

CHAPTER 8

SLOVAKIA



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Abstract

The Slovak Republic became an independent state on 1 January 1993, after the dissolution of the Czech and Slovak Federative Republic. The period of its formation is related to the shift in integration on the European continent in connection with the creation of the European Union. The Treaty on European Union (signed in Maastricht on 7 February 1992) entered into force (1 November 1993) in the same year the independent Slovak Republic was created. The Slovak Republic was interested in joining the European structures while operating in a common state with the Czech Republic. The signing of the Agreement on Trade in Industrial Products in 1988 between the former Czechoslovak Socialist Republic and the European Economic Community can be considered the first significant step in the European integration processes. This Agreement entered into force on 1 April 1989; however, it was short-lived owing to changes of November 1989. The Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federative Republic on trade and commercial and economic cooperation was signed in Brussels on 7 May 1990. The Protocol between the European Coal and Steel Community, on the one hand, and the Czech and Slovak Federal Republic, on the other hand, was initialled in Brussels on 28 June 1991. More intense integration efforts began in the former Czechoslovakia shortly after the ‘Velvet Revolution’ in November 1989, when changes in the state regime occurred inside the country. This National Report provides an overview of the substantial historical context reflecting the activities of the Slovak Republic first as a candidate, and later as an acceding country.

Keywords: integration, European Union, candidate country, Slovakia’s accession to the EU, Association Agreement, the Copenhagen criteria

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1. Introduction

After the establishment of the independent Slovak Republic in January 1993, a natural transition occurred in development of the integration processes towards the European Communities. The Slovak Republic had new opportunities to integrate into the international space as it was gradually recognised by individual states and international communities. The transition process from a federal to unitary state occurred relatively smoothly and was continuous. The top state representatives of the Slovak Republic were aware of the importance of the international community also for the unitary state, therefore, they continued the efforts to integrate into the European structures initiated by the former common federal state. The Slovak Republic became a member of the Council of Europe on 30 June 1993 as the thirty-first member state. Consequently, new possibilities emerged for its participation in addressing Europe's common political problems, as well as new possibilities and forms of legal cooperation in the area of human rights protection and the rule of law guarantees. A slightly more complicated situation occurred in connection with the integration into the intergovernmental military alliance – the North Atlantic Treaty Organization ('NATO'). The Slovak Republic declared its interest in joining NATO as soon as it was established. The inaugural documents listed the chief foreign policy priorities, which included the ambition to achieve membership in NATO and the European Union.¹ Initial development in this area appeared favourable,² however, the political direction of the Slovak Republic stymied these efforts for some time under the former government of Prime Minister V. Mečiar.³ The issue of Slovakia's

- 1 All Slovak governments from 1994 to Slovakia's accession to the EU in 2004 stated the membership in NATO as one of their most important priorities.
- 2 At the time when NATO proposed to create a 'Partnership for Peace' to better develop relations with former socialist countries, Slovakia was among the first to sign the Framework Document and join this initiative (February 1994). The presentation document submitted by Slovakia in May 1994 established the areas of interest of the Slovak Republic and the Partnership. At that time, the Slovak Republic took advantage of the extensive opportunities that this program provided to meet the government's program objectives in defence and security policy. In November 1995, the first individual Partnership for Peace program was approved as an essential tool for establishing cooperation and involvement in NATO activities. In that year, Slovakia was also involved in the evaluation and planning process. The activities of that process were aimed at achieving the interoperability of Slovak units subordinate to NATO command, therefore, they were able to work alongside with NATO countries without any problems. The approval of the aforementioned documents and joining the Partnership for Peace and later the evaluation process meant confirming Slovakia's long-term orientation towards Euro-Atlantic values and clearly marked the principles of the country's security and defence policy.
- 3 At the NATO summit in July 1997 in Madrid, three post-socialist states (which became members in 1999) were invited to the Alliance: the Czech Republic, Hungary, and Poland. Slovakia was not mentioned in the invitation list as a candidate in the second wave of enlargement, where Slovenia and Romania were envisaged. However, simultaneously it was declared that both in the economic and military area, as well as in the issues of adapting its legislation, Slovakia was fully comparable with its neighbours.

accession to NATO was reopened after the NATO Washington Summit in 1998.⁴ Slovakia became a full member of NATO on 29 March, 2004.

2. Initial Requirements for Candidate Countries

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?

As a successor state of the former Czechoslovakia, the Slovak Republic assumed the obligations of the Interim Agreement of 16 December 1991 as part of its pre-accession preparations.⁵ Its progress in integration was subject to all the conditions set for any country applying for EC/EU membership. From the EU's position, the Treaty on European Union already laid down basic conditions (Art. 49) and principles (Art. 6, sec. 1), which must be fulfilled by all countries aiming to become the EU members.⁶

The accession criteria, also known as the Copenhagen criteria, were conceived in 1993 at the Copenhagen summit of the European Council.

- 4 The first Slovak plan for NATO membership, based on which the Slovak Republic began to prepare basic strategic documents, such as the Act on Military Obligation, the Act on Defence of the Slovak Republic, the Act on the Armed Forces of the Slovak Republic, was called 'NP PRENAME' and was approved in the autumn of 1999.
- 5 In its integration efforts to join the European Communities, the former Czechoslovak Federative Republic signed the Association Agreement on 16 December 1991. As each association agreement was subject to time-consuming ratification by all parliaments of the Member States, mutual trade relations were regulated in the 'Interim Agreement'. This was essentially identical to the trade part of the Association Agreement, but, unlike it, it only required approval by the Council, not ratification by parliaments. Thus, it could enter into force much earlier, that is, as early as on 1 March 1992. Owing to the further development and split of Czechoslovakia, the original Association Agreement lost one of the contracting parties and, therefore, never entered into force. However, the successor states, the Czech Republic and the Slovak Republic, have assumed the obligations arising from this Interim Agreement and agreed to apportion the rights and obligations resulting from the original Association Agreement. Thus, the new Association Agreement with the official name 'European Agreement establishing the Association' was signed by representatives of the Slovak Republic on 4 October 1993.
- 6 First, it is geographically a European state that respects and promotes the fundamental values of the EU, such as respect for human dignity, freedom, democracy, equality, the rule of law, human rights, including the rights of persons belonging to minorities. Simultaneously, the state has a functioning market economy, stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities; and demonstrates the ability to adopt the law of the Union, including commitment to the goals of political, economic and monetary union.

The basic criteria constituting the essential conditions for the candidate countries were: (1) the creation of stable institutions that would guarantee democracy, rule of law, human rights, and respect for and protection of minorities; (2) a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; (3) the ability to assume the obligations of membership, including the ability to effectively implement the rules, standards, and policies that constitute the body of EU law; and (4) compliance with the objectives of political, economic, and monetary union.⁷

In December 1994, at the European Council meeting in Essen, these conditions became part of a broader material, known as the 'Pre-Accession Strategy', which combined the European Agreements and the PHARE Programme into a single whole, as a specific policy towards the candidate countries. The next European Council meeting in December 1995 adopted the White Paper on the Single Market, which specified 'compliance with the objectives of political, economic and monetary union' and added the stability of the candidates' economic and monetary environment to entry conditions. The EU conceived the White Paper as a document to be adopted by candidates as a guideline (as well as a condition for full membership) for economic reforms and the sequence of those reforms. Such clarification was made 'in connection with the creation of conditions for the gradual and harmonious integration of candidate countries'.⁸ In practice, this meant that candidate countries would have to gradually adopt EU legislative standards, which focused primarily on the liberalisation of external economic relations and regulated trade in goods and services on the internal market. Moreover, the White Paper and the Structured Dialogue became part of the pre-accession strategy as instruments to accelerate the acceptance of EU conditions. After clarifying and adding further criteria for entry, the monitoring process became deeper and also affected new areas, particularly the reform of state and public administration, legal system and rights of ethnic minorities. Thus, the conditions for accession to the Union continued to change and were not stable, making the entire process uncertain and unpredictable to the candidate countries for the most part, as several enlargement options were discussed; however, none were officially adopted. Individual governments had to prepare their own national plans for the adoption of the *acquis*. The political criteria were gradually made more precise in individual negotiations, with the structured dialogue serving as the chief tool for implementation and mediation of conditionality. This was also indicated by the first reports (*avis*) prepared and published by the Commission. The Commission focused on evaluating the candidate countries under the Copenhagen Conditions and assessed the readiness of countries to join the Union accordingly.

The European Agreements constituted the basic legal framework for the relationship between the Community and the associated countries of Central and Eastern Europe. The first European Agreements were signed with Hungary, Poland, and

7 European Union, no date.

8 Figel' and Adamiš, 2004, p. 12.

Czechoslovakia in 1991; however, they only included a reference to the political dimension of integration by mentioning in the preamble the common European values to which the parties subscribe. Listed among those values was pluralist democracy, the rule of law, respect for fundamental human rights and freedoms, free and democratic elections based on a pluralist party system, as well as such pillars of Western civilisation as the market economy and social justice. Only later, in May 1992, the EU strengthened the meaning of this general formulation and included an additional clause in the European Agreements according to which it obtained the right to terminate the Trade and Cooperation Agreement if the associated country violated the aforementioned contractual political principles. Since then, all other Association Agreements have had a specific article obliging the associated countries to respect democracy and human rights. This was the first innovative approach in relation to all other applicants for the associated country status. However, the focus of the European Agreements was mutual trade, which generally supported the liberalisation of markets in the associated countries, scheduled gradually over a ten-year period, and opened up the common market for industrial goods from the candidate countries in a shorter, five-year period. However, the beginning of the negotiations indicated that Member States would strictly guard their markets, particularly with respect to the sensitive items such as steel, textiles, and agricultural products.

Question No. 2

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

In June 1995, through the Minister of Foreign Affairs of France, the then Slovak Prime Minister Vladimír Mečiar and the Minister of Foreign Affairs Juraj Schenk handed over the application of the Slovak Republic for EU membership together with the Memorandum of the Government of the Slovak Republic on the application for EU membership to the then French President Jacques Chirac, who was also the head of state of the presiding country of the European Union at that time. The government memorandum stated that the strategic goal of the Slovak Republic was to acquire full membership in the EU in the 2000.

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?*

On 4 October 1993, the European Association Agreement – the Association Agreement (hereinafter, the ‘Agreement’)⁹ was signed in Luxembourg by the

⁹ The European Agreement on Association was published under number 158/1997 of the Statutes in the Statutes of the Slovak Republic.

European Communities and their Member States, and the Slovak Republic.¹⁰ The Agreement aimed to harmonise Slovakia's economic and social policies, as well as adapt them to EU legislation. The National Council of the Slovak Republic (hereinafter, the 'NC SR') approved the Agreement by its Resolution No. 352 of 15 December 1993 and the President of the Slovak Republic ratified it on 19 July 1994. Pursuant to Art. 123, para. 2, the Agreement entered into force on 1 February 1995. On the date of its entry into force, the Agreement between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federative Republic on trade and commercial and economic cooperation of 7 May 1990 and the Protocol between the European Coal and Steel Community and the Czech and Slovak Federative Republic expired. By honouring the Association Agreement, the Slovak law began to adapt to EU legislation, and the economic and social policies began to converge. After a ceremonial handover of the document on the association status in May 1994, Slovakia, together with the Czech Republic, Hungary, Poland, Bulgaria, Romania, Lithuania, Latvia, and Estonia, became one of the associated members of the Western European Union.

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?*

Following the adoption of the pre-accession strategy, the European Commission began to monitor, and evaluate the fulfilment of all the Copenhagen criteria in an intense and organised manner. In July 1997, the Commission published an assessment of progress in each candidate country for the first time. On this basis, it recommended that accession negotiations be initiated with only six countries: the Czech Republic, Estonia, Hungary, Poland, Slovenia, and Cyprus. Bulgaria, Lithuania, Latvia and Romania did not meet the economic conditions that Slovakia managed to meet; however, in the Commission's opinion, Slovakia was the only country that did not meet the political criteria for initiating the negotiations. According to the Commission, the Slovak government did not sufficiently respect the separation of

10 On behalf of the Slovak Republic, it was signed by the then Prime Minister Vladimír Mečiar, accepted in the international arena at that time.

powers enshrined in the constitution and too often did not respect the rights of the opposition, among other aspects.¹¹

Thus, the summit of the European Council in Luxembourg divided the candidate countries into two groups; only the later meeting of the Council in Helsinki in 1999 changed this model. In preparation for the accession of the new Member States in 1997, the Commission drew up a specific document called Agenda 2000. It merged all the requirements and assistance provided by the EU into one framework, called the Accession Partnership. The Commission placed ever-increasing emphasis on candidates' readiness to join, as well as on the general development of their economy and societies.

When the European Commission published the first assessment of the state of readiness of candidate countries for EU membership in 1997, reservations about the impact of the executive branch in Slovakia were underlined. Of the ten countries assessed, only Slovakia did not meet the basic requirements set by the Copenhagen criteria stipulated by the EC in Copenhagen, and together with four other countries that did not meet the economic requirements, did not begin accession negotiations. One of the EC's most serious reservations towards Slovakia was the extremely strong executive branch of government, which caused an overall instability of political institutions.¹²

- 11 The European Commission expressed its first concern about development in Slovakia after the infamous night session of the NC SR on 3–4 November 1994, when the coalition majority changed the practices of proportional representation of the opposition in the leadership and management of the parliament, thus fully limiting the control powers of the opposition. For example, it did not elect any member of the opposition as a vice-chairman of the NC SR, and it also transferred all opposition party leaders to the parliamentary Committee for the Environment. The new majority in the NC SR recalled opposition representatives from bodies supervising public media and intelligence services. Opposition nominees in the Supreme Audit Office and the National Property Fund did not remain in their positions, and a candidate close to the future government was elected to the position of the Attorney-General. Furthermore, the parliamentary majority created a committee to investigate the legitimacy of the mandates of the opposition Democratic Union. The opposition, as a key institution for the functioning of any democratic regime, was provided no formal opportunity to provide checks and balances in the government or interfere in its policy.
- 12 The gradually chaotic internal political situation (the Mečiar government) in Slovakia began to negatively affect the integration of Slovakia into the EU, which resulted in the adoption of a European Parliament's resolution on the necessity of respecting human rights and democracy in Slovakia in 1997. The resolution of the European Parliament was announced to the Slovak government by *démarche* and was the first warning signal in the accession negotiations. As the Mečiar government was not interested in improving the situation and did not act to rectify the mistakes and the chief criticism was the failure to meet the political criteria, at its meeting in Luxembourg, the European Council decided – accession negotiations would be initiated only with Poland, the Czech Republic, Hungary, Cyprus, Slovenia and Estonia (the Luxembourg Group). Subsequently, Slovakia was included in the second group, in which further relations were to be regulated individually within the framework of the Accession Partnership, aiming to support those areas of the Copenhagen criteria in which the countries concerned were lagging behind.

3. Institutions and Procedures of Accession

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?

The basic document was the European Association Agreement, published under number 158/1997 in the Statutes of the Slovak Republic as the Notice of the Ministry of Foreign Affairs of the Slovak Republic on the signing of the European Association Agreement concluded between the European Communities and their Member States on the one hand, and the Slovak Republic on the other.

Question No. 6

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

Slovakia's integration into the European Union led to some pressure on national political institutions. Institutions and their arrangement at the level of the government of the Slovak Republic were changing the most. Responsibility for Slovakia's accession to the EU was assumed by the Ministry of Foreign Affairs of the Slovak Republic, whereas the Mission of the Slovak Republic to the European Communities (today the Permanent Representation of the Slovak Republic to the EU) and the specially created Office of the Deputy Prime Minister for Integration, which at that time established the position of chief negotiator with the EU, also played an important role in the integration.

By 1995, which was rich in watershed events, the process went relatively smoothly – all then EU Member States approved Slovakia's association with the EU, and thus, the Association Agreement entered into force. Consequently, Slovakia acquired the status of an official candidate country at the European Council and the Government of the Slovak Republic received the White Paper (preparation of associated countries for integration into the EU market). Moreover, the Delegation of the European Commission officially began its work in Bratislava. During 1996, several meetings of the Association Committee of the SR-EU or the Joint Parliamentary Committee of the NRSR and the European Parliament occurred in Bratislava.

According to the impact of the EU on national political institutions, we can identify four basic periods: Stage 1 – from entering into the Association Agreement between the Slovak Republic and the EC after 1997; Stage 2 – limited by the change of government after the 1998 election; Stage 3 – after the conclusion of accession negotiations with the EU, to the Slovak Republic's membership in the EU; Stage 4 – the period after Slovakia's accession to the EU in May 2004.

Similarly, institutional changes can be studied at two levels: (1) horizontally as changes at the national level, particularly in the relationships between the executive and legislative branches, (2) at the vertical level, as the relationship between the EU and the Slovak Republic.

Although continuous changes have occurred in all periods at the vertical level, a significant change in executive-legislative relations occurred only with the adoption of the 2001 Constitutional amendment and later adoption of the Constitutional Act on cooperation between the NC SR and the government in EU matters.¹³

Moreover, different temporal stages of integration affected the structure of public authorities in different ways. In the first stage, changes resulted from entering into the Association Agreement of 4 October 1993. Based on this Agreement (No. 104–109), an Association Council was created, the members of which were representatives appointed by the Government of the Slovak Republic and members of the Council and the Commission. The most important power of the Association Council was the ability to approve decisions and recommendations for the implementation of the Association Agreement, the most significant of which had the status of international treaties. In the Programme Declaration of January 1995, the Government undertook to prepare ‘the appropriate institutional framework necessary to ensure the successful preparation of the accession of the Slovak Republic to the European Union’.¹⁴ This was to create ‘conditions for effective sectoral involvement in activities implementing the European Agreement and the prerequisites for their cooperation’.¹⁵ Based on Resolution of the Government of the Slovak Republic No. 10 of 3 January 1995, the Council of the Government of the Slovak Republic for Integration into the European Union (hereinafter, the ‘Council of the Government’), headed by Deputy Prime Minister J. Kalman, became an advisory body of the Government of the Slovak Republic on integration issues.

Resolution of the Government of the Slovak Republic of 28 February 1995 No. 137 obliged individual central state administration bodies to establish European integration units.

On 1 June 1995, the Institute for Approximation of Law was established, which was responsible for the implementation of the concept of approximation of Slovak law to EU law and to the Council of Europe conventions (Government Resolution No. 70/1996). The Mission of the Slovak Republic to the European Communities played an important role throughout the entire accession process. The Government of the Slovak Republic prepared a nationwide campaign based on the Communication Strategy for preparing the population for EU membership. In May 2001, the first National Convention on the European Future of Slovakia was established, aiming to initiate and shape a nationwide debate on the future of Europe and the Slovak position on the draft Constitutional Treaty.

13 Bilčík, 2004, pp. 443–459.

14 It was the third government in a row, the prime minister was Mečiar.

15 Mečiar, 1995.

At the parliamentary level, a committee of the NC SR for European Integration was created in the first parliamentary term, the chief task of¹⁶ which was to supervise the implementation of the Association Agreement, cooperate with the Association Council, and oversee the executive branch in this area. Moreover, a joint committee of the EU and the NC SR was created.

Significant changes in the second stage of the accession process of the Slovak Republic to the EU occurred after the election in 1998.¹⁷ In its 1998 Programme Statement, the Government stated:

the strategic goal and one of the most important political and economic priorities of the Slovak Republic is membership in the European Union. To achieve it, the government will meet the political criteria in the shortest possible time and undertake to meet the other criteria set by the EU Copenhagen Summit and the conclusions of the joint bodies of the Slovak Republic – EU, so that the Slovak Republic is among the best prepared candidate countries.¹⁸

From the EU position, the perception of the Slovak Republic also changed, and thus, the different intensity of diplomatic relations was reflected in the creation of the EU-Slovakia High level working group. In a period of less than a year (November 1998 – September 1999), this group aimed to help the new government coalition accelerate the integration process.

Instead of the Government Council for Integration, the Government Ministerial Council for European Integration was created as an advisory and coordinating body of the Government of the Slovak Republic. It was headed by the Deputy Prime Minister for European Integration, appointed for this purpose.

The Ministerial Council of the Government for European Integration had an auxiliary body – the Working Committee, comprising heads of European Integration departments at ministries and other state administration bodies and heads of 29 working groups of the negotiating team.

A new position was created at the Ministry of Foreign Affairs – State Secretary for European Integration, which was associated with the position of the chief negotiator of the Slovak Republic for the accession of the Slovak Republic to the EU.

In the area of approximation of law, there was a change in the adoption of the new statute of the Legislative Council of the Government of the Slovak Republic.¹⁹ On its basis, the Government Legislative Council began to assess the compliance of the discussed bills and legislative intentions with EC/EU law and with the Council of Europe conventions. For each material submitted to the Legislative Council, the

16 By Resolution No. 408/1996 of 12 September 1996.

17 Dzurinda became the prime minister; historically, we refer to this government as the first government of Dzurinda.

18 Mečiar, 1995.

19 Resolution of the Government of the Slovak Republic No. 60 of 20 January 1999.

Institute for the Approximation of Laws prepared a written opinion on the compliance of the bill with European law and Council of Europe conventions.

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?

The most important fact in the area of legal support was the preparation of an amendment to the Constitution, as the basic document of the acceding state. And then the transformation of the entire legal system.

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?

The accession negotiations occurred in 31 negotiating chapters, with the most significant challenge being the transformation from a managed economy to a market economy, including areas such as energy, agriculture, and regional policy. In economic policy, the Government of the Slovak Republic particularly advocated for the acquisition of foreign investments within the framework of the EU free market. Their acquisition was based on the promotion of Slovakia's competitiveness, stemming from it being a country with low taxes and, simultaneously, low wages, liberal labour laws, high labour intensity and a relatively educated and disciplined workforce.

During 1999, Slovakia made significant progress in fulfilling the Copenhagen criteria and the expanded accession strategy, thus creating the prerequisites for a positive assessment by the European Commission. In November 1999, the assessment report recommended initiating accession negotiations with Slovakia. Considering the overall political situation related to the Kosovo crisis, the Commission also accounted for the political impact of its decision and proposed to initiate negotiations with all other candidate countries (Slovakia, Malta, Romania, Latvia, Lithuania and Bulgaria). Türkiye was granted the status of a candidate country. In 1990, Slovakia met the political criteria, which was also confirmed by the decision of the Helsinki Summit. This was a crucial moment in mutual relations with the EU, which thus moved to a qualitatively new level. Compared with other countries in the region, Slovakia began the negotiation phase with a two-year time lag. Since the Union had already undergone several waves of enlargement in its history, it had certain mechanisms and procedural rules in place. These were applied, in principle, to all accession negotiations. The negotiation process occurred in three stages (screening, accession negotiations and ratification process). The Commission divided the course of screening into two stages: multilateral and bilateral. Slovakia, together with other candidates of the Helsinki Group, participated in the multilateral part of the screening

only from April 1998 to February 1999. At these meetings, the Commission presented the candidates with a comprehensive information on Union legislation within each negotiating chapter. The bilateral part of the screening between the Commission and Slovakia continued from March 1999 to February 2000. It aimed to analyse the state of compatibility of the Slovak law with the Union law, to identify possible problems, as well as verify the administrative capacity for the implementation of the relevant legislation. That is, defining the areas in which the candidate country would achieve the compatibility of national legislation not later than on the date of its accession, or in which areas and under what conditions the candidate country or the Union would require transitional periods. The negotiations occurred in the aforementioned 31 negotiating chapters, of which 29 were legislative in nature. The prerequisite for the opening of the chapter by the Union was the presentation of a negotiating position that the candidate country would prepare for each of the chapters. The Slovak Republic handed over its negotiating positions in the course of 2000. The final result of the agreed obligations of both parties in all negotiation chapters was subsequently modified by the Accession Agreement.

Moreover, Slovakia's accession negotiations were influenced by the individual presidencies of the European Union. In the first half of 2000, Portugal held the presidency. Slovakia commenced the negotiations at the opening meeting of the Accession Conference on 15 February 2000, where it presented its general negotiating position declaring the basic framework of negotiations. Moreover, it included setting a timeframe for the accession process. The Slovak Republic planned to harmonise its legislation with EU law, create the necessary administrative capacity and complete the negotiations by the end of 2002. The reference date for accession to the EU was 1 January 2004. In terms of development of the entire enlargement process and the pace of negotiations, it later emerged that this scenario could be realistic. During the Portuguese Presidency, the European Union initiated 18 negotiating chapters of EU legislation with Slovakia and provisionally also concluded 6 of them. These chapters were: Small and Medium-sized Entrepreneurship, Education and Training, Science and Research, Common Foreign and Security Policy, Statistics and External Relations.

In the second half of 2000, France became the presiding country, and 8 more chapters were initiated. Simultaneously, the negotiations were concluded on four chapters: Fisheries, Consumer and Health Protection, Industrial Policy, Culture, and Audio-visual Policy. Thus, Slovakia commenced a total of 16 out of 29 chapters, reaching its internally set goal (to open at least half of the negotiating chapters during the first year). Simultaneously, it closed ten chapters, while six remained open owing to the need for additional information from the Slovak side, or the need to seek modified solutions.

In the first half of 2001, Sweden held the presidency. The meeting of EU representatives in Nice approved the European Commission's strategic document for enlargement, the road map. It was about setting a timetable for specific chapters that the Union dealt with as a priority in a given half-year. For Slovakia, this meant

focusing on the area of the internal market – that is, the free movement of goods, persons, and capital, and free provision of services. However, it needed to focus on other chapters – Corporate Law, Environment, Social Policy and Employment. During the Swedish Presidency, Slovakia made exceptional progress in the negotiations, as all 29 chapters were open after its completion. Provisionally, the negotiations were concluded in the next 9 chapters. The fact that the Helsinki catching-up principle was fulfilled and Slovakia, with a total of 19 provisionally closed chapters, reached the level of its neighbours (from among the V4 countries) negotiating for the third year after seventeen months of negotiations, can be described as an extraordinary success and a certain milestone in the negotiation process.

In the second half of 2001, during the Belgian Presidency, negotiations with Slovakia entered a more difficult stage. More extensive chapters were discussed in terms of volume, as well as the negotiating requirements of the Slovak Republic. During this period, Slovakia closed three more chapters: Energy, Environment and Financial Control. Thus, the number of closed chapters increased to 22.

Spain held the presidency in the first half of 2002. Slovakia entered this Presidency term with a view of closing the chapters that remained open from the previous period – the Economic competition, Cooperation in the area of Interior and Justice, Taxation and Transport. For the period of the Spanish Presidency, agriculture was also defined within the priority chapters, and the Slovak Republic prioritised it in the negotiations. It was an issue of high political sensitivity on both sides. The solution to the issue of direct payments to farmers and the solution to the length of the proposed transitional period until 2013 resonated the most. Slovakia's strategic effort was to achieve a combination of individual factors (production quotas, direct payments, rural development funds, budget contributions, other compensations) that would ensure the competitiveness of farmers and acceptable impacts on the country's consumers and macroeconomics. Negotiations began in May 2002 and were not concluded until the upcoming Danish Presidency in December 2002 at the EU Summit in Copenhagen.

After the 2002 elections, the Slovak government set the conclusion of negotiations with the EU by the end of 2002 and declared its will to join the EU in such a timeframe that the Slovak Republic could participate in the European Parliament elections in 2004 as a Member State.

The priorities that the government wanted to pursue after accession to the EU were support for reforms and measures that would adequately take into account the influence of EU member countries regardless of their size, maintaining national identity in cultural and ethical matters, strengthening the EU's Common Foreign and Security Policy and the European Security and Defence Policy, effective use of European funds in the pre-accession process, as well as after gaining membership, the accession of the Slovak Republic to the monetary union and the adoption of the necessary measures for the accession of the Slovak Republic to the Schengen agreements.

The Slovak Republic successfully managed the crucial periods in the accession negotiations, therefore, it was included among the 10 candidate countries with the intention to join the EU in 2004, which eventually occurred.

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.)?

Through its representatives, the Slovak Republic also participated in the Convention on the Future of Europe (in 2001), as one of the candidate countries.

In the third stage, after the signature of the Accession Treaty in April 2003, the Slovak Republic obtained observer status in the EU, which again brought some institutional changes. By Resolution No. 431/2003, the Government of the Slovak Republic approved the proposal for the coordination of the decision-making process in EU matters and the model statutes of the departmental coordination groups and the Commission for EU Affairs. The Section of the Ministry of Foreign Affairs for European Integration was changed to the Section of European Affairs, and the relevant departments were also changed.

Question No. 11

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

The Constitution of the Slovak Republic No. 460/1992 Statutes, as amended, was adopted in 1992, dating back to the period of the common Czechoslovakia, its amendment in relation to European integration was foreseen in several strategic documents,²⁰ as well as the EU institutions themselves. The necessity of amending the Constitution in some areas (e.g., the judiciary) was indicated by the European Commission in its evaluation report.²¹ The European Parliament pointed out that 'constitutional reform will be a significant achievement for the country by enabling the country to push through the legislative and administrative reforms necessary to prepare for membership'.²²

The Euro amendment to the Constitution of the Slovak Republic, that is, the amendment to the Constitution by Constitutional Act No. 90/2001 of the Statutes, was the most significant interference with the text of the Constitution,²³ as well as the constitutional structure of public authorities in the Slovak Republic.

20 For instance, Measures to implement the priorities of the Accession Partnership or the National Programme for the Adoption of the Acquis.

21 Regular report, 2001, p. 81.

22 EP resolution on Slovakia's application, 2001.

23 It amended 40% of the original text of the Constitution of the Slovak Republic.

For example, the change occurred in the establishment of the second level of territorial self-government, strengthening of the powers of the Supreme Audit Office and the Constitutional Court of the Slovak Republic, creation of the Judicial Council of the Slovak Republic as an independent body supervising the judiciary in the Slovak Republic, creation of the Office of the Public Defender of Rights, as well as the specification of the relationship between the Slovak Republic and the EU per Art. 7 of the Constitution.²⁴

Question No. 12

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

As in the case of other acceding countries,²⁵ a referendum on Slovakia's accession to the EU was held in the Slovak Republic. It was announced by the President on 17 February 2003 for Friday, 16 May and Saturday, 17 May 2003. Of the eligible voters, 52.15% participated in the referendum; 92.46% of voters answered positively to the referendum question, whereas 6.20% voted against. Thus, the referendum on Slovakia's accession to the EU became the first valid referendum in the Slovak Republic.

Subsequently, on 1 July 2003, the NC SR ratified the Treaty of Accession of the Slovak Republic to the EU by 129 members of Parliament out of a total of 150 members. MPs of the Communist Party of Slovakia voted against the Accession Treaty. President R. Schuster signed the Agreement, and on 8 October 2003, the Agreement was deposited with the Government of the Italian Republic.

4. Legal and Economic Support for Candidate Countries

Question No. 14

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

The assistance that the EC Member States have committed to providing has played an important role in supporting the transition and reform efforts of the candidate countries. It was approved by the Council on 18 December 1989 with the creation of the PHARE (Poland-Hungary Action for Reconstruction of Economy) programme. It was originally established only for the restructuring of the economies of two countries, Poland and Hungary. During 1990, the number of recipients of the PHARE project, which had long been the most important source of financial support,

²⁴ See Krunková, 2023, pp. 353–389.

²⁵ In addition to Slovakia, the referendum on EU accession was also held in Malta, Slovenia, Hungary, Lithuania, Poland, the Czech Republic, Estonia and Latvia.

expanded to include other countries (Slovakia). Since 1992, projects designed to strengthen democracy have also been supported under PHARE.

Funds to help transition economies flowed not only from the EC budget under the PHARE project, but also from individual member countries and financial institutions.

Furthermore, in 1989, the EC Commission was entrusted with the coordination of assistance from the G24 (an informal association of donor countries), including the International Monetary Fund, World Bank, OECD and Paris Club, which also increased the Commission's role in the further development of relations with the acceding countries.

Support for the Slovak Republic as a candidate country was significantly affected by the experience of applying political conditionality in 1994-98. Complicated political developments during that period led Union representatives to engage in domestic political developments in Slovakia to protect democratic rules and institutions. The lag in the process of integration into the EU conditioned the Slovak Republic's strategy in preparing the country for EU membership and accession negotiations, particularly the government's focus on closing negotiating chapters as rapidly as possible. However, the paradox of this accession strategy remains that some difficult-to-negotiate transition periods have not even entered into force, because the new government, which came into office after the 2002 elections, simply abolished them with its political reforms. This points to the lack of broad political consensus in parliament and often a low degree of coordination at the executive level.

5. Specific Rules Applicable to Candidate Countries Before and After Their 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.)?

The most difficult negotiating chapters were those in which Slovakia requested transitional periods. These were Agriculture, Free Movement of Capital, Free Movement of Services, Taxation, Environment and Energy. Except for the 'Agriculture' chapter, positive results were achieved in all other chapters. In the case of free movement of capital, Slovakia negotiated a seven-year transitional period for the acquisition of agricultural and forest land by foreign nationals. In the area of free movement of services, it was able to enforce the requirement of a three-year transitional period for investor compensation schemes. The preliminary closure of the 'Environment' chapter, which is the most demanding part of European legislation,

was extremely important. In the Energy chapter, Slovakia has reached a five-year transitional period to ensure mandatory emergency 90-day stocks of crude oil and petroleum products. In the chapter 'Taxes', Slovakia requested several transitional periods and exemptions for VAT and excise duties. At the conclusion of this chapter, Slovakia obtained seven transitional periods in total. Some other hard-earned exemptions from VAT (tax reduction in the field of gas, thermal energy, basic food-stuffs, construction and construction works) did not come into force, as the government changed the tax system as of 1 January 2004. Moreover, Slovakia received a permanent exemption for the fruit distillation by the growers, where a reduced excise duty was applied.

Question No. 19

Were There Any Country-Specific Transitory Provisions?

The Union has established seven transitional periods for Slovakia before accession for the introduction of the costliest environmental directives. The longest transitional period was set until 2015 for urban wastewater treatment.

The transitional periods on the part of the EU primarily concerned the free movement of workers to protect the labour market of the original Member States. After the enlargement of the EU by 10 countries in May 2004, eight of them (except for Malta and Cyprus) were subject to a transitional period for labour market opening in the then EU Member States. Thus, initially, Slovakia did not have the opportunity to fully exercise the freedom of movement of workers within the EU. However, this did not apply equally to all Member States – the United Kingdom, Sweden and Ireland did not apply the transitional period and made their labour markets available immediately after enlargement. Two years after Slovakia's joining, at the end of April 2006, Spain, Finland, Portugal and Greece also abandoned the transitional period. Moreover, in July 2006, Italy opened its labour market without restrictions. Belgium partially restricted access to its labour market until 2009. It gradually expanded the list of sectors in which it facilitated the employment of citizens of the new Member States. The Netherlands, Luxembourg, France and Denmark proceeded similarly. They first opened their market partially and completely ended the application of the transitional period only as of May 2009.

Question No. 20

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

The transitional period may be applied for a maximum of seven years under the EU Treaty. Therefore, the last phase of the transitional period ended in May 2011. Germany and Austria were the last to open their respective labour markets. Since 1 May 2011, Slovak citizens have been able to enjoy the freedom of movement of workers within the EU in all Member States without restrictions.

Slovakia became part of the Schengen area on 21 December 2007, however, it had already acceded to the Schengen Convention by signing the Treaty in Athens in April 2003. By joining Schengen, Slovakia assumed the obligation to ensure the security of other Member States in this area by protecting a 90-kilometer section of its external border with Ukraine. Two years later, Slovakia also managed to meet the conditions for joining the eurozone and began using the common currency, the euro, on 1 January 2009. Therefore, Slovakia is part of all key forms of cooperation in the EU, and in particular, eurozone membership has placed it at the heart of the ongoing integration efforts in the Economic and Monetary Union during the years of crises.

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