the European Commission published its report about progress achieved by the candidate countries in their preparation

to the membership of the European Union. It is assumed, the Czech Republic should finalize its entry negotiations by the end of 2002. The Czech Republic preliminarily concluded 24 Chapters (by second half of December 2001), such as those on control of fishing, free movement of goods, free movement of persons, services and capital, right of trade companies, issues of economic and monetary union, statistics. The Chapter on taxes, social and employment policy, energy, industrial policy, small and medium proprietorship was successfully closed. The Chapter on controlling the science and research, education, special education and youth, telecommunications and information technology, culture and audio-vision, environmental issues, protection of health and consumer, cooperation in the area of police and judicial cooperation in criminal matters controlled within the Schengen treaties was complied with. The Chapter on custom union, external relations, finance control and well as the Chapter on common foreign and security policy⁵.

One of the key tasks assigned to the Czech Republic is to make sure the preliminarily agreed upon Chapter are implemented in "the real life".

Upon "The Accession Partnership" between the EU and the Czech Republic the Czech government compiles every year "The National Programs" for preparation of accession in the European Union. This program introduces the fundamental issues considered the negotiation priority. It also presents deadlines applicable to the fulfillment of these priorities, and the scheme as how the problems might be handled when it comes to finances and human resources, in what manner the tasks arisen from different Chapter should be applied in the State Administration and the Czech Republic legislation. The fulfillment of these programs is evaluated on regular basis. The objective of the inspection negotiations of the set priorities is to find out the progress achieved within the relevant area.

The National Program signed on June 25, 2001 has adopted two principal goals in the foreign policy of the Czech Republic for this period (Chapter 3.9.4: Common Foreign and Security Policy and Chapter 3.9.4.3.: Institutional framework).⁶

The Czech Government had stated during the course of the program evaluation, that the Czech Republic reached two fundamental objectives

⁵ Document of the Information Center of the EU of the Delegation of the European Commission in Prague.

⁶ National Program for 2001.

when stipulating its foreign policy. It participated in implementation of the principles and particular requirements of the 5th Title of the Treaty on European Union and created an educational and referential on-line database on common foreign and security policy of the European Union.

The institutional framework for the implementation of foreign policy has been already established and is fully functional without necessity of any additional budgeted costs.

European Commission Report on the Progress towards Accession (“The Regular Report from the Commission on the Czech Republic’s Progress towards Accession”)⁷

In view of these assessments the Czech Republic has progressed and widened its field of cooperation with the European Union in the area of the common foreign policy.

In the most recent assessment of the obligations fulfillment issues arisen for the Czech Republic from Chapter 27 (Common Foreign and Security Policy), the European Union presented its positive standpoints.

The assessment states the Czech Republic continues to participate in the active political dialogue (established in Article 2 of the Europe Agreement).

The coordination of foreign policy with conclusions adopted by the European Union within the 2nd pillar is evaluated well. The Czech Republic participated in adoption of declarations, joint actions and common positions of the European Union. The assessing document of the European Commission (page 100, Section 4) provides an information that, as of October 2000, the Czech Republic accepted in this manner 8 mutual positions, from which e.g. three concerned Yugoslavia.

This document stresses out the fact that the Czech party maintains good relations with all neighboring countries, as well as it refers in positive manner to certain actions in particular that were carried out along with other countries, e.g. military cooperation with Slovakia regarding the Kosovo mission. A dialogue between the Czech Republic and Austria is

⁷ Making a success of enlargement, Strategy Paper and Report of the European Commission on the Progress towards Accession by each of the Candidate Countries, Brussels, 13. 11. 2001, COM (2001) 700 final.

also mentioned, as well as positive attitude of the Czech party regarding the explanation of Temelín Nuclear Plant issues (Melk Treaty).

The Czech party continues its active cooperation with other candidate countries of the Visegrád Group: During the course of the conference held by Prime Ministers of these countries in October 2000 in Carlsbad (Karlovy Vary), outcomes of the Nice Treaty (2000) were negotiated. A multilateral international treaty regarding establishment of the Visegrád Fund and forms of cooperation within had had been signed at this high level conference.

The last part of multilateral successful activities of the Czech Republic contains the participation in activities organized by the United Nations, primarily a participation in peace-keeping operations of KFOR and SFOR in the Balkan Peninsula.

This article tried to follow the last progress of the Czech Republic in the foreign policy area. Although the process of accession of the Czech Republic is far from being finished, the integration of the foreign policy conditions set by the European Union seemed to play a quite positive role in the this process.