

## CHAPTER 2

# CZECH REPUBLIC



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### Abstract

The Czech Republic joined the European Union in 2004, as part of the so-called Eastern enlargement. The accession process can be seen as the final stage, preceded by many years of hard work and preparation. This study aims to comprehensively evaluate the accession process of the Czech Republic to the EU, primarily from a historical perspective, with a focus on legal, economic, administrative, and political issues.

**Keywords:** Czechia, EU accession procedure, candidate country, initial requirements, specific exemptions, negotiation process

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## 1. Introduction

The Czech Republic joined the European Union in 2004, as part of the so-called Eastern enlargement. The accession process can be seen as the final stage, preceded by many years of hard work and preparation. The study aims to comprehensively evaluate the accession process of the Czech Republic to the EU, primarily from a historical perspective, with a focus on legal, economic, administrative, and political issues.

This report presents some of the features of this process. The report is divided into 22 questions across four sections. The first section deals with the initial requirements for Czechia to be considered a candidate country prior to the accession process (Questions 1–4). The second section concerns the legal aspects of the accession

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procedure, including the institutions set up for that purpose, legislative changes at the national level and monitoring of the process by the EU institutions (Questions 5–13). The third section concentrates on the support provided to Czechia by the EU (Questions 14–16) and the final section discusses any country-specific exemptions adopted by Czechia from the general approach, both in the pre-accession period and after the accession (Questions 17–22).

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## 2. Initial Requirements on Candidate Countries

The first section concerns the requirements laid upon the candidate countries prior to their accession process and joining the EU. Responses should cover the questions but may be more extensive when necessary.

### **Question No. 1**

*What Conditions Did Your Country Need to Satisfy Before Formally Applying to Join EU? To Your Knowledge, Were These Conditions Different From Those Applied to Countries in a Comparable Position?*

The first signed contract was The European Agreement establishing an association between the Czech Republic, and the European Communities and their member states (the so-called Association Agreement), which was signed in 1993. It was a key agreement regulating the relations between Czechia and the EU in the period before accession. It was a basic legal framework for relations between Czechia and the European Communities that did not guarantee Czechia's future membership in the EU. The Agreement entered into force in February 1995.<sup>1</sup>

The Association Agreement envisaged the creation of a free trade zone in industrial products between Czechia and the European Commission (hereinafter referred to as EC) by January 2002 (abolition of customs duties as of January 2001 and abolition of quotas as of January 2002). In addition to the creation of a free trade zone, the agreement committed both parties to economic, cultural and financial co-operation within areas such as energy, telecommunications, small and medium-sized businesses, economic competition, education, etc. The agreement also obliged the Czech Republic to gradually align its legal order with the *acquis communautaire*.<sup>2</sup>

1 Communication from the Ministry of Foreign Affairs on the negotiation of a European agreement establishing an association between Czechia, and the European Communities and their member states, February 1995, No. 7/1995 Coll.

2 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024a.

Regarding the differences from other countries, the Agreement was called ‘European’ because it belonged to the so-called third generation agreements, qualitatively higher than similar association agreements, such as with Turkey, Malta and Cyprus. An important part of the Agreement that distinguished it from similar agreements negotiated earlier (for example, with Poland or Hungary) was the so-called non-implementation or suspensive clause. This allowed one contracting party to suspend the implementation of the agreement, even in the absence of mutual consultation, in the event of a serious breach of essential contractual obligations by the other party. An equally important part of the agreement was its Art. 6, which defined respect for human rights as a basic element of Czechia’s association with the EC. However, Art. 6 was not a reaction to any unfavourable development in the field of human rights in Czechia, but followed the declaration of the Council of the EC of 11 May 1992, by which a similar clause regarding respect for human rights must be included in all newly concluded cooperation and association agreements between the EC and third countries.<sup>3</sup>

Furthermore, in 1995, Czechia received a document from the European Commission called ‘White Paper – Preparation of the associated countries of Central and Eastern Europe and integration into the internal market of the Union’ and proceeded according to it.<sup>4</sup>

### **Question No. 2**

*When Did Your Member State Formally Apply to Join the EU?*

The Czech Republic applied for membership in the European Union on 17 January 1996 through its Prime Minister, Václav Klaus.<sup>5</sup>

### **Question No. 3**

*What Conditions Did Your Country Need to Satisfy Before Joining the EU?  
To Your Knowledge, Were These Conditions Different From Those Applied to Countries  
in a Comparable Position?*

In 1993, concurrent with its declaration in favour of the future integration of Central and Eastern Europe countries, the European Council met in Copenhagen to lay down the criteria that a state must meet to join the EU.

(a) Political criteria: stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities. (b) Economic criteria: a market economy and the ability to cope with competitive pressure and market forces. (c) Administrative and institutional capacity: effective implementation of the Union

3 Ibid.

4 See Question No. 7 for more details on the White Paper.

5 Zenkner, 2024.

acquis (collection of common rights) and the ability to satisfy the obligations arising from EU membership.<sup>6</sup>

To our knowledge, these conditions were common to all candidate's countries in a comparable position. Candidate's countries that joined the EU in 2004 were all experiencing economic, political, and social transformations in line with changes in Central and Eastern Europe at the end of the 1980's and the early 1990's related to the collapse of communism, the fall of the Berlin Wall, and the emergence of newly independent or created states in Europe.

#### **Question No. 4**

*Were There Any Specific Features of Your Member State's Accession to the EU, Compared to Other Countries in a Comparable Position?*

There was a specific feature related to unexpected division of the Czechoslovak Federation – essentially, the peaceful division of the state. Czechoslovakia's interest in membership in the European Communities was conveyed soon after the Velvet Revolution, which took place in November 1989. A mere year after the revolution and changes in the country's political structure, in December 1990, Czechoslovakia began talks with the European Communities on concluding an association agreement. The following year, Czechoslovakia (along with Hungary and Poland) signed 'the first' association agreement. However, because of the breakup of Czechoslovakia at the end of 1992, the ratification process has paused. Subsequently, in January 1993, the officially independent Czech Republic was established, and Czech diplomacy (under the leadership of former Minister of Foreign Affairs Josef Zieleniec) attempted to make up for lost time. In 1993, both parties signed 'the second' agreement establishing an association between the Czech Republic on the one hand, and the European Communities and its member states on the other (the Association Agreement). The Agreement came into force in February 1995.<sup>7</sup>

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### **3. Institutions and Procedures of Accession**

The second section concerns the legal aspects of the accession procedure, including the institutions set up for that purpose, legislative changes at the national level and monitoring of the process by the EU institutions.

6 Belgian Presidency of the Council of the European Union, 2024.

7 Zenkner, 2024.

**Question No. 5**

*What Was the Legal Framework of the Accession Procedure (From the Application to Join the EU Until Accession)? What Agreements Were Signed With the EU?*

*What Legal Measures Adopted by the EU Governed the Proceedings?*

*Were There Any National Rules Specifically Governing the Procedure of Accession?*

In July 1997, the European Commission published material called Agenda 2000 – an action programme of the EU whose main objectives were to reform the Common Agricultural Policy and Regional policy, and establish a new financial framework for the years 2000–2006, taking into consideration the upcoming Eastern Enlargement of the EU. Agenda 2000 addressed two key issues: preparedness of the EU for enlargement, and preparedness of candidate countries to join the EU.

Agenda 2000 also included the so-called zero assessment of the candidate countries' progress in their preparation for EU accession, after which the Commission conducted regular annual assessments in November wherein it informed the European Council about individual candidate countries' progress as part of the Assessments on the Readiness of all candidate countries.<sup>8</sup> Subsequently, as part of its assessment, the Commission recommended starting membership negotiations with Czechia,<sup>9</sup> Hungary, Poland, Estonia, Slovenia and Cyprus (the so-called Luxembourg group). A year later, the Luxembourg group was expanded to include Slovakia, Romania, Malta, Bulgaria, Latvia and Lithuania (the so-called Helsinki group), whereby the differentiation of candidate countries was eliminated.<sup>10</sup>

The legal framework for the enlargement process was formulated in the Accession Partnership in 1998 with the aim to strengthened pre-accession strategies. The framework included all the activities implemented for the purpose of joining the EU in the candidate countries. The document aimed to mobilise the candidate countries and focus their activities. The EC determined the activities separately for each candidate country. Simultaneously, Czechia presented the National Program for the Preparation of Czechia for EU Membership, which was then published in 1999, 2000 and 2001.<sup>11</sup>

Regarding the agreements signed during this period, the Agreement on the ISPA Program was signed by Minister of Finance Pavel Mertlík and the head of the EC Delegation in Czechia, Ramiro Cibrian. On the basis of this agreement, five projects were to be launched in 2001 – three in transport and two in ecology. In 2001, several agreements related to financing were signed; for example, in February, an agreement on the financing of the SAPARD Program (worth 154 million euros) was signed, and subsequently 5 financial memoranda for the ISPA Program (worth 70 million euros) were signed. In November 2001, Minister of Finance Jiří Rusnok signed a

8 European Commission, 2000.

9 European Commission, 1997.

10 Agency Europe, 2020.

11 Zenkner, 2024.

loan agreement of 170 million euros from the European Investment Bank for the construction and modernisation of the highway network.

In the final phase preceding Czechia's accession to the EU, in April 2003, the Treaty on the Accession of the Czech Republic to the European Union was signed in Athens. On behalf of Czechia, the Treaty was signed by President Václav Klaus and Prime Minister Vladimír Špidla.<sup>12</sup>

### **Question No. 6**

*What Institutions Were Set Up for the Purposes of Accession at Both EU and National Level?*

Concerning Czechia, in November 1994, the first institutions were established to manage European affairs. From January 1995, the Government Committee for European Integration (GCEI) and the Working Committee for the Implementation of the European Agreement came into function. The GCEI comprised ministers and the Prime Minister and had regular meetings. A working committee, composed of high-ranking officials led by the Deputy Minister of Foreign Affairs, procured and presented documents to the GCEI. The Working Committee could convene working groups of experts to solve specific thematic problems. At first, both authorities were mainly concerned with the implementation of the European Association Agreement and, after 1996, with the preparation of the country for full integration into the EU. In preparation for Czechia's EU membership, the GCEI was transformed into the Government Council for European Integration in 2001. The main tasks of this newly created Council were coordination, observation, implementing initiatives and subsequent evaluation in all matters related to EU membership. The post of vice-chairman was held by Jan Kavan.<sup>13</sup>

Regarding the institutional provisions of the pre-accession period in individual ministries, the Ministry of Foreign Affairs played a significant role not only during the period when Czechia's membership in the EU was negotiated but also in subsequently. In 2000, several new departments were created within the Secretary of State's Section for European Integration. In addition to the existing Department for the Coordination of Relation with the European Union, whose main task was to control the implementation of the European Accession Agreement, the Department of Communication Strategies was also created. The position of Political Director was also newly created – subordinate to the Department of the European Union and Western Europe – to deal with bilateral relations of the Czech Republic and the Department of Security Policy. Both positions were subordinate to the Secretary of

12 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024b.

13 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2020.

State for European Affairs, namely, the First Deputy Foreign Minister who, at the time, was Pavel Telička.<sup>14</sup>

The Ministry for Regional Development and the Ministry of Finance, which mainly dealt with the coordination and use of European pre-accession aid, also played a significant role. European departments were created in most ministries, with the exception of the Ministry of Defence. An important link of the pre-accession coordination structure was the Department of Compatibility with EU Law, which dealt with the compatibility of Czech and EU legislation; in 1999, the department became part of the Government Office, and thus the central unit for all state administration institutions. Overall, the preparation of Czechia for future membership in the EU was tackled by many authorities. From the mid-1990s, it was already a centrally coordinated system with the Ministry of Foreign Affairs in a strong position. The political role of the Prime Minister should not be underestimated either, as head of the GCEI who discussed European affairs with the leadership of various ministries.<sup>15</sup>

### **Question No. 7**

*What Legal Criteria Was Your Country Obligated to Satisfy Before Joining the EU? To Your Knowledge, Were These Criteria Different From Those Applied to Countries in Comparable Position?*

First, Czechia, similar to the other candidate states, had to ensure the compatibility of the existing legal order with EU law. In 1994, a resolution of the Government stipulated the tasks of a specialised body for the European legislation, which became an independent unit for compatibility with EC law under the Office for Legislation and Public Administration (OLPA). The Vice Prime Minister assigned to manage OLPA assumed responsibility for the coordination and procedures of the activities related to the approximation of Czechia laws with EC law, so as to fulfil Czechia's obligations in the Association Agreement. The OLPA's responsibilities, including the independent unit for compatibility with EC law, were assigned to the Ministry of Justice and in 1997, the independent unit for compatibility with EC law was transformed to the Department for Compatibility with EC Law, which became part of the Office of the Government of the Czech Republic in March 1999. Thus, the department could better fulfil its role of coordination and consultation for the whole public administration. Until 1998, the Department for Compatibility comprised two units: Unit of Analysis and Consultations, and Unit for Information on Compatibility with EC Law. In 1998, a new unit named the Coordination and Revision Centre was established.<sup>16</sup>

14 Galušková, 2012.

15 Ibid.

16 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2020.

As for the highest norm of the Czech legal order, the Czech Constitution was a markedly national constitution, and in the period when Czechia was preparing for accession to the EU, it was necessary to amend the Constitution so as to enable the transfer of certain powers and competences to the European Entity. Therefore, the Constitutional Act No. 395/2001 Coll. (hereinafter Euro-Amendment) was adopted and came into effect on 1 June 2002. The Euro-Amendment entirely reformulated Art. 10 and newly added Art. 10a.<sup>17</sup>

Art. 10a, para. 1 generally enabled the transfer of certain powers of Czech state bodies to international organisations and institutions. Czechia thus joined the group of states whose constitution does not expressly refer to the EU or EC. This approach was adopted because of the anticipated development of the European Entity's legal personality.<sup>18</sup>

Moreover, the Euro-Amendment added a new para. 2 to Art. 89, which introduced a new procedure to the Constitutional Court's jurisdiction. The Constitutional Court was newly allowed to determine whether the manner in which a referendum on Czechia's accession to the EU was held was in harmony with the constitutional rules or not. The Euro-Amendment also added para. 3 to Art. 89, which expanded the jurisdiction of the Czech Constitutional Court to the a priori or preventive control of the constitutionality of Treaties.<sup>19</sup>

As for changes in common Czech laws, the European Commission prepared instructions on how to approximate and implement internal market rules. In 1995, Czechia received the document of the European Commission called 'White Paper – Preparation of the associated countries of Central and Eastern Europe and integration into the internal market of the Union' and began to proceed in accordance. The scope and priorities of the legislation approximation were summarised in the White Paper. For Czechia to achieve its goals, it was necessary to transform approximately 133 Community Laws into Czech legal order, primarily in the form of Directives. This default number assumes the adoption of roughly 250 new laws and over 800 pieces of other legislative. Such a high number was because of the necessity to incorporate European technical standards into Czech technical standards. The legislative changes spanned a wide range of economic areas (e.g. agriculture, environment, telecommunications, consumer protection, etc.). Approximation or harmonisation of law took place in the legislation related to the functioning of companies, competition law, banking, protection of intellectual and industrial property, social policy and other areas. Legal arrangements for external relations, such as agricultural markets and trade, were also necessary, as well as removal of tariff and non-tariff barriers to trade, technical and safety rules of industrial products, mutual recognition of professional qualifications, and so on.<sup>20</sup>

17 Varga Zs. and Berkes, 2023.

18 Wágnerová, 2006.

19 Ibid.

20 Preininger, 2001.

To our knowledge, these conditions were more or less the same for all candidate's countries in comparable positions.

### **Question No. 8**

*What Procedures on EU Level Were There in Place to Monitor the Fulfilment of the Accession Criteria? Were There any Comparable Specific Domestic Monitoring Procedures?*

First, the process of preparation for membership was continuously monitored by the European Commission, which since 1998 issued Regular Reports annually on the progress of candidate countries in preparations for the EU membership. The Commission's first evaluation report in 1998 was very critical of Czechia, especially in the areas of state administration and the judiciary. This led the government to speed up the legislative process of adopting EU law.<sup>21</sup> The Commission's second report in 1999 remarked positively on the adoption of the government document Economic Strategy for Accession to the EU – a joint assessment of economic policy priorities that represented a significant shift in the liberalisation of capital movements and the adoption of basic rules for promoting regional policy.<sup>22</sup> Nevertheless, the overall result of the implementation of the Accession Partnership was considered unsatisfactory. Among other things, the situation of the Roma people in Czechia was heavily criticised. The Commission's 2000 report rated Czechia much better than the previous ones, especially on the accelerated adoption of legislation.<sup>23</sup>

As an opposing perspective, Czechia regularly published the National Program of Acceptance Acquis in connection with the assessment of Accession Partnership and screening results. The first version was completed in connection with the evaluation of Czechia in Agenda 2000. Subsequently, the National Program of Acceptance Acquis was updated every year. It contained a preamble and 26 chapters, which covered the issue of the *acquis communautaire* and corresponded to the chapters of the Commission's opinion on the Czech application on EU membership. In summary, it can be considered a sort of 'mirror' document to the Accession Partnership.<sup>24</sup>

The Commission's ratings began to improve with the arrival of the new millennium; for instance, the report from 2002 evaluated Czechia significantly more positively, especially in the area of a functioning market economy.<sup>25</sup> A constant problem was the situation of the Roma people and the reform of state administration. In 2002, the issue of the so-called Beneš Decrees was addressed. Based on the analysis, the Commission issued a report that the decrees do not represent any obstacle to the accession of Czechia from the perspective of the *acquis*.

21 European Commission, 1998.

22 European Commission, 1999.

23 European Commission, 2000.

24 Zenkner, 2024.

25 European Commission, 2002.

The Commission issued its last evaluation report in November 2003,<sup>26</sup> called the Summary Monitoring Report on Czechia's Preparations for Membership. In its assessments, the Commission proposed expanding the Union by ten new countries including Czechia.

### **Question No. 9**

*To What Extent Was Your Country Involved in the Work of EU Institutions (e.g. Participation in the Commission's or Council's Working Groups, Participation of Your Representatives at the Commission's or Council's Meetings etc.)?*

Associated countries gained the right to participate in regular multilateral meeting with the member states at the highest level (at the European Council) and at the ministerial level (at the EU Council) with the aim of closer cooperation in the areas of the second and third pillars – the structured dialogue. The instruments for achieving these goals were European agreements, structured dialogue, the PHARE program and the White Paper.<sup>27</sup>

In December 1997, the European Council adopted the Commission's proposal to create a pre-accession strategy. Structured dialogue was dropped from the original instruments of the pre-accession strategy and its modification became the European Conference, which was a regular dialogue of member states with all the applicants for membership in the form of a discussion forum on issues of common interest: foreign and security policy, justice and internal affairs. The first conference took place in March 1998 in London. The purpose of participating in EU programmes, agencies and committees is to help enlargement countries become familiar with EU policies and instruments, and to enhance co-operation before accession. As mentioned above, the principle of participation was agreed upon by the European Council in December 1997 for candidate countries, and in 2003 for Western Balkan countries. Participation is decided on a case-by-case basis for each programme, agency and committee.<sup>28</sup>

In April 2001, ministers from all candidate countries were invited to the regular monthly meeting of the Ecofin Council of Ministers held in Sweden. Concurrently, the Foreign Ministers of EU member states debated the future of the EU with their counterparts from the candidate countries for the first time.<sup>29</sup>

EU also provides specific support to candidate countries, usually in a form of twinning. Twinning aims to help candidate countries in creating a modern and efficient administration. It is a long-term assistance (lasting at least 12 months) of placing foreign experts in state institutions of the candidate countries (e.g. German

<sup>26</sup> European Commission, 2003.

<sup>27</sup> Preininger, 2001.

<sup>28</sup> European Commission, 2024.

<sup>29</sup> Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024b.

expert at the Czech Ministry of Finance, or French expert at the Czech Ministry of Agriculture, etc.).<sup>30</sup> To our knowledge, twinning was amply used before the accession. For instance, Czechia was the recipient of several twinning projects in the environmental sector. Twinning was also used within ministries, for instance by the Ministry for Regional Development and the Ministry of Finance.

### **Question No. 10**

*Has Your Country Experienced any Particular Difficulty in Meeting Some of the Accession Criteria?*

A specific problem was ensuring the protection of the Roma minority, and minority rights issues in general. Czechia is one of the EU countries wherein the problem of segregation of Roma in housing remains an issue. In the past, Roma children were disadvantaged in education, resulting in social exclusion, associated unemployment and higher crime rates. Consequently, Czechia (along with Hungary, Poland and Slovakia) is among the minority of EU member states that collect and evaluate information on racially motivated violence and crimes even today.

Nevertheless, in relation to its accession to the EU, Czechia undertook several interventions to address these issues. As one of the main tools for improving their situation, the Council of the Government for the Affairs of the Roma Minority was established. This Council is a permanent, consultative and initiatory government body for issues of Roma integration. It was established in 1997 as the Interdepartmental Commission for the Affairs of the Roma Community, and in 2001, transformed into a Council. The concept of Roma integration was adopted in the form of a government resolution that sets down the main goals in the field. This Concept was annually updated from 2000 to 2005, before being replaced by the Principles of the Long-term Concept of Roma Integration, which remains valid in 2025.<sup>31</sup>

In early 90s, the Bratink's Report in the early 1990s was the first on the state of Roma communities after the Velvet Revolution. The report provided an analysis of the overall situation of the Roma community, and explained the causes of negative consequences. It proposed certain measures to improve the Roma situation, which were considered by the government resolution and later shared with individual ministries. It represented the government's first major attempt to improving the situation of Roma people in Czechia.<sup>32</sup>

30 European Commission, 2024.

31 Studnička, 2012.

32 Ibid.

**Question No. 11**

*How Was the Constitution of Your Country Changed in Order to Accede the EU?  
Was the Accession Legally Challenged (e.g. Constitutional Court)?*

In June 2002, Constitutional Act No. 395/2001 Coll., known as the ‘Euro-Amendment to the Constitution’, entered into force. This constitutional act introduced the constitutional provisions necessary for the country’s future accession to the EU. The ‘Euro-Amendment’ stipulates (within Art. 10 of the Constitution) that all promulgated treaties – the ratification of which Parliament has given its consent, by which Czechia is bound – form a part of the legal order; if a treaty provides something other than that which a statute provides, the treaty shall apply.

The ‘Euro-Amendment’ further enabled the transfer of some powers of the authorities of Czechia to an international organisation or institution (i.e. the EU), thereby creating a constitutional space for accession to the EU. Thus, a tool was incorporated in Czech constitutional law in response to a basic element of European integration comprising the transfer of some powers of the member state to a supranational entity. However, the changes in the Constitution were rather generally formulated (because of political negotiation and subsequent political compromise) and did not provide a clear answer on which legal basis the EU law was supposed to be applied within the Czech legal order, or how any conflicts between national law and EU law should be resolved.<sup>33</sup> Therefore, the Constitutional Court of the Czech Republic provided answers in its ruling in a case called Sugar Quotas III.<sup>34</sup>

According to the opinion of the Czech Constitutional Court, Art. 10a of the Constitution is the basic norm determining the relations between Czechia and the EU and, at the same time, the relationship between the national law and EU law. As such, Art. 10a forms the normative basis for the transfer of powers, thus acting as the provision that opens the national legal order to EU law.<sup>35</sup>

There was no explicit definition of the relationship between European and National law within the Czech constitutional law. Therefore, the Czech Constitutional Court determined the preferential application of EU law in case of a conflict with a national norm. The Constitutional Court explicitly recognised the principle of priority as a basic attribute of EU law and accepted its application within the Czech legal system.<sup>36</sup>

Even if the Constitutional Court did not explicitly state that European law takes precedence over national law, such a conclusion can be drawn from its argumentation. However, the Constitutional Court added that it does not intend to accept the doctrine of absolute priority of EU law because it does not consider this delegation of powers to be permanent and unlimited. Conversely, it states that the delegation of

33 Varga Zs. and Berkes, 2023.

34 Case Pl. ÚS 50/04, Cukerné kvóty III, ECLI:CZ:US:2006: Pl.US.50.04.

35 Ibid.

36 Varga Zs. and Berkes, 2023.

part of the powers of Czech national authorities can last as long as these powers are exercised by the EU in a manner compatible with the preservation of the foundations of Czechia's state sovereignty and does not threaten the very essence of the material rule of law.<sup>37</sup>

The Constitutional Court expressed itself in a similar way in another case called the Lisbon Treaty 1<sup>38</sup>, where it said that it follows from Art. 10a, par.1 of the Czech Constitution, which states that an international treaty can transfer powers of the Czech authorities to an international organisations or institution, but only to a certain extend. The transfer of powers can never go so far as to disrupt the very essence of the Czech Republic as a sovereign and democratic legal state based on respect for the rights and freedoms of man and citizen, and establish a change in the essential requirements of a democratic legal state. However, the Constitutional Court leaves a free path in the future for taking back powers and preventing the effects of EU law adopted in violation of the inviolable foundations of Czech constitutionalism.

### **Question No. 12**

*Was There a Referendum in any Stage of the Accession Procedure?*

Because of the accession of Czechia to the EU, the only national referendum in the history of Czechia thus far took place. On 13 and 14 June 2003, voters decided on the country's entry into the European Union. Specifically, voters had to answer the question 'Do you agree that Czechia should become a member state of the European Union in accordance with the Treaty on the Accession of the Czech Republic to the European Union?'

The results found that 77.3% voted for an integration into the European Community and the total voter turnout exceeded 55% of the population. To approve the entry of Czechia into the EU, a majority of the voters in favour was considered sufficient. The referendum was legally enshrined in the Constitutional Act n. 515/2002 Coll., on the Referendum on the Accession of Czechia to the EU, and remains part of the Constitutional order of Czechia.<sup>39</sup>

### **Question No. 13**

*In Addition to the Above, Were There any Noteworthy Legal Aspects Concerning the Negotiation and Ratification of the EU Accession Agreement in Your Country?*

In 1999, reservations were expressed regarding the compatibility of the Beneš Decrees (which some of which are still a part of Czech legal order) with the *acquis communautaire*. A group of legal experts assembled by the Commission dealt with the

37 Case Pl. ÚS 50/04, Cukerné kvóty III, ECLI:CZ:US:2006: Pl.US.50.04.

38 Case ÚS 19/08, Lisabonská smlouva 1, ECLI:CZ:US:2008: Pl.US.19.08.1, p. 97.

39 České Noviny, 2023.

issue of the Beneš Decrees.<sup>40</sup> The issue of the Beneš Decrees and the Amnesty Law<sup>41</sup> became a sensitive topic in the Czech process of accession to the EU. It was primarily a possible inconsistency with Art. 6 par. 1 TEU, which establishes the principles of freedom and democracy common to all member states. The European Parliament began to deal with the question of whether the Beneš Decrees were in conflict with these requirements, mainly in the debate on EU enlargement on March 2002.<sup>42</sup>

Several Czech legal experts have commented on the question of the Beneš Decrees and their compatibility with the *acquis communautaire* in past. Notably, other member states, such as Austria, France and Italy, have similar laws as well, but have not repealed them. By repealing this law, Czechia could become disengaged from its opposition to the Nazis and to the Third Empire as the aggressor.<sup>43</sup>

Regarding the political aspects of this issue, in April 2002, EU Enlargement Commissioner Günter Verheugen visited Prague and signed a joint statement with the former Czech Prime Minister Miloš Zeman wherein they expressed regret for the suffering caused by the Second World War. Simultaneously, they declared that the very essence of European integration is to move forward and not to look back. To the presidential Decrees, the statement says that some of these Decrees, as well as other measures taken by other European countries at the times, would not stand up to today's standards and that they belong to history. According to the statement, the Beneš Decrees were not part of the entry negotiations and should not have any influence on them; moreover, the Beneš Decrees on property and citizenship do not have any legal consequences today.

Consequently, the European Parliament announced in May 2002 that it wanted to draw up a legal opinion on the issue of the Beneš Decrees, which was later accompanied by two other legal studies. In addition to these three opinions and studies, the European Commission also conducted debates with Czech legal experts, on the basis of which it issued a final analysis in October 2002, called The Czechoslovak Presidential Decrees in light of the *acquis communautaire*.<sup>44</sup>

Based on these extensive and detailed analyses, all four legal opinions concluded that the Beneš Decrees and the Amnesty Law did not prevent Czechia from joining the EU and that they did not contradict the *acquis communautaire*, thus granting Czechia a green card to join the EU.

Nevertheless, these results had an impact on the request of the European Parliament to cancel all Decrees and Laws concerning the expulsion of individual ethnic groups, which was passed in April 1999 – as a result of the legal assessments mentioned above, it was not complied with.

40 Kuklík, 2003, p. 57.

41 Law No. 115/1946 Coll.

42 Domnitz, 2007, p. 32.

43 Pavlíček, 2009, pp. 111–114.

44 European Commission, 2002.

Regarding the request for the annulment of the decrees from their origination (*ex tunc*), the opinion stated that the government of Czechia considers the Beneš Decrees to be the basis of the legal regulations of post-war Czechoslovakia, and that this request could, in fact, call into question the foundations of post-war Czechoslovak legal order. Besides, the annulment of Beneš Decrees with *ex tunc* effects was prevented by the human rights principle of protection of rights acquired in a good faith, and considered redundant as the Decrees do not contradict the EU legal order, thus rendering the annulment a mere symbolic gesture.<sup>45</sup>

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## 4. Legal and Economic Support for Candidate Countries

The third section concentrates on the support provided to the candidate countries by the EU.

### **Question No. 14**

*Before the Accession, Was There Any Institutionalised Support for the Approximation of the Legal Order of Your Country From the EU?*

There was a screening or analytical examination of the *acquis* as a preparatory phase of accession negotiations. The screening process is carried out jointly by the Commission and each of the candidate countries. This process allows the candidate countries to familiarise themselves with the *acquis* and, subsequently, to indicate their level of alignment with EU legislation and outline plans for further alignment. Another purpose of the screening is to identify areas of the *acquis* wherein progress is needed because the candidate country's legislation is incompatible with the EU rules. These areas are divided into chapters; there are 31 chapters related to *acquis*.<sup>46</sup>

The screening process of the Czech legal order commenced in March 1998 in Brussels. In December 1997, at its summit in Luxembourg, the EU decided to start the 'accession process' with 11 candidate's countries, and starting in March 1998 six of them (including Czechia) would conduct initial talks while the other candidate countries would prepare. Deputy Minister of Foreign Affairs Pavel Telička was appointed to lead the Czech negotiating team.<sup>47</sup>

In the beginning of March 1998, the government discussed the position papers of the individual departments, which took a fundamental position on the preparation for accession. The Czech government was focused on the harmonisation of Czech

<sup>45</sup> Kuklík, 2003. p. 57.

<sup>46</sup> European Commission, 2022.

<sup>47</sup> Zenkner, 2024.

legal order with EC law, the creation of appropriate institutions, and ensuring the enforceability of adopted rules.

By the end of March 1998, the European Commission's initial talks with the first wave of applicants (Czechia, Poland, Hungary, Slovenia, Estonia and Cyprus) officially commenced.<sup>48</sup>

In April, the Czech government discussed and handed over the National Program for the Czech Republic's preparation for EU membership to the European Commission. Prepared by individual departments, it captured the main tasks arising from the adoption of the *acquis*. A few days later, the screening of domestic legislation began.

In September 1998, position papers on the chapters Science and Research, Telecommunications and Information Technology, Education, Vocational Training, Youth, Culture and Audiovisual, Industrial Policy, Small and Medium Enterprises and Common Foreign and Security Policy were handed over to the EU authorities. Later, in October 1998, the first round of negotiations between Czechia and the European Union on the terms of Czechia's accession to the EU took place. In December 1998, position papers were handed over to the EU authorities on the following chapters: Law of Commercial Companies, Statistics and Fishing. In January 1999, position papers were handed over on Free Movement of Goods, External Relations, Customs Union, Competition Policy, Consumer Protection. In May 1999, position papers on the following chapters were handed over: Social Policy and Employment, Economic and Monetary Union, Traffic Policy. In June 1999, the following position papers were handed over: Energy, Environment, Free Movement of Services, Free Movement of Capital and Taxes.<sup>49</sup>

From 2001, Czechia gradually closed individual chapters of the negotiations; for example, in June 2001, Czechia closed a total of six chapters under the Swedish presidency. In October, Czechia closed the chapters on Financial Control and Free Movement of Persons. In April 2002, Czechia closed the Tax chapter. The related transition period was agreed upon, and subsequently, Czechia closed the Competition Policy chapter in October. In December 2002, the Summit of the European Council took place in Copenhagen, which concluded the pre-accession negotiations and closed all chapters.<sup>50</sup>

48 Ibid.

49 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024d.

50 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024b.

**Question No. 15**

*Were There Any Other Noteworthy Aspects of EU Support Provided to Your Country Before the Accession?*

Czechia availed the pre-accession Community policy programs, which support the necessary economic, political and administrative reforms in countries that are preparing to join the EU. The programs primarily contribute to the implementation of EU legislation and its harmonisation with the legislation of the candidate countries. They help reduce the economic differences between the countries and the EU, and in building the institutions necessary for the functioning of the candidate countries within the EU.

The activity of the transition instruments is mostly limited by the accession of the candidate country to the EU. Czechia used several programs focused on pre-accession assistance. The first among these was the Phare program (*Pologne-Hongrie: Assistance pour la Restructuration Économique*), which provided funds to ten candidate countries in Central and Eastern Europe. The Phare Fund was originally established in 1989 for Poland and Hungary, but gradually, other acceding countries gained access to this fund. Its main goal was to help fulfil the conditions set for joining the EU. The Phare program also financed social and economic cohesion projects aimed at raising the standard of living in the poorest regions. Gradually, the projects were more focused on building institutions and financing investments. The Phare budget for all candidate countries for the period from 1989 to 1999 exceeded eleven billion euros. For the period from 2000 to 2006, a budget of over ten billion euros was prepared for the programme.<sup>51</sup>

Another program that Czechia availed was the ISPA, which was aimed at supporting investment projects in the area of environmental infrastructure and trans-European transport networks. Within the framework of the environment, assistance was provided in the areas of water pollution, air pollution and waste management. In the field of transport infrastructure, the program provided investments in reconstruction, construction and linking of national transport networks in Europe. The support was distributed among the candidate countries on the basis of specific criteria (population, GDP, size of the country, readiness to use the fund). A prerequisite for effective participation in the program was the quality preparation of projects and ensured co-financing by the states that submitted the project. Projects for which the European Commission approved funds signed a financial memorandum, which determined the principles of financing between Czechia and the European Commission.<sup>52</sup>

51 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024c.

52 Ibid.

The annual funds for all candidate countries amounted to 1.04 billion euros. In the period from 2000 to 2006, around seventy million euros was allocated annually for Czechia.

Third was the SAPARD program, which provided investments in agriculture and rural development. Its aim was to focus the candidate states on the common priorities, such as agricultural policy and rural development, and teach them the financial procedures and control mechanisms practiced in the EU. The EU released 520 million euros annually for the SAPARD program from the European Agricultural Guarantee and Guidance Fund (EAGGF) for all ten candidate countries. About 22 million euros were allocated annually to Czechia for the agricultural and rural development sectors.

Czechia prematurely withdrew from the SAPARD program in 2005, when the allocation of 92.8 million euros was exhausted, which had been provided by the Community for use until the end of 2006. The main feature of the program was the support for a larger number of smaller projects. Recipients of financial support were small and medium-sized municipalities and entrepreneurs in the field of agricultural and food production.<sup>53</sup>

Additionally, before joining the EU, Czechia also participated in community programs, wherein candidate countries can participate under the same conditions as member states. Specifically, they must share the costs; however, this share could be partially financed using pre-accession aid programs, such as Phare. These included the Socrates, Leonardo da Vinci and Youth for Europe Educational Programs from 1997, and the Raphael, SAVE II and SME (Small and Medium-Sized Enterprises) programs from 1998. From 2000, Czechia participated in the SME 3rd, Equal Opportunities, SAVE II, Socrates II, Leonardo da Vinci II, and Youth programs. The second phase of the project Leonardo da Vinci II was launched for the period from 2000 to 2006. After Czechia joined the EU, a new pre-entry assistance program was created for the period from 2007 to 2013. The IPA program (Instrument for Pre-accession Assistance) replaced previous instruments, such as Phare, ISPA and SAPARD program.<sup>54</sup>

### **Question No. 16**

*Did Your Country Benefit From Any Funds Providing Financial Support in Relation to EU Accession Immediately After the EU Accession?*

After Czechia joined the EU in 2004, it continued to participate in the community programs listed above. To elaborate, each of the pre-accession assistance programs were replaced by another similar program post accession, from which Czechia could continue to receive financial support. For example, after accession to the EU, the Phare program was replaced by the European Regional Development Fund and the

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

European Social Fund. The role of the ISPA program was taken over by the Cohesion Fund, and the SAPARD program was replaced by the European Agricultural Support and Guarantee Fund.<sup>55</sup>

## 5. Specific Rules Applicable to Candidate Countries Before and After Their Accession

The last section concerns any country-specific exemptions from the general approach adopted by the candidate countries, both in the pre-accession period and after accession.

### **Question No. 17**

*After the Formal Application to Join the EU, Was Your Country Willing or Able to Negotiate Any Specific Exemption From the Accession Procedure (e.g. Areas of Law Not to Be Approximated, Limits to the Approximation etc.)?*

In April 1998, the first talks on the Czech Republic's accession to the EU began in Brussels – the 'screening' phase involving the analytical comparison of the legislation of the candidate countries with EU law. After preliminary technical negotiations, the actual negotiations on the accession of the Czech Republic to the EU began in November 1998 at the ministerial level. For screening purposes, the *acquis* was divided into thirty-one chapters. Before starting negotiations on each chapter, the European Council always proposed a joint negotiating position of the Union, which was approved by the Council and presented by the presiding country. Opinions on all thirty-one chapters were also drawn up by all the candidate states, which were presented by the chief negotiator and his team during negotiations. On January 1998, Deputy Minister of Foreign Affairs Pavel Telička was appointed to head the Czech negotiation team. He commented on the complex and often demanding negotiations thus:

The negotiations were unprecedented, in terms of complexity, substantive scope, technical difficulty and also political importance. It is hard to compare them with anything in our history so far. The fact that on some issues the European Union has significantly narrowed our negotiating space and defined the conditions to a large extent, does not change anything.

<sup>55</sup> Ibid.

The chief negotiator of the European Commission was Klaus van der Pas; the negotiating team solely responsible for Czechia was headed by Michael Leigh and since 2000, by Rutger Wissels.<sup>56</sup>

During the negotiation process, the EU significantly narrowed Czech negotiating space and defined the conditions to a large extent, rendering it hard to change anything and negotiate permanent exemptions. As Pavel Telička once said, Czech politicians did not take the accession to the EU seriously enough. Although it is almost forgotten nowadays, the indecisiveness or, on the contrary, the intransigence of the Czech political representation could have significantly hindered Czechia in the initial negotiations.<sup>57</sup>

### **Question No. 18**

*What Country-Specific Provisions Were Contained in the EU Accession Agreement of Your Country?*

Czechia managed to negotiate several transitory provisions that can be divided into specific areas. Regarding the Free Movement of Capital, Czechia negotiated a transitory period for agricultural acquisition land and forests for 7 years for those who do not have permanent residence in the territory of the Czech Republic. After three years of joining the EU, this rule could have been revised. Possible change (i.e. shortening or cancelling the transitory period) would have to be approved by the Council of the EU on the basis of a unanimous decision. Other transitory provisions were negotiated regarding the acquisition of real estate intended for secondary housing for foreigners (EU citizens) within 5 years since the accession of Czechia into the EU.

Regarding Agriculture, Czechia negotiated a transitory period until the end of 2006 on achieving full harmonisation of hygienic parameters with conditions valid in the EU for 52 processing enterprises; and a transitory period until the end of 2009 for already used unenriched cage systems for laying hens that do not meet the technical requirements of EU secondary law.

The third largest group of specific provisions was related to Taxation. A transitory period was in effect to maintain the reduced rate value added tax on thermal supplies energy until the end of 2007, for construction supplies work for housing purposes until the end of 2007, and for maintaining lower rates of consumption taxes on cigarettes and tobacco products by the end of 2006 to reach 57% taxation, and a one-year transitory period (until the end of the year 2007) to adapt to the new acquis in this area. The exemption of persons with a turnover of less than 35,000 euros (derogation) from registration as a VAT payer was also significant, as was a special adjustment (derogation) of consumption tax from alcohol in small distillers in order to preserve the traditional domestic production of fruit distillates.

<sup>56</sup> Zenkner, 2024.

<sup>57</sup> Bryś, 2024.

In the field of Energy, a transitory period was negotiated for the creation of full mandatory emergency stocks of oil and oil products until the end of 2005 and a transitory period until the end of 2004 related to the liberalisation of the gas market. Regarding the environment, a transitory period until the end of 2005 was negotiated for the area of waste management, and for achieving target values for recycling and reuse of packaging; a transitory period was sought until 2010 for water quality in connection with municipal water treatment and practical implementation of the requirement for the construction of wastewater treatment plants in municipalities from 2,000 to 10,000 inhabitants. There was also a transitory period until the end of 2007 for the implementation of the restriction directive emissions of pollutants into the air from large combustion devices (or for fulfilling the specified emission limits).

Furthermore, a transitory period of five years was negotiated for the gradual start of contributions to the share capital and reserves of European Investment Bank, as the first payment was supposed to happen in the second half of 2005 at the earliest.<sup>58</sup>

### **Question No. 19**

#### *Were There Any Country-Specific Transitory Provisions?*

The EU asserted its requirements for transitory periods concerning several areas. The most important was the free movement of persons, followed by transport and agriculture. Regarding the free movement of persons, the EU enforced a transitory period of up to 7 years to limit the free movement of workers. However, during the validity period, old member states and new member states could sign bilateral agreements if they agreed on the liberalisation of workforce movement. The EU also requested a transitional period regarding political sensitivity, and although Czechia did not consider this request to be justified, it was accepted (other candidate countries in the Central European region also did) under the threat of complete blocking of the negotiation process by Germany.

The transitory period was set for a maximum of 7 years from the date of Czechia's entry into the EU, and after 2 years, a review of its justification needed to be conducted. After 5 years, a Member State could only maintain restrictions in the event of demonstrable serious damage to its labour market or the threat of such. It was generally assumed that most Member States would not apply a transition period of more than 2 years. The Netherlands, Ireland, Sweden, Denmark and Great Britain immediately declared that they were waiving the transition period which meant that Czech citizens could exercise their right to move freely and work in these countries immediately after joining the EU. Czechia managed to enforce the principle of equal

58 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024d.

rights to apply restrictions to new members in the same way as existing member states.<sup>59</sup>

Regarding transport, a transitory period of up to 5 years on domestic road transport was determined. However, carriers from old member states and new member states could sign bilateral agreements if they agreed on full market liberalisation during the transitory period. Regarding agriculture, a transitory period for the gradual onset of direct payments were applied in the following two phases: first phase – direct payments were introduced in the new member countries at 25% in 2004; subsequently, direct payments were further increased annually by 5%, that is, 30% in 2005, 35% in 2006 and 40% in 2007. Concerning the second phase – starting in 2007, direct payments were gradually increased by 10% until 2013, when the 100% level would be reached.

However, the EU granted Czechia the possibility of direct payments (so-called top-up) with the use of funds for rural development, or from national resources, up to the level of 55% in 2004, 60% in 2005 and 65% in 2006. After 2007, this level could be increased annually by 10% until the 100% level of direct payments was reached. Furthermore, commodities for which national support in 2003 was higher than that proposed, Czechia had the option of increasing the level of 2003, subsequently increased by 10% increments. For example, in the case of potato starch, Czechia negotiated an exception for matching the 100% EU level.<sup>60</sup>

### **Question No. 20**

*Was Your Country Able to Negotiate Any Permanent Exemptions From the EU Law?*

A permanent exemption was negotiated for the reduced rate of VAT on the products of alcohol made by burning for small scale growers. It is a service wherein the grower's distillery burns a fruit distillate from the fruit or kvass of small-scale growers. The distillate produced in this way is then favoured by a preferential consumption tax that distinguishes it from other types of alcohol. However, the amount of brandy that the grower can burn in the distillery is limited to sixty litres of 50% brandy per household and distillery year.<sup>61</sup> The exemption of persons with a turnover of less than 35,000 euros from registration as a VAT payer was also significant.<sup>62</sup>

59 Informační centrum Evropské unie, 2018.

60 Department of Communication on European Affairs of the Office of the Government of the Czech Republic, 2024.

61 Informační centrum Evropské unie, 2018.

62 Ibid.

**Question No. 21**

*To Your Knowledge, Were There Any Notable Differences in the Content of Your Country's EU Accession Treaty From Other Countries in a Comparable Position?*

Each of the 'expansion waves' in the integration process since the 1970s has certain unique features, and this was certainly the case with the big or eastern enlargement as well. The eastern enlargement was not based on partial agreements concluded by the union states with each candidate country separately, but on a joint accession agreement – a single act containing the conditions of entry for all newly acceding states. While the European Commission and the European Parliament commented on the admission of new countries individually, the ratification of the common accession treaty in the member and candidate states no longer allowed blocking of the accession process for any of the affected countries separately.<sup>63</sup>

The Treaty of Accession, with all its annexes, contains approximately 5,000 pages. Its basic content is short, as the Accession Agreement itself contains only three articles, of which the first two are of three paras. each. It further refers to a not very extensive Act on accession as an integral part of the contract. The Act of Accession only sets out the conditions in the basic framework. The detailed adjustment is then contained in 17 Annexes and amendments to them, and further in nine protocols, to which the Act of Accession also refers.<sup>64</sup>

**Question No. 22**

*Are There Any Other Noteworthy Exemptions From the Application of the EU Law in Your Country?*

After Czechia joined the EU, the Czech Constitutional Court left the door open for the potential future 'taking back of powers' to prevent violation of the inviolable foundations of Czech constitutionalism. The Czech Constitutional Court considers itself the final arbiter called to review European legislation. In the case that the EU exercises powers that were not granted to it by the Czech sovereign, their activity cannot be defended by characteristics that the Court of Justice of the European Union recognises in European law, and therefore, EU law cannot be prioritised over the Czech law.<sup>65</sup>

In January 2012, an important decision of the Czech Constitutional Court was handed down in the case of Slovak pensions XVII.<sup>66</sup> In this decision, the Constitutional Court directly opposed the opinion of the Court of Justice of the European Union in case *Landtová*<sup>67</sup> and used the opportunity to disregard the principle of primacy of EU

63 Varga Zs. and Berkes, 2023.

64 Informační centrum Evropské unie, 2018.

65 Stehlík, Hamulák and Petr, 2017.

66 Case PL. ÚS 5/12 Slovenské důchody XVII, ECLI:CZ:US:2012: PL.US.5.12.1.

67 Case C-399/09 Landtová, ECLI:EU:C:2011:415.

law. The core of the conflict between the Czech Constitutional Court and the Court of Justice of the European Union is an insight into the issue of matching pensions to Czech citizens who, before the division of Czechoslovakia, worked for employers based in Slovakia; this rule contradicts the prohibition of discrimination on the basis of nationality, as stipulated by European law. In its rich experience concerning the Slovak pensions issue, the Czech Constitutional Court has repeatedly asserted the right of the Czech Republic citizens – who, before the breakup of the Czechoslovak Federation, were employed by an employer based in Slovakia – to an equalisation allowance up to the amount of the theoretical pension that they would have received if all insurance periods from the time of the common state were counted as Czech times. The main argument is the need to maintain the same treatment between Czech citizens who worked in the Czech part of the federation and those who worked in Slovak part of the federation, regardless of the historical event in the form of the division of the federation, because until the end of 1992, in the former Czechoslovakia, there was only one social security system.

On the other hand, according to the Court of Justice of the European Union's opinion, expressed in the *Landtová* judgment, the rule introduced by the Czech Constitutional Court is contrary to the EU law, specifically contrary to the key prohibition of discrimination on the basis of nationality, since pensions are granted only to citizens of the Czech Republic with permanent residence in Czechia. The Constitutional Court argued that the matching of pensions is a tool for protecting equal treatment between citizens of Czechia, which results from the specifics of the Czechoslovakian past. With this, the Constitutional Court opposed the opinion of the Court of Justice of the European Union, and explicitly accused the Court of Justice of acting outside of the powers transferred by Czechia to the European Union. Thus, for the first time in history, the Czech Constitutional Court used the reservation formulated in its previous 'European' rulings and decided to disregard the principle of primacy of EU law.<sup>68</sup>

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## 6. Conclusion

Despite of the split of Czechoslovakia in the early 1990's, and subsequent difficulties related to economic, political, and other transformations of society, the newly established Czechia clearly showed an interest in the future direction of the country, and the desire to integrate into 'Western' structures, including EU membership.

During the negotiation process, the EU significantly narrowed Czech negotiating space and defined the negotiation conditions to a large extent, making it difficult to change anything and negotiate permanent exemptions. Moreover, Czech politicians

68 Stehlík, Hamulák and Petr, 2017.

did not take the accession to the EU seriously enough. However, twenty years after joining the Union, the membership of Czechia in the EU can be considered successful and beneficial. While Czechia's membership in the EU is surrounded by both successes and controversies, at least half of the Czech population is satisfied with it. According to the latest research, approximately 15% of the population (represented by rather younger people) are very satisfied with the EU membership. This is of particular importance because young people's opinions are the future of the EU and Czechia's participation in it.

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