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## ON THE PROJECT

The future development of the European Union will be determined by two processes: the accession of thirteen or even more countries, and the ongoing process of internal reform and deepening of European integration, known as Agenda 2000. Both processes are closely linked and will change the face of the Union in the 21<sup>st</sup> century.

T.E.P.S.A. – Institutes in the 15 EU-countries and the four associated partner institutes from Central and Eastern Europe initiated this semi-annual stock-taking in order to monitor the main features and problems of the accession and negotiation process as well as positions and bargaining strategies of the actors involved. A standardised questionnaire was used by all institutes. Due to the specific position of the applicant countries, country reports from the Czech Republic, Hungary, Poland and Slovenia are presented in a separate section of this survey.

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This survey was conducted on the basis of a questionnaire, sent out in September 2001. Most institutes replied until November 2001. Issues of Enlargement-Watch are available on the World Wide Web (<http://www.tepsa.be>) and on the homepages of the T.E.P.S.A.-Institutes. The current issue covers the time period between March 2001 and October 2001.

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## Introduction

This issue no. 4/2002 of *Enlargement/Agenda 2000-Watch* presents the state of national debates in 12 member states and four applicant countries a few weeks before the European Council meeting in Laeken on 14/15 December 2001. The Laeken summit was not about enlargement, but about how to make an enlarged European Union more democratic and accountable and more transparent for both citizens and decision-makers. However, the Heads of State and Government stated that the accession process is now irreversible. Moreover, for the first time they named the ten candidate states – i.e. Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, the Czech Republic and Slovenia – that are expected to be ready for concluding the negotiations by the end of 2002. Thereby, the Laeken European Council confirmed the perspective that these countries can take part in the European Parliament elections in 2004 as members. Special efforts should be taken to accelerate negotiations with Bulgaria and Romania.

As to the member states themselves, the European Council emphasised that the Commission's road map for negotiations remains fully applicable. This means that the incoming Spanish Presidency shall negotiate the tricky chapters which all have financial implications, which are those on agriculture, regional policy and the budget. Here, negotiations shall be pursued on the basis of the present *acquis* which means that reform proposals, as for the Common Agricultural Policy, shall not become part of the negotiations. Policy reforms and accession negotiations shall remain separate arenas. It was also stressed in the Laeken conclusions that the principles decided in Berlin shall likewise be applicable. This ambiguous formula will not prevent the quarrels on the distribution of funds and financial transfers among the 15 member states. This is vividly reflected also in the country reports of this volume.

The country reports presented here show that there is a great awareness in all member states and, of course, the candidate countries that the future of the European Union – as outlined in the *Laeken Declaration* – is the future of the enlarged European Union. Thus, from their point of view all candidate countries but Turkey should be included in the preparation of the next Intergovernmental Conference namely the Convention. So there was a broad consensus on a maximum inclusive approach vis-à-vis the candidate countries. The ambition to enter into a broad and transparent debate on the agenda and the substance of the next Intergovernmental Conference reinforces this inclusive approach. Member states expect from the candidate countries that they will play an active and constructive role in the Convention. However, the new members are not expected to pursue revolutionary ideas, but support the traditional incrementalism of EU reforms. There is a general feeling that the candidates will join mainstream positions represented already in the European Union, but that the variation of interests and political goals and the diversity of historical backgrounds will increase and make decision-making in the European Union more difficult than ever. The ratification of the Nice Treaty proceeds according to national calendars, and there are no voices in member states reported that expect conflicting agendas or calendars for a reform and the enlargement. However, fine tuning remains necessary.

Despite the political commitment that the candidates will participate in the European Parliament elections as members, effective membership may well be the 1<sup>st</sup> January 2005. Still, governments of the member states think that the calendar for the completion of negotiations by the end of 2002 is very ambitious. There is a clear commitment of the Danish government to conclude the negotiations in December 2002 at the European Council in Copenhagen, the capital-city where back in 1993 the then 12 member states declared their political commitment for enlargement to the East. By now, there is little doubt that if the ten candidates which were referred to by the European Council in Laeken will proceed with their current efforts the EU will enlarge to an EU of 25 in the next round. This expected “big-bang” enlargement shall not turn down the principle of differentiation which is still upheld by the EU members and institutions.

Although it was difficult for the 15 governments to achieve a common position on the free movement of labour and services, the first results in negotiations based on this position are seen as fairly satisfactory. This is also because the 15 member states had to acknowledge national concerns, foremost in Austria and Germany. There were comparatively strong pressures from interest groups on the national governments but the solutions left room for all member states to pursue a more liberal national approach than the restrictive countries. Some like Sweden, Denmark, Ireland, and Spain will not impose limitations on the free

movement of labour and services. As far as the chapters are concerned that shall be negotiated over the next months and namely under the Spanish Presidency, agriculture, regional and structural policy and other budgetary questions stand out. Here the member states are in a wait-and-see-position as far as the draft common position by the Commission is concerned. The crucial chapters of the “end-game” are also sensitive ones with a view to public opinion which increasingly realises that enlargement of the Union is now just around the corner.

Overall one can say that in the EU member states the debate on enlargement merges gradually with the debate on the future of Europe and that there are good reasons to do so. The accession negotiations seem firmly on track and the candidate countries are increasingly drawn into the problems of the EU which soon will become their problems, too. In some countries and public debates the terrorist attacks of 11<sup>th</sup> September gave an additional impulse to conclude enlargement without any (further) delay. As quoted in the Danish report “If the enlargement process failed in December 2002, chaos will increase even more. And more chaos is not the response to the events on the 11<sup>th</sup> of September.”

Barbara Lippert

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## MAIN EVENTS FROM MARCH 2001 TO DECEMBER 2001

- 23-24 March 2001 A special European Council is held in Stockholm. The meeting aims to evaluate the progress of the EU towards reaching its strategic objective, set out by the Heads of State and Government last year in Lisbon: "the creation within a decade of the most dynamic and competitive knowledge-based economy in the world with the potential of sustainable economic growth, more and better jobs and greater social cohesion".
- 29-30 March 2001 A deputy-level negotiation meeting with the candidate countries is held in Brussels.
- 3 April 2001 In a speech in Berlin, enlargement commissioner Günter Verheugen mentions for the first time in an explicit manner that first accessions could possibly be expected in 2003/2004.
- 11 April 2001 The European Commission adopts its long-awaited draft common position on the free movement of labour after enlargement.
- 25 April 2001 The European Commission publishes its economic forecasts for the candidate countries (2001-2002).
- 30 April 2001 A conference is held by the ministers of Agriculture of the CEEC on the future of the Common Agricultural Policy (CAP) in Vilnius.
- 17-18 May 2001 A deputy-level negotiation meeting with Bulgaria, Latvia, Lithuania, Romania, the Slovak Republic and Cyprus is held in Brussels.
- 28 May 2001 The Committee of permanent representatives (Coreper) adopts its compromise on the free movement of persons after enlargement.
- 1 June 2001 A deputy-level negotiation meeting with Poland, Hungary, Estonia, Slovenia, the Czech Republic and Malta is held in Brussels.
- 11 June 2001 A ministerial negotiation meeting with the candidate countries is held in Luxemburg. Hungary and Cyprus are the first candidates to close the "free movement of persons"-chapter (for Cyprus, no restrictions concerning free movement of workers do apply).
- 15-16 June 2001 The European Council comes together in Gothenburg. The EU Heads of State and Government finally agree to offer the candidate countries the long-requested "target-date" for the completion of the accession negotiations. Accession negotiations thus shall be completed with the most advanced countries by the end of 2002 and the first countries of CEE shall accede in 2004 and hence participate in the 2004 elections of the European Parliament.
- 1 July 2001 Beginning of the Belgian EU-Presidency. According to its work programme the Belgian Presidency will mainly focus on the following issues: "Declaration of Laeken" on the future of Europe, smooth introduction of the Euro as well as defending and developing the "European social model". As to the issue of enlargement, it can hardly be considered a top priority of the Belgian Presidency, which declared that it firstly will adhere to the agreed road map for accession talks and secondly wants to ensure the "quality" of enlargement, which means a main focus on the candidates' administrative and judicial structures that can guarantee the effective application of the aquis.

25 July 2001	The European Commission adopts its White Paper on Governance that sets out the changes that, in its opinion, are needed to the way the Union is run, in the aim, notably, of bridging the gap that has formed between the European Union and its citizens.
27 July 2001	A deputy-level negotiation meeting is held in Brussels with Poland, Slovenia, Bulgaria, Romania, Hungary and Cyprus.
July 2001	First results of the Spring 2001 Eurobarometer confirm the weak EU citizen's enthusiasm for enlargement. Whereas citizens from the Mediterranean and the Nordic countries are most likely to favour EU enlargement (especially Greece with 70% of support), Austrians, Germans, French and Brits are among the least supportive.
5 September 2001	The European Parliament adopts in Strasbourg a general and comprehensive resolution on EU enlargement. The same day, individual country reports on all 12 negotiating candidate countries are approved by the MEPs. In its resolution, the EP expects that the candidate countries will have an advisory role until accession in the preparations for the next intergovernmental conference.
11 September 2001	A EU/Ukraine Summit is held in Yalta.
23 September 2001	General elections in Poland with an unexpected high support for openly anti-European parties.
18 October 2001	A European Council is held in Ghent. The terror attacks on the United States cast a shadow over the main discussion subjects of the summit (enlargement, introduction of the Euro). The EU Heads of State and Government adopt a declaration on the political aspects of the response to the international challenge to terrorism.
26 October 2001	A deputy-level negotiation meeting with the candidate countries is held in Brussels. The Czech Republic is the first candidate to close negotiations on the "free movement of persons"-chapter on the basis of the revised common negotiating position of the European Union guaranteeing an improved possibility for the candidate countries to protect their own labour markets against massive worker inflows from any other Eastern candidate after accession.
13 November 2001	The European Commission publishes its regular reports on the progress made by each of the 13 candidate countries on the way to accession and presents a Strategy Paper on the further enlargement process.
14-15 December 2001	A European Council meeting is held in Laeken. The Heads of State and Government adopt a "Declaration of Laeken" setting up a convention that, from March 2002 on, is to prepare the next Intergovernmental Conference and which will suggest alternative options as to the future reform of the European Union.

## **LIST OF ABBREVIATIONS**

<b>CAP</b>	Common Agricultural Policy
<b>CEEC</b>	Central and Eastern European Countries
<b>CFSP</b>	Common Foreign and Security Policy
<b>CIS</b>	Community of Independent States
<b>ECOFIN</b>	Economic and Finance Council (of ministers)
<b>ECJ</b>	European Court of Justice
<b>EMU</b>	European Monetary Union
<b>EP</b>	European Parliament
<b>ESDP</b>	European Security and Defence Policy
<b>FRY</b>	Federal Republic of Yugoslavia
<b>GD</b>	General Directorate
<b>IGC</b>	Intergovernmental Conference
<b>IMF</b>	International Monetary Fund
<b>ISPA</b>	Instrument for Structural Policies for Pre-Accession
<b>OECD</b>	Organization for Economic Co-operation and Development
<b>PCA</b>	Partnership and Co-operation Agreement
<b>PHARE</b>	Poland and Hungary: Action for the Restructuring of the Economy
<b>QMV</b>	Qualified Majority Voting
<b>SAA</b>	Stabilisation and Association Agreement
<b>SAPARD</b>	Special Accession Programme for Agriculture and Rural Development
<b>WTO</b>	World Trade Organization

## **Analytical survey by EU-countries**

**1. With regard to declaration no. 23 „Future of the Union“ of the Treaty of Nice a wider and deeper discussion on the future of the Union shall be started in 2001 and lead to an intergovernmental conference in 2004 dealing inter alia with the delimitation of powers between the European Union and the member states, the simplification of the treaties, the future role of national parliaments in the institutional system of the Union and the status of the Charter of Fundamental Rights of the European Union.**

- **Inclusion of applicants: How shall the applicants (including Turkey?) be included in the post-Laeken process?**
- **Input of applicants: Which input can be expected to the debate and negotiations on the future of the Union from the CEEC? Which “camps” will they probably join? Which dynamic can be expected?**
- **Ratification of the Nice Treaty: Do you expect problems in the further course of ratifying the Treaty of Nice? Which steps have already been taken to ratify the treaty in your country?**

**Which are the likely positions of your country (Government, political parties, pressure groups, wider public) with regard to the three points?**

## *Austria*

### *Inclusion of applicants*

Austria fully supports the equal participation of the applicant countries in the convention that shall precede the next intergovernmental conference.<sup>1</sup> The participation of the applicant countries in the conference itself was already agreed in declaration no. 23 of the Treaty of Nice.

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<sup>1</sup> See for example: Speech of Foreign Minister Benita Ferrero-Waldner in Stirin (Czech Republic) on 8 November 2001, <http://www.bmaa.gv.at/presseservice/index.html.de>.

As to the role of Turkey, Austria's government seems to have a wait-and-see attitude. Since the topic is politically sensitive, it is not to be expected that a clear position will be revealed prior to the decision taken on the European level.

### *Input of applicants*

In March 2001 Foreign Minister Benita Ferrero-Waldner announced a „strategic partnership“ with Austria's neighbouring applicant countries (Slovenia, Hungary, Slovakia, Czech Republic) and Poland. This partnership was initiated with a regional conference on 6 June 2001 in Vienna to which the foreign ministers of the five countries mentioned above were invited. The initiative was received with reservation by the applicant countries. As a first step, it was renamed „regional partnership“. Furthermore it was underlined that no structures or institutions shall be established.<sup>2</sup>

According to the Austrian Foreign Ministry the partnership shall be developed in two stages: 1) Intensification of relations, preparation of enlargement and inclusion of the applicant countries in the debate on the future of the European Union. 2) Identification of common interests which could form the basis of an „interest community“ of Central European States, similar to the Benelux- or the Scandinavian countries.<sup>3</sup>

Whether such an envisaged Central European „camp“ will actually emerge remains to be seen. Much will depend on Austria's ability to support actively the integration of the applicant countries in the European Union. Since the enlargement negotiations include several actual and potential conflicts between Austria and its neighbours it will be very challenging to define common interests in the short term.

### *Ratification of Nice Treaty*

On 11 May 2001 the ratification process of the Treaty of Nice started with a general debate in the National Council. On 18 October 2001 the parliamentary committee on constitutional affairs endorsed unanimously the ratification. On 23

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<sup>2</sup> „Der Standard“, 6.6.2001, 7.6.2001.

<sup>3</sup> Press conference of Foreign Minister Benita Ferrero-Waldner on 12 March 2001.

October 2001 the National Council unanimously agreed to ratify the Treaty of Nice. The next step in the ratification procedure will be the approbation of the Treaty by the federal chamber of the Austrian parliament. Since all parties support the Treaty no problems are to be expected. The ratification should be concluded by the first half of next year.

In spite of the unanimous decision to ratify the Treaty of Nice the assessment of the treaty by the political parties was quite different.<sup>4</sup> The opposition parties criticised the treaty for several reasons (democratic deficit, even more complicated decision making process) but acknowledged the over-all importance of its ratification to support the enlargement process. The People's Party stressed that the treaty provides the institutional preconditions for enlargement, that it represents a well-balanced compromise and that important Austrian interests had been successfully defended. The Freedom Party exclusively stressed the latter point. Austria had defended unanimity voting in all its priority areas (water resources, land use etc.), it can continue to nominate a member of the Commission at least until the Union has 27 members and Article 7 of the EU-Treaty was revised after the experience with the so-called sanctions against the Austrian government in the year 2000.<sup>5</sup> The main reason for the Freedom Party to vote for the ratification of the treaty was probably that it currently is a government party. The Freedom Party had voted both times against the entrance of Austria into the EU and against the ratification of the Treaty of Amsterdam.

## **Belgium**

### *Inclusion of applicants*

The future of the European Union is one of the main topics of the Belgian Presidency, as the Declaration of Laeken will be a thorough reflection on the matter. The applicant countries shall be included in the post-Laeken negotiations

as members of the Convention related to the forthcoming IGC 2004.

### *Input of applicants*

Enlargement provides questions about certain common policies, in particular the CAP and structural policies. Is it necessary and possible to maintain an expensive agricultural policy and how can the basic principle of 'economic and social cohesion' be applied best in an enlarged union ?

### *Ratification of Nice Treaty*

Concerning the ratification of the Treaty of Nice, no concrete steps have been taken so far. A former Minister from the Christian-Democratic Party (CD&V), now in the opposition, stated that the ratification will be "a challenge that might influence the debate and the negotiations on the future of the European Union"<sup>6</sup>: he noticed some tendencies (among others in the EP) to link the ratification of the Treaty in the national parliaments to the contents and the engagements of the Declaration of Laeken, and even to make the ratification depending on this.

## **Denmark**

### *Inclusion of applicants*

Denmark strongly supports the inclusion of the CEECs in the post-Laeken process. Indeed, Denmark can accept that the CEECs should also have voting rights in the Convention. Denmark has so far not taken an official position on Turkey.<sup>7</sup>

### *Input of applicants*

Judging from the positions of the applicants in the run up to the Nice conference, the Danish

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<sup>4</sup> See for example: *Parlamentskorrespondenz* Nr. 349 (11.5.2001) and Nr. 697 (23.10.2001).

<sup>5</sup> See also *Enlargement/Agenda 2000 Watch* 3/2000.

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<sup>6</sup> Source: <http://www.cvp.be/hvanrompuy.dagvoordag/2001/20%2D03%2D01.htm>; own translation

<sup>7</sup> Interview, Danish MFA, October 2001.

Government expects the CEECs to take up “mainstream positions”. Historically, new members have always taken a position equivalent to the one of the EU-majority.<sup>8</sup>

### *Ratification of Nice Treaty*

The Danish Parliament ratified the Treaty of Nice – as the first country – on the 1<sup>st</sup> of June. 98 voted in favour (Social Democratic Party, Liberal, Christian People’s Party, Socialist People’s Party, Social Liberals and Conservative People’s Party), 14 against (Danish People’s Party, Red Green Alliance and four independent parliamentarians).<sup>9</sup>

The ratification hardly stirred any public debate. The actual discussion on Nice immediately came to a halt when it was clear that there would not have to be a referendum. To be sure, the Irish no created some debate. Especially the Danish “no-side” made the argument that the Treaty of Nice was now “dead” and that it was not really necessary for enlargement. The statements by Romano Prodi in Ireland (where he initially argued along similar lines) were seen as confirmation of this position.

There has been no public debate on the CEEC’s participation in the Convention. The debate on how the CEECs could influence the new EU has also been rather scarce. However, in contrast to other small states, there is generally no fear that enlargement will dilute the Union and influence its efficiency negatively. As a matter of fact, a certain dilution is looked upon as positive – preventing the EU from taking too many decisions.

### *Finland*

#### *Inclusion of applicants*

The government position is that the applicant countries should be incorporated on an equal basis in the convention, including representation of both the governments and the parliaments. Turkey’s role, however, should be decided

separately. There seems to be a wide consensus on the importance of incorporating the applicants: for example, the Grand Committee of the Finnish Parliament (Eduskunta), responsible for EU affairs, has called for a broad-based preparation for the next IGC and it would also include the accession countries on an equal basis.<sup>10</sup>

#### *Input of applicants*

The government position is that active participation of applicants is important in the process. It is, after all, the future of the Union that is being debated. The Government does not expect the new member states to join any “camps” as in the EU there are usually no permanent coalitions between the member states but rather *ad hoc* ones. According to Prime Minister Paavo Lipponen, rather than creating new camps, the enlargement can in fact contribute to an even greater variation of interests and political goals within the European Union, resulting in growing burden on the decision-making capacity of the Union.<sup>11</sup>

Interestingly, the negative experiences concerning the negotiation of the Treaty of Nice (which were discussed in the previous issue of the Enlargement Watch) combined with the on-going enlargement seem to have resulted in some new thinking in Finland about the role of “blocs” within the European Union. Previously Finland has tried to avoid the image of any stable Nordic bloc emerging in the Union but recently especially the Prime Minister Lipponen and Defence Minister Jan-Erik Enestam (also responsible for Nordic affairs) have suggested that increased Nordic co-operation within the European Union would be beneficial in order to ensure that the small Nordic member states have enough clout in an enlarged Union.<sup>12</sup> Lipponen

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<sup>8</sup> Interview Danish MFA, October 2001.

<sup>9</sup> One parliamentarian was neutral.

<sup>10</sup> *Keskisuomalainen*, 3 October 2001. Unless otherwise specified, the answers are based on information from the Finnish Ministry for Foreign Affairs.

<sup>11</sup> Cf. Paavo Lipponen, *The Future of the European Union After Nice*, speech at the European University Institute, Florence, 9 April 2001 (available at <http://valtioneuvosto.fi/liston/vnk.lsp?r=1911&k=en&old=2079>).

<sup>12</sup> Lipponen’s ideas were articulated in his book which was published to celebrate his 60th birthday. Paavo Lipponen, *Kohti Eurooppaa* (Helsinki: Tammi,

has gone even further and suggested that Norway as well as Iceland should become members of the Union as soon as possible.<sup>13</sup>

### *Ratification of Nice Treaty*

The ratification process of the Treaty of Nice began in June, the preliminary debate taking place in Eduskunta on 18 June. Before Eduskunta can vote on the ratification of the Treaty, it must be discussed in the Foreign Affairs Committee, the Legal Affairs Committee and the Constitutional Law Committee. The Constitutional Law Committee has already concluded its deliberations, according to which the Treaty of Nice does not include such elements that would require amendments to the Finnish constitution. Therefore, the ratification can be done by a simple majority vote in Eduskunta. The Committee proceedings have progressed smoothly and the ratification can be expected to take place by Christmas 2001.

## **France**

### *An unprecedented debate on Europe*

Debate on Europe in France is usually confined to very senior administrators or politicians. However, as the Nice European Council has called for a “large debate” on the future of Europe,<sup>14</sup> this has been taken rather seriously in France.

The minister of European affairs, Pierre Moscovici, was charged with the organisation of the debate which took place at departmental, regional and national level. A “Wise men committee” of ten “personalities” chaired by Guy Braibant, former representative of the Head of State and Government of France to the Convention for the Charter of fundamental rights, was asked to steer and, later, to summarise the debate. The group drafted a first “question-paper” which was largely diffused and

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2001). See also Jan-Erik Enestam, ‘Pohjoismaista yhteistyötä tarvitaan EU:n laajentuessa’, *Helsingin Sanomat*, 1 July 2001.

<sup>13</sup> *Keskisuomalainen*, 20 April 2001.

<sup>14</sup> Declaration No. 23, annexe to the Treaty of Nice.

communicated to a very large number of different social and political actors.

All in all, twenty-three regional debates were completed by twenty debates organised at the departmental level by the *préfets*, as well as by a lower number of national debates on specific topics, such as “the actors of social Europe”, “French civil service and Europe”, “the Environment” and “the future of the European judicial space”.

The result was presented in a 165-pages report on November 19<sup>th</sup> to Prime Minister Lionel Jospin and President Jacques Chirac, in time to be taken into account for the Laeken Council.<sup>15</sup> The report specifies the position of major social and interest groups, institutions and public opinion.

### *Input and Inclusion of applicants*

Generally speaking, these topics have not really been addressed by the debate on the future of Europe. Enlargement remains a largely abstract phenomenon in France, even though some actors try to defend very specific interests in the context of the enlargement process (see question 2, public opinion). The above quoted report *Dessignons l'Europe ensemble* is not very explicit on either inclusion or input of applicants to the post-Laeken process. Party or assembly group declarations<sup>16</sup> have been very general and none of them has specified the degree of involvement of candidate countries in current debates.

More precisely, regarding the inclusion of applicants into the Convention aimed at preparing the next intergovernmental conference, a French position does exist. The French government has advocated that all the applicants, including Turkey, should benefit from the same status. A diplomat interviewed on the subject, underlined this point which shows once again<sup>17</sup>

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<sup>15</sup> See Guy Braibant, « Introduction », *Ensemble, dessinons l'Europe*, Rapport du Groupe « Débat sur l'avenir de l'Europe », Paris, 19 November 2001 ; downloadable in French, English and German at <http://www.diplomatie.gouv.fr/avenir/rapport.html>

<sup>16</sup> Cf. Parties' contributions to the « Debate on the future of Europe », can be accessed on <http://www.assemblée-nationale.fr/>; *Ensemble, dessinons l'Europe*, op. cit., pp. 121-133.

<sup>17</sup> See for instance Enlargement/Agenda 2000 Watch, Pilot issue, October 1998, p. 37.

French support for Turkey as well as a difference between France and Germany on that issue. In this case, the French could rely on the conclusions of the Helsinki European Council which stated that Turkey was henceforth like any other candidate. That being said, one should bear in mind that France did not favour the idea of giving the same status to candidate countries and to member states. Consequently, the French were satisfied with the solution envisaged by the General Affairs Council in October 2001 – that the candidate countries should be associated with the Convention, but as observers. This status would allow them to take part in the debate, but not in the votes.<sup>18</sup> According to statements from the French minister of Foreign Affairs, it could be argued that in the absence of votes, France would also not favour that representatives of these countries participate in the consensus formation.<sup>19</sup> This last point illustrates that, from a French point of view, input from the CEEC can be expected rather to the debate, than to the negotiations on the future of the Union. Therefore, questions related to camps they will probably join are not really addressed in France.

### *Ratification of Nice Treaty*

The Treaty has been ratified without much debate by the French chambers by the Law n° 2001-603 of 10 July 2001. Both the *Assemblée nationale* and the *Sénat* ratified the Nice Treaty without major discussion after favourable reports by the respective foreign affairs committees of the two chambers.<sup>20</sup>

Even though the media, as well as several French Euro-MPs had been very critical of the Treaty at the moment of the Nice European Council and the following weeks, there was very little debate

surrounding the ratification of the Treaty. The Irish “No” was of course commented upon, but did not induce any serious and fundamental debate about the French ratification of the Treaty.<sup>21</sup> Hence, there was no particular public opinion upsurge related to this item.

The absence of major debate is due to several elements. First, Europe remains largely consensual among French politicians. “Souverainiste” – i.e. republican-nationalist – coalitions or parties, such as those of Charles Pasqua and Philippe de Villiers on the right and Jean-Pierre Chevènement on the left proved unable to create a real debate in spite of large media coverage. The government parties – Socialists, Greens and Communists – all globally favour European integration and would therefore avoid voting against a treaty and being labelled “anti-European”.

On the right, the situation is similar: the gaullist RPR, president Chirac’s party has avoided any public criticism while the traditionally pro-European liberal UDF party has long maintained a neutral position. The UDF Euro-MP Jean-Louis Bourlanges had in fact voiced open criticism in the aftermath of the Nice European Council,<sup>22</sup> but there has been little debate since. It is to be expected, though, that UDF presidential candidate François Bayrou takes up the issue in the currently starting presidential campaign. The launch of the candidacy has been marked by first criticisms of the “meagre” balance in European affairs and the deceiving outcomes of the French presidency.<sup>23</sup>

Second, in case of *cohabitation*,<sup>24</sup> foreign policy as well as European policy responsibility are shared between Prime minister and President. Since the beginning of the current cohabitation in 1997, there has been little open disagreement on European matters between Jospin and Chirac. Hence, the results of Nice cannot be attributed to just one of them.<sup>25</sup> Therefore, both on the left and

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<sup>18</sup> *Agence Europe*, 08/09 October 2001.

<sup>19</sup> Hubert Védrine, press conference, 8 October 2001 (available on the site of the ministry of Foreign Affairs: [www.doc.diplomatie.gouv.fr/BASIC/epic/www/doc/SF](http://www.doc.diplomatie.gouv.fr/BASIC/epic/www/doc/SF)).

<sup>20</sup> Rapport numéro 3092 de M. Michel Vauzelle, député, fait au nom de la commission des affaires étrangères de l’Assemblée nationale ([www.assemblee-nationale.fr/rapports/r3092.asp](http://www.assemblee-nationale.fr/rapports/r3092.asp)); Rapport numéro 406 de M. Xavier de Villepin, fait au nom de la commission des affaires étrangères du Sénat ([www.senat.fr/rap/100-406/100-406.html](http://www.senat.fr/rap/100-406/100-406.html)).

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<sup>21</sup> See « Les Quinze excluent une renégociation du traité de Nice » *Le Monde*, 12 June 2001.

<sup>22</sup> See « Il ne faut pas ratifier le Traité de Nice », *Le Monde*, 13 December 2000.

<sup>23</sup> « François Bayrou officialise sa candidature à l’élection présidentielle », *Le Monde*, 27 November 2001.

<sup>24</sup> Government and president from opposing parties.

<sup>25</sup> Also, see more detailed explanation in Nice-Update, March 2001.

on the right, politicians have hesitated to attack the other side on European matters. But, here again, the beginning presidential campaign could put an end to truce in this area.

Finally, given the many criticisms heard abroad about the French Presidency of the EU and the provisions of the Nice Treaty, one cannot rule out the idea of a 'united front' among French MPs.<sup>26</sup> With that in mind, to ratify the Treaty so quickly is a way to defend it, as well as a means to 'turn the page' and to move to something else, for instance to the debate on the future of Europe (see above).

## **Germany**

### *Inclusion of applicants*

As laid down in the declaration no. 23 "Future of the Union" the Conference "shall not constitute any form of obstacle or pre-condition to the enlargement process. Moreover, those candidate States which have concluded accession negotiations with the Union will be invited to participate in the Conference. Those candidate States which have not concluded their accession negotiations will be invited as observers."

As the German chancellor declared in his government policy statement on 12 December 2001 it will be important that the applicant countries are represented in the Convention because their future will be discussed, too.<sup>27</sup> Earlier in 2001, he stated that the candidate countries shall be invited to participate in the Convention from the beginning on. With regard to the building up of the Convention, Mr. Schröder stated that the Ministers of Foreign Affairs of the EU member states have reached an agreement to a large degree.<sup>28</sup>

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<sup>26</sup> The report published by the National Assembly ,la présidence française: échec ou réussite?' appears sometimes as a plea for the French Presidency (can be accessed on <http://www.assemblée-nationale.fr/>).

<sup>27</sup> Regierungserklärung von Bundeskanzler Gerhard Schröder zum Europäischen Rat in Laeken vom 12.12.2001, Plenarprotokoll 14/207 des Deutschen Bundetages vom 12.12.2001.

<sup>28</sup> Regierungserklärung von Bundeskanzler Gerhard Schröder vom 18.10.2001.

Foreign minister Fischer expresses the wish that the candidate countries will play a strong and active role in the Convention. Moreover, he is asking the accession countries to interfere intensively in the debate on the future of the Union.<sup>29</sup> In his view, the important questions that will be decided by the IGC have to be debated in a more public way than in the past.<sup>30</sup> With respect to a meeting of minister Fischer with his Czech colleague Mr. Kavan, Fischer underlined that Germany will undertake strong efforts that the Czech Republic and other candidate countries will participate fully in the Intergovernmental Conference in 2004.<sup>31</sup> The social-democrat party emphasises that view of the government: In its policy paper on the European Union, the Party underlines explicitly that the governments and the population of the accession countries have to participate in that process.<sup>32</sup> For the conservative party, the President of the committee on European Affairs, Mr. Pflüger, proposed three options: The candidate countries should be treated as member states, there will be one representative of each candidate state or an evolutive model with one representative in the Convention until the accession treaty is ratified and afterwards a representation like a member state.

The Conférence des Organes spécialisés en Affaires communautaires (COSAC) underlines the important role that the parliaments of the member states and of the candidate countries, as well as the European Parliament, should play in the debate on the European Union's future. These parliamentary bodies should be suitably represented in the Convention. The size of the delegations at COSAC ensures that different

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<sup>29</sup> The Hungarian Minister for Foreign Affairs, Mr. Martonyi, pointed out that Hungary will play an active role in the debate on the future of the Union, Magyar Nemzet, 01.12.2001.

<sup>30</sup> Joschka Fischer: Zukunft Europas und der Europäischen Union, Rede des Bundesministers des Auswärtigen Joschka Fischer, 30. April 2001.

<sup>31</sup> Joschka Fischer/Jan Kavan: In der Mitte Europas: Die EU-Mitgliedschaft wird das Verhältnis von Deutschen und Tschechen positiv prägen", SZ vom 18.07.2001.

<sup>32</sup> SPD-Leitantrag, Verantwortung für Europa, für den SPD-Bundesparteitag in Nürnberg, 19.-23.11.2001.

political views from each country are represented.<sup>33</sup>

In the run-up to the discussion on the organisation and the functioning of the Convention, the manner of participation of the candidate countries has been connected to the question if the Convention will propose reforms by an unanimous adoption of proposals (consensus) or if there will be a voting allowing the Convention to express a view supported by the majority of its members and the opinion of minority on a certain topic as well. The Convention on the Charter of fundamental rights which can be regarded as the model for the new Convention worked on the basis of the consensus method. As shown in their declaration on the future of the European Union, the European Commission prefers the second procedure. The character of the participation will be quite different for the candidate countries as well as for the member states depending on the method agreed by the Laeken summit.

As the German government stated early this year Turkey will enter into the accession negotiations after fulfilling the political criteria set by the European Union in Copenhagen. The pre-accession agreement aims to prepare Turkey for the accession negotiations. But there is no timetable for the beginning of the accession talks between Turkey and the Union. With regard to Turkey's participation in the Convention, it could be supposed that Turkey will be treated as the other candidate countries as soon as the negotiation process with Turkey has started.<sup>34</sup>

#### *Input of applicants*

Together with his Czech colleague Kavan, the German minister of Foreign Affairs Fischer welcomed the debate on the future of the Union. That debate will give expression to the challenge of a Union of 27 or even more members: There is a direct link between the enlargement of the Union and the necessary far-reaching reforms of

the Union. Therefore, the current and the future member states of the EU are forming a community of interests in the debate on the Union's future.<sup>35</sup>

It seems that the accession countries have formed no clear model on European integration so far. Obviously, intergovernmental mechanisms and short term reflections dominate the attitude of the accession countries with regard to their EU membership. Moreover, the EU-future debate is regarded as an issue which is mainly interesting for the current member states. The candidate countries are more concerned about the when and how of enlargement. However, membership will mean for the CEEC applicant countries to give up a certain part of their national identity and sovereignty which they re-gained a few years earlier. Due to that fact, the scope of action for the governments of the CEEC may be limited by taking into account the sensitivities of the population, interest groups etc.

On the European level they will have to take part in the interaction and the coalition building of the European decision-making process to gain acceptance and support for their objectives. The experience with that kind of acting can be considered as low in the candidate countries. Furthermore in the candidate countries, the gap of information and interest with regard to the post-Nice-process is even higher than in the current member states. The co-operation between parties and between the parliamentary committees on the national side or between the national Parliaments and the European Parliament is to be seen as weak so that a joined discussion on this issue will not take place. The governments are informing the population and the civil society about the accession by special campaigns but a dialogue between the government and the civil society which is foreseen in the debate on the future of Europe will probably overtax the population and the governments in the CEECs. By this, the accession countries lack an informed public opinion on the future of the Union and

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<sup>33</sup> COSAC, XXVth COSAC: Contribution addressed to the European Council, adopted on 5 October 2001, download: [www.cosac.org](http://www.cosac.org); COSAC, COSAC XXIV in Stockholm, May 2001, The future development of the European Union, download: [www.cosac.org](http://www.cosac.org).

<sup>34</sup> Deutscher Bundestag Drucksache 14/5232, schriftliche Anfrage, S. 66.

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<sup>35</sup> Joschka Fischer/Jan Kavan: In der Mitte Europas: Die EU-Mitgliedschaft wird das Verhältnis von Deutschen und Tschechen positiv prägen", SZ vom 18.07.2001.

information is concentrated on entering the EU.<sup>36</sup> With regard to the camps the candidate countries will join in the debate on the Future of Europe, the positions presented by the accession states are still in the spectrum of those introduced in the debate by the current member states. It should be underlined that the candidate countries are interested in a strong and efficient Union providing the structural settings to avoid an unequal membership. However, there will not be an automatic agreement e.g. on the extension of qualified majority voting by the new members limiting their own sovereignty.<sup>37</sup>

### *Ratification of Nice Treaty*

In the aftermath of the summit of Nice in December 2000 there had been some criticism on the Treaty of Nice. The German Government has seen as satisfactory the end-result of the summit: A compromise has been found with regard to the left-overs of the Amsterdam agreement and the institutional provisions of the Treaty of Nice open up the way for the accession of new members. However, the German Government wanted to go further in some issues discussed in Nice. By limiting the mandate of the IGC in 2000 to the left-overs a far reaching reform of the Union had been hampered. As chancellor Schröder stated the large member states should have been more willing to compromise with regard to the small ones.<sup>38</sup> The opposition parties

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<sup>36</sup> Villa Faber Group on the Future of the EU, Thinking enlarged. The Accession Countries and the Future of the European Union. A strategy for Reform, p. 1-2.

<sup>37</sup> It is worth mentioning that the accession of new members will completely change the existing system of coalitions. The present member states have to seek new partners while the candidate countries shall build up coalitions with the old member states to realise their political aims on the European level, see Barbara Lippert: Neue Zuversicht und alte Zweifel: die Europäische Union nach ‚Nizza‘ und vor der Erweiterung, in: integration 2 (2001), here: p. 187-189.

<sup>38</sup> Frankfurter Allgemeine Zeitung, 12 December 2000, p.1 and 2; Gunter Pleuger, Der Vertrag von Nizza: Gesamtbewertung der Ergebnisse, in: integration, 1 (2000), p. 5-6; see also Enlargement/Agenda 2000-Watch 3/2000, Nice-update, download: [www.iep-berlin.de](http://www.iep-berlin.de).

in the German Bundestag regarded the Treaty of Nice almost positively but with caution. Even it was not a far reaching agreement, Angela Merkel, the leader of the conservative CDU welcomed the result and underlined the will to compromise of chancellor Schröder throughout the summit. The liberal party pointed out that with regard to the institutional provisions a correction will be necessary to get the Treaty of Nice ratified in the German Bundestag.<sup>39</sup> Only the PDS, the socialist party, refused the Treaty of Nice and proposed a motion for the re-negotiation of the Treaty of Nice in the German Bundestag in June 2001. In its view, the agreement of Nice did not reform the important issues like the common agricultural policy, the structural policy and the financing system of the Union. Moreover, the new provisions of the institutional system are not satisfying with regard to a Union of 20 or more members. Therefore, the German Bundestag should separate the accession process from the ratification of the Treaty of Nice and thus avoid to make the candidate countries pay for the wrong decision of the Union.<sup>40</sup>

In this context it is worth mentioning that in Germany none of the major parties is strictly opposed to the European Union. There is an overall consensus in the Bundestag to support the process of European integration in general. For this reason and despite all the deficits of the Treaty of Nice which had been mentioned earlier, no real problems were to expect during the ratification process of the agreement. Therefore, the basic disapproval of the Treaty of Nice by the PDS should not be overrated.

With regard to the ratification procedure, no referendum on international or European treaties is foreseen in the German constitution. The German Bundestag and the assembly of the German Länder, the Bundesrat, have to vote on the issue (article 23 of the German constitution). However, if it will just be a transfer of power to the Union, the Bundestag votes the subject by simple majority and the Bundesrat only has to approve it. As far as treaties are concerned which

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<sup>39</sup> Süddeutsche Zeitung, 12. December 2000, p.1; Enlargement/Agenda 2000-Watch, 3/2000, Nice-update.

<sup>40</sup> heute im Bundestag, no. 183, 28 June 2001; heute im Bundestag, no. 262, 10 October 2001.

will found or change the contractual basis of the European Union and which require to modify or to amend the German Constitution, a two thirds majority in the Bundestag and the Bundesrat will be necessary (article 23 paragraph 1 in conjunction with article 79 paragraph 2 and 3 of the German Constitution).

That question arose during the ratification process of the Treaty of Nice. On 17 October 2001, the committee on the Affairs of the European Union of the German Parliament agreed the Treaty of Nice with the majority of the social democratic, the green, the conservative and the liberal party. Only the PDS (the socialist party) voted against. The committee recommended to adopt the Treaty in the plenary session of the Bundestag on 18 October 2001. However, the committee on the Affairs of the European Union as well as the committee on legal questions pointed out that to this end a two thirds majority in the Parliament would be necessary because the Treaty of Nice will require constitutional amendments. With regard to issues like the migration policy or asylum, the new European Treaty would provide qualified majority voting in spite of unanimous decision making that has to be used until then. Moreover, the re-weighting of votes changed the structural settings within the Union. Therefore, the German government could be outvoted on the European level. For this reason, a constitutional amendment would be necessary and the German Parliament would have to agree by two-thirds majority and the Bundesrat as well.

However, the German government argued that not every transfer of power to the European level needs a majority for a constitutional amendment. With regard to the Treaty of Nice, there will be less or no further transfer of power to the Union. By this, no constitutional amendments are required and the Parliament could vote the Treaty of Nice by a simple majority and the Bundesrat would just have to adopt the agreement, as the ratification draft bill of the government proposed.<sup>41</sup>

Finally, the German Government followed the view of the committees and the Treaty of Nice had been voted in the German Bundestag by a two-thirds majority with 570 against 32 votes and

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<sup>41</sup> Heute im Bundestag, no. 261, 10.10.2001; Blickpunkt Bundestag, 09/2001.

2 abstentions (one from the PDS and one from the liberal Party) on 18 December 2001.<sup>42</sup>

For the social democrats, one of the governing parties, the spokesman for European affairs of the party, Mr. Gloser, welcomed this vote as success. The Treaty of Nice would create the necessary precondition for the enlargement of the Union. Furthermore, he is very pleased that the IGC in 2004 will be prepared by a Convention in which the national parliaments and the European Parliament will be represented. In his view, the convention model represents a very new method to form the European integration. The national Parliaments will no longer be obliged to simply agree on the Treaties but can actively co-operate in formulating the agreements.<sup>43</sup> Mr. Christian Sterzing of the second governing party "Bündnis 90/Die Grünen" pointed out that with the Treaty of Nice the EU is not only willing but even capable to accept new members. With regard to the Convention the debate on reforms of the Union will become more democratic due to the representation and the influence of the members of parliaments from the national and the European side. By this, the discussion on the future of the Union will be transferred from pure national interests and reflections to a more European view.<sup>44</sup> The conservative party, the main opposition party in the German Bundestag agrees the Treaty of Nice, as it makes going on enlargement of the Union and opens the way for a European Constitution. However, Mr. Peter Hintze declared that the Treaty is unsatisfying because the functioning of the Union will not been approved. Especially, the Council would have to be reformed to make it a more democratic and efficient institution. In his opinion, a real separation of powers should be introduced in the European institutional system.<sup>45</sup>

The liberal party stressed that the Treaty of Nice contains a lot of deficits. However, the party voted for the Treaty to open the constitutional and reform debate of the Union by the

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<sup>42</sup> Heute im Bundestag, no. 272, 17.10.2001; Blickpunkt Bundestag, 09/2001.

<sup>43</sup> Blickpunkt Bundestag, 09/2001; Heute im Bundestag, no. 262, 10.10.2001.

<sup>44</sup> Blickpunkt Bundestag, 09/2001.

<sup>45</sup> Blickpunkt Bundestag, 09/2001; Heute im Bundestag, no. 262, 10.10.2001.

Convention and not to hamper enlargement of the EU.<sup>46</sup> As mentioned above, only the socialist party (PDS) disagrees completely with the Treaty of Nice and voted against it. The party is of the opinion that the Treaty of Nice blocks the deepening of the European integration process, provides no further democratisation of the Union and is missing a social component as well as legally binding fundamental rights.<sup>47</sup> The Bundesrat, the chamber of the German Länder, unanimously approved the ratification bill of the Treaty of Nice the 9<sup>th</sup> November 2001; a two-thirds majority had been necessary.

Germany adopted the Treaty of Nice after France, Luxembourg, Portugal and Denmark.<sup>48</sup>

## *Greece*

### *Inclusion of applicants*

Greece has been putting quite a lot of emphasis on the future institutional change in the EU. To give a tangible example, this item has been present in Prime Minister's C. Simitis speech at the Salonika Trade Fair of September 7<sup>th</sup>, a speech normally devoted to economic policy issues: "...for us, an institutionally strong EU is a paramount necessity for global stability". He underlined that "the critical factor for Greece's positive future is our participation to the EU: we will soon be called upon to decide along with all other Europeans 'what Europe do we want', how to build a stronger Europe in the international system, better suited to its citizens' needs. [...] Our perspectives as a country will depend on the outcome of the EU negotiations". As he further remarked in his position paper presented at the Socialist Party's (PASOK) 6<sup>th</sup> Congress of 11 October 2001, "... we (*Greece, A. D. Papayannides*) must have a stronger voice in the context of the formation of our common European future. [...] The (*Greek, A. D.*

*Papayannides*) Presidency of the Union in 2003 is our chance to show a Greece with a European voice with integrated initiatives for our common institutional issues, our common interests and our common vision. [...] We will build a Strong Society [...] through the establishment of a true European perspective. [...] We want a Europe which embodies democratic principles, with man and human interests as its centre".

At the same time, Greece remains firmly positive towards enlargement in its widest form. Still, the matter of including applicants into the debate on the "Future of the Union" has not raised public interest, with the possible exception of positive comments on Belgian PM Verhofstadt's negative indications concerning Turkey's inclusion into such a process (see "TO VIMA" of November 5<sup>th</sup>, Sunday "VIMA" of November 11<sup>th</sup>).

### *Input of applicants*

This rather loose position implies that no real opinion exists in Greece as to how the future EU members might influence institutional debate. Greece's up-to-now "natural" tendency to side with countries with less-developed economies (to form "a front of the South" or a "Objective-1 front") should be nowadays carefully weighted with the present Government's ardent wish to have Greece's Euroland status evolve into participation to an EU "inner core"; the latter would make any real input from CEEC countries to institutional equilibria less welcome, were it perceived to "dilute" EU decision-making. (The papers of P.M. C. Simitis and of Opposition chief C. Karamanlis in the collective work "From Amsterdam to Nice", Kritiki, Athens 2001, along with the paper of Greece's representative to the IGC I. Ioakimidis make this quite evident).

### *Ratification of Nice Treaty*

Greece has had no problem ratifying Maastricht or Amsterdam: no problems are to be expected in Nice ratification. Less than 4% of MPs might cast negative votes, while only one parliamentary party (the hard-line Communists, KKE) is seriously opposed. Ratification proceedings have not been initiated, though, with the afterthought that until the "Irish impasse" is solved, Nice ratification has no real meaning.

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<sup>46</sup> Blickpunkt Bundestag, 09/2001; Heute im Bundestag, no. 262, 10.10.2001.

<sup>47</sup> Blickpunkt Bundestag, 09/2001; Heute im Bundestag, no. 183, 28.06.2001; Heute im Bundestag, no. 262, 10.10.2001.

<sup>48</sup> FAZ.NET – Uptodate Politik Aktuell, 09.11.2001.

## ***Ireland***

### *Inclusion of applicants*

The Irish official approach would be “to the greatest extent possible”.

### *Input of applicants*

It appears from their input with the Nice Treaty that they will not be in favour of radical reforms and would prefer stability of institutions. They are likely to adopt a fairly conservative approach. The dynamic suggested is concentration on the issues agreed at Nice.

### *Ratification of Nice Treaty*

The Irish Government has failed in a Referendum to obtain popular support for ratification. There is as yet no Government commitment to a further referendum but there is some expectation that this will be the course decided upon. A “national” debate on the issues raised around Nice and the future of Europe will first be conducted, starting on October 2nd. Discussion at Union level might be expected during the Spanish Presidency.

## ***Italy***

### *Inclusion of applicants*

At the informal meeting of the European Council of Gent last October, Italy’s position was to support the participation of the candidate countries through observer status at the Convention. With regard to the participation of Turkey, Italy tends to find that this country should be included in the post-Laeken process and participate in the Convention, provided EU-Turkey relations will develop positively on the major points of negotiation.<sup>49</sup>

### *Input of applicants*

Italy expects that the candidate countries will probably insist on the principle of solidarity to translate into continued support for the structural and regional funds, a more pro-active EU policy towards the nations on their own eastern border (Russia, Ukraine, Belarus, etc.), and the adoption of accompanying measures to facilitate their rapid integration into the common market. In Italy there is a widespread concern that the candidate countries would rather support the more sceptical views on a closer European integration.

### *Ratification of Nice Treaty*

In the Italian Constitution the power of ratification of an international treaty rests with the President of the Republic (Article 87). Nonetheless, he needs the authorisation of the Parliament, through a majority vote, in both the House of Representatives and in the Senate, before he is entitled to ratify. In all cases treaties will be examined and debated in Parliamentary Committees before they are put to vote in plenary session. It is important to note that the Parliament can only approve or reject an international treaty; it does not have the right to introduce amendments or to attach conditions to its approval. Finally, the grant authorisation to the President of the Republic to ratify may not be made subject to popular approval through the holding of a referendum (Article 75 of the Constitution).

The reading of the draft law to ratify the Treaty of Nice started at the Chamber of Deputies on 15 November<sup>50</sup>. The debate promises to be lively in view of the interests at stake, but the ratification of the Treaty should not be delayed as it occurred for previous treaties.

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<sup>49</sup> Interviews with Italian Officials, November 2001.

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<sup>50</sup> Draft project law No. 1579, XIV Legislatura, [www.camera.it](http://www.camera.it)

## *Spain*

### *Inclusion of applicants*

The government is in favour of full participation of all the candidate countries, including Turkey, in the Convention. Following past experiences, countries that have already finished negotiations should participate in the IGC in equal standing as other member states without waiting for the ratification process to conclude.

### *Input of applicants*

The government does not expect enlargement to result in dramatic changes. The future Union will be more diverse and somehow more difficult to manage but the basis of the European integration project are believed to be sound enough. Therefore, incrementalism will continue being the dominant feature of the process. Concerning the applicant countries, the government expects that, once members, they will continue pushing for a strong, cohesive and effective Union.

### *Ratification of Nice Treaty*

Spain has already ratified the Nice Treaty and believes that the only country that can delay the process is Ireland, whose government should wait until the right moment to call a new referendum.

## *Sweden*

### *Inclusion of applicants*

The Swedish Presidency in the first half of 2001 and the following period have characterised the agenda of European issues in Sweden. Looking at the results, the critical views have been rather severe, for example concerning the environmental policy. Nevertheless, the common view about the outcome of maybe the most important issue, the enlargement, seems to be that the Swedish government reached as far as it could possibly get.

In a review of the Swedish Presidency, the Minister of Foreign Affairs Anna Lindh declared that there was a historical event in the city of Nyköping when 28 member states and candidate

countries were sitting around a table debating important issues. "There was no distinction between the participators and everybody contributed constructively. With this experience in mind, the best way to involve the candidates in the negotiations and debate on the future of EU is a convention that should be given a structure in Laeken. (statement No. 8, session in the Swedish Parliament 9 May 2001 and Speech in European Parliament 13 June 2001 by Anna Lindh)

At a press conference with three Nordic Prime Ministers before the summit in Gent the Swedish Prime Minister, Göran Persson, developed this issue. The Nordic EU countries were united in favouring a European convention, in order to involve the candidate countries, as well as the parliaments of the member states, the European Parliament and the Commission in the post-Laeken process. Mr Persson also maintained that there should be a very broad agenda at such a convention. (press conference with the Prime Ministers Göran Persson, Poul Nyrup Rasmussen, Denmark, and Paavo Lipponen, Finland, 11 October 2001).

Before the candidate countries have undersigned declarations of accession to EU they should have an observer status in the convention with the right to express opinion. However, when a candidate formally has signed the declaration of accession it should have the same status as the member states. The convention will start in January 2002 and continue for 12 months and then there will be a break. According to the timetable of the enlargement declared at the Gothenburg summit the most advanced candidates should be able to conclude the negotiations by the end of 2002. This means that after the cessation of the convention, which the Swedish government expects will last for 6-9 months, the CEEC from the first round of enlargement will be able to participate fully. However, it is still unclear whether there will be any form of voting procedures at the convention. In case not, there will be almost no difference in status between EU15 and the CEEC, not even from the opening of the convention. The government supports the idea that the same number of participants will represent the candidate countries and the member states; one from the government and two from the national parliament. Also, the other part of the convention is the civil forum where NGOs from the member states and the candidate countries should

participate. There will probably be several meetings, which bring together the participants of the civil and the governmental forum. (This part is based on information from a source in the Ministry of Foreign Affairs)

The idea of a European Convention as the working forum in the post-Laeken process was entirely supported by the Swedish Parliament in the session held last May about the future of Europe. There was also a common agreement that Turkey should be involved. However, the negotiations for membership would not start before the country complies with the Charter of Human Rights. (statement 24, Anna Lindh, Minister of Foreign Affairs, and statement 5, Marianne Andersson, Centerpartiet, and others, session in the Swedish Parliament 9 May 2001) This means that Turkey, most likely together with some of the other CEEC, will probably not be able to obtain more than observer status with a right to express opinion in the post-Laeken-process until 2004.

#### *Input of applicants*

The government expects an open discussion with an open mandate to include every issue that is relevant to the future of the EU. The NGOs civil forum will also be essential. However, the input to the convention and the dynamic that will evolve from this will depend on the activity of the CEEC – one example is Poland that has already distributed a report on the future of Europe. However, the government has no official view on this issue.

In the context of the dynamic co-operation within the EU, different issues create different coalitions. Consequently, it is difficult to predict which coalitions the candidates will join because these things always change. Nevertheless, the Baltic and the Nordic countries will probably build coalitions for a number of different issues in the years to come. (Information given by a source in the Ministry of Foreign Affairs)

#### *Ratification of Nice Treaty*

On the Europe Day, 9 May 2001, the Minister of Foreign Affairs Anna Lindh said that the government expected to bring forward the government bill of the treaty of Nice in order to make it possible for the parliament to approve the

bill before the end of the year. Ms Lindh also expressed her hope for an early ratification of the treaty, to avoid delays with the enlargement (statement 39, Anna Lindh, Minister of Foreign Affairs, session in the Swedish Parliament 9 May 2001). After the Irish referendum Ms Lindh declared that the uncertainty in the CEEC caused by the referendum must be dealt with by being even more explicit in showing that the enlargement process continues. (speech by Anna Lindh in the European Parliament 13 June 2001) On 13 September 2001 the government bill of the treaty of Nice was sent to the Swedish parliament. The date for the voting procedure was not known when this was written, but the declared timetable of the minister seems to hold.

The government and the centre-right opposition, which form a majority in favour of the treaty, have rejected the Green Party's (Miljöpartiet) demand for a referendum. (statement 7, Per Lager, and statement 51, Marianne Samuelsson, Miljöpartiet, session in the Swedish Parliament 9 May 2001) All authorities which have been asked by the government to state their opinion about the bill (business organisations, labour unions, universities etc.) support the ratification of the Nice treaty. (government bill 2001/02:8, 13 September 2001, page 26) The conclusion must be that nothing seems to stand in the way for the ratification in Sweden.

### ***United Kingdom***

#### *Ratification of Nice Treaty*

The European Communities (Amendment) Bill passed its third and final reading in the House of Commons on 17<sup>th</sup> October by 392 votes to 158. Though it faces a heated debate in its second reading in the House of Lords on 1<sup>st</sup> November, effectively it has "cruised through Parliament hardly causing a ripple"<sup>51</sup> and is likely to be ratified in the near future. A three line whip was exercised ensuring that, although 100 MPs chose not to attend, the Government won with a large majority.

The Government's position on the Treaty focused on what benefits it accrues to the UK; primarily

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<sup>51</sup> The Guardian, 18<sup>th</sup> October 2001, Nice one, Tony

in the fields of Qualified Majority Voting and enlargement. As far as QMV is concerned, Peter Hain, the Minister for Europe, pointed out that Britain increased its voting strength in the Council of Ministers, getting a “better deal than any of the other large countries.”<sup>52</sup> As for enlargement, this is “not a favour that we are doing the candidates. It is a favour we are doing ourselves. (...) It will make us (...) richer (...) cleaner and greener, (...) safer.”<sup>53</sup> In the third reading, which took place after the terrorist attacks in the US on 11<sup>th</sup> September, it was stressed that the Treaty is more essential than ever before. Mr Hain maintained that “if we are to defeat the terrorists, we need the bigger, stronger Europe that enlargement will bring. We need the practical co-operation across the continent that enlargement will allow.”<sup>54</sup> David Miliband MP (Labour) neatly summarised what appears to be the most widely held view concerning the Treaty: “I do not believe that the Bill is great or historic, but it is necessary.”<sup>55</sup>

The Conservative Party on the other hand expressed the view that while they support enlargement, the Nice Treaty is fundamentally concerned with closer political integration, which they continue to oppose vociferously. The Conservative Party website<sup>56</sup> calls for a halt to the ratification of the Treaty in Parliament and a public referendum instead. Michael Ancram, the Shadow Foreign Secretary, claimed that Nice “flies in the face of our vision of a flexible Europe, and it is increasingly integrationist.”<sup>57</sup> Furthermore, he quoted Romano Prodi’s controversial comment to the Irish Times on 21<sup>st</sup> June that legally ratification of the Nice Treaty is not necessary for enlargement, Ancram asserting in accord: “There we have it. Nice is not and never was necessary for enlargement or capable of affecting it on its own.”<sup>58</sup> Notably, Kenneth

Clarke, one of the key contenders in the Conservative Party leadership contest, abstained from voting in the third reading, an indication of the Conservatives’ enduring divisions over European affairs.

Menzies Campbell, the Liberal Democrat foreign affairs spokesman, supported the Bill but warned that the EU could soon get out of control and become unmanageable. To this end, he stated that he did not regard the Treaty as effecting any fundamental constitutional change, maintaining that “it is right to argue for a proper constitutional basis for the European Union, to establish clearly and unequivocally the nature of the powers and responsibilities of the European Union itself and of constituent governments, and to establish also the rights of individual citizens. I believe that setting out those points in the proper constitutional framework would go a very long way towards making the people of Europe understand more clearly the nature of the European Union.”<sup>59</sup> To this end, the Liberal Democrats view the Treaty as one dealing with merely “the housekeeping issues” rather than any really significant changes.<sup>60</sup>

A major sticking point in the House of Commons was the Common Agricultural Policy. Peter Hain argued that while reform is not a legal prerequisite to ensure the candidate countries’ accession, it is of course desirable. Furthermore, he maintained that enlargement will force reform of the CAP because the current policy will not be sustainable, and therefore concerns about the current status of the CAP should not constitute a barrier to ratification. The Conservatives on the other hand argued that the serious problems associated with it were not addressed at Nice and therefore made the Treaty unacceptable.

Another issue of concern was the Common Foreign and Security Policy, specifically the rapid reaction force and its relationship to existing NATO structures. The Government line was that, particularly given the events of 11<sup>th</sup> September, it is of paramount importance for Europe to present a united front in conflicts. The Conservatives argued that a “European army” would undermine international security,

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<sup>52</sup> Commons Hansard Debates 17 October 2001 column 1175

<sup>53</sup> Commons Hansard Debates 17 October 2001 column 1176

<sup>54</sup> Commons Hansard Debates 17 October 2001 column 1176

<sup>55</sup> Commons Hansard Debates 17 October 2001 column 1256

<sup>56</sup> [www.conservatives.com](http://www.conservatives.com) September 2001

<sup>57</sup> Commons Hansard Debates 17 October 2001 column 1184

<sup>58</sup> Commons Hansard Debates 17 October 2001 column 1185

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<sup>59</sup> Commons Hansard Debates 17 October 2001 column 1201

<sup>60</sup> Menzies Campbell, Liberal Democrat website, October 2001 [www.libdems.org.uk](http://www.libdems.org.uk)

threatening as it would Britain's relationship with NATO. Mr. Heathcoat-Amory MP declared: "The seeds of the destruction of our influence are in the Nice Treaty. The proposals for a separate European Union military structure outside NATO, which is what we are signing up to, will undermine what influence we have in the wider world."<sup>61</sup>

As far as the wider public is concerned, the Treaty does not seem to have evoked much response. A recent online debate on the Foreign and Commonwealth Office (FCO) website on the Future of Europe, with contributions from Peter Hain, made little mention of the Treaty, despite taking place concurrently with the third reading. Debate centred more around 2004 and what were viewed as longer term issues. There was, however, minor opposition to Nice in the form of a petition against the Bill by the non-party-political Committee of Subjects Against the Nice Treaty (SANITY) which objects to what it sees as the curtailing of British freedoms; this however met with very little response<sup>62</sup>.

What little reporting there has been in the newspapers has been largely restrained. The Guardian views it has a "hideously complex piece of Euro-speak" which is nevertheless necessary: "Yesterday, without much fuss, Parliament helped Europe to take a step towards a bigger, better EU."<sup>63</sup>

**2. With regard to the conclusions of Göteborg summit in June 2001 and the enlargement of the Union, which are likely positions of your country (Government, political parties, pressure groups, wider public) in view of:**

- **Time-table: The negotiations with the most advanced countries shall be concluded by the end of the year 2002; the accession of those countries**

**to the EU is foreseen in 2004 before the elections to the European Parliament. Is this a realistic and manageable time-table? Do you expect conflicting agendas for enlargement and EU-reforms?**

- **Principle of differentiation: The principle of differentiation still applies; candidate countries are judged solely on their own merits. Which accession scenario ("big bang", "Luxembourg group" or mixed "group" of countries joining) do you expect? Which are the most crucial problems and considerations with a view to following the principle of differentiation?**
- **Free movement of labour and services: What is the opinion on the EU's common position on free movement of labour ("2 + 3 + 2 years option") and the exceptions for the free movement of services for Austria and Germany? Will there be any limitation of free movement by your country?**
- **Chapters still to negotiate: From the table of open chapters ("Competition Policy", "Agriculture", "Transport Policy", "Taxation", "Justice and Home Affairs", "Regional and Structural Policy", "Finances and Budgetary Provisions") – which are most crucial for your country and which outcome do you expect?**
- **Public opinion: Which sensitivities with a view to public opinion and pressure groups must be taken into account by the government of your country with regard to the time-table for enlargement and the policies still to be negotiated with the candidate countries? How did support for enlargement develop over the last months?**

<sup>61</sup> Commons Hansard Debates 17 October 2001 column 1211

<sup>62</sup> Online Forum, FCO website [www.fco.gov.uk/forum](http://www.fco.gov.uk/forum) 24 October

<sup>63</sup> The Guardian, 18<sup>th</sup> October 2001, Nice one, Tony

*Austria*

*Time-table / Principle of differentiation*

Austria continues to support the principle of differentiation based on each candidate country's own merits. There is not any specific position of the Austrian government concerning the accession date and the size of the first group. Chancellor Wolfgang Schüssel recently declared that possibly at the time of the next elections to the European Parliament (mid-2004) the accession treaties of a first group of countries could be in the process of ratification. A second group could follow one or two years later.<sup>64</sup>

However, several arguments would favour a „big-bang“ with 10 countries (the candidate countries in the negotiation process with the exception of Romania and Bulgaria) in 2004. It would be politically difficult to differentiate between the 10 most advanced states or to leave out just one or two.

According to an official of the Ministry for Foreign Affairs it is likely that all four applicant countries with borders to Austria will enter the Union at the same time.<sup>65</sup> This would have the advantage for Austria that it would cease to have external borders of the European Union.

Another argument in favour of a „big-bang“ is that the institutional adaptations and the ratification process would not have to be repeated several times within a few years.

The year 2004 would be convenient due to well known institutional reasons (elections to the European Parliament in mid-2004, nomination of a new Commission in 2004, negotiations for a new financial framework).

Whether this is realistic from the Austrian point of view depends largely on the development of the political situation. At the latest by autumn 2003 a general election will have to be held in Austria. It is possible that enlargement will be the main topic of the election campaign. In this case the Freedom Party would probably argue for a referendum on enlargement. This, in turn, could lead to a difficult political situation in Austria which could endanger the timetable of enlargement. However, this is speculation at the moment.

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<sup>64</sup> Main Committee of the National Council, 17.10.2001 (IV-12 der Beilagen zu den Stenographischen Protokollen des Nationalrates XXI. GP).

<sup>65</sup> Parlamentskorrespondenz 735/2001 (6.11.2001).

The Chamber of Labour does not favour the first wave of enlargement already by 2004. It would prefer to solve fundamental questions prior to enlargement. The Union should be developed from a predominantly economic to a social union. Democratic deficits should be tackled and the costs of enlargement should thoroughly be analysed.

The Federation of Austrian Industrialists strongly supports enlargement as soon as possible. It argues that there is a window of opportunity which must be used.<sup>66</sup>

### *Free movement of labour and services*

The free movement of labour and services were the most important chapters for Austria. In December 2000, the German chancellor Gerhard Schröder suggested transition periods of 7 years. This request was immediately endorsed by the Austrian government.<sup>67</sup>

In the Austrian discussion about the free movement of labour very different positions were held. The Chamber of Labour and the Federation of Austrian Trade Unions demanded the protection of the Austrian labour market with extensive transitional periods in connection with the definition of specific criteria. Free movement of labour should not be possible until the wage levels in the applicant countries amount to 80% of the Austrian level.<sup>68</sup> The Social Democratic Party took the unusual step to distance itself clearly from the positions held by the Chamber of Labour and the Federation of Austrian Trade Unions. The head of the Social Democratic Party, Alfred Gusenbauer, argued that it would not be useful to concentrate inflexibly on specific details. It would be better to seize the „enormous opportunities of enlargement“. In order to prepare the Austrian labour market for enlargement the Social Democrats supported the

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<sup>66</sup> Public discussion about enlargement in the Diplomatic Academy, Vienna; 28.5.2001.

<sup>67</sup> „Der Standard“, 22.12.2000.

<sup>68</sup> It is interesting that in a public opinion poll in February 2001 28% of the people asked thought that this request was not at all realistic, 52% said it would not be very realistic and only 16% thought this would be very realistic (Österreichische Gesellschaft für Europapolitik - Osterweiterung am Prüfstand; [www.euro-info.net/studie/pk2001-02-14.pdf](http://www.euro-info.net/studie/pk2001-02-14.pdf)).

transition periods of 7 years, but they should be used to initiate a package of measures especially directed at border regions, including active labour market policies, investment in infrastructure and cross-border-projects to boost economic growth.<sup>69</sup> The Green Party rejected any transition periods and supported offensive labour market policies to boost employment.

The Federation of Austrian Industrialists and the Chamber of Commerce opposed fixed transition periods. They argued that the problem of the Austrian economy is not the danger of an over-supply but rather a shortage of labour.<sup>70</sup>

The EU's common position of June 2001 allows flexible solutions according to political priorities and the development of the labour market. Chancellor Wolfgang Schüssel believes that it will not be necessary to apply the full length of the transition period to all neighbouring new member states.<sup>71</sup>

#### *Chapters still to negotiate*

The issue of nuclear safety is currently by far the most important topic in the context of enlargement. The question which measures Austria should take to avoid the putting into operation of the nuclear power plant in Temelin (Czech Republic) is at the centre of a highly emotional public debate. This question also divides the government coalition parties. The Freedom Party wants to veto the accession of the Czech Republic to the EU if the power plant in Temelin goes into operation, the People's Party is against a veto.

In December 2000 the Austrian chancellor Wolfgang Schüssel met with the chancellor of the Czech Republic and the EU-Commissioner for Enlargement, Günter Verheugen, in Melk (Lower Austria) and agreed on several measures to guarantee a maximum of safety for the nuclear power plant in Temelin. At the centre of the so-called „process of Melk“ stands the assessment of the effects of Temelin on the environment under the monitoring of the EU-Commission. However, the agreement of Melk contains several other elements, such as the evaluation of the

consequences of not putting Temelin into operation (zero option). The agreement gives considerable room for interpretation as to when it would be fulfilled. The current position of the People's Party is that the agreement of Melk has to be fully implemented before the Energy Chapter in the accession negotiations could be closed. A veto against the accession of the Czech Republic because of differences over Temelin is not considered to be a reasonable strategy.

The Freedom Party demands, with the support of Austria's largest and most influential daily newspaper, the „Kronen-Zeitung“, that Temelin must not be opened. Otherwise the Czech Republic should not become a member of the European Union. In July the regional party organisations of the Freedom Party in Vienna, Lower Austria and Upper Austria started the process to hold a popular initiative early next year under the heading „Veto against Temelin“. If this - consultative - popular initiative is successful the next step would be to demand a binding popular referendum on the topic. This would seriously strain the coalition government. The further development will decisively depend on the outcome of the popular initiative.

According to a recent public opinion poll 49% of Austrians want a referendum on Temelin.<sup>72</sup>

The Social Democratic Party and the Green Party are in favour of not putting Temelin into operation but strictly oppose a veto because this would seriously hurt Austrian interests and not contribute anything to enhance nuclear safety.

The second most sensitive question for Austria is transport. The problem of transit traffic is emotionally charged.

In 1991 Austria concluded with the European Community a treaty on transit traffic with the aim to curb the number of lorries crossing Austria and to reduce the amount of emissions. A complex system of so-called „eco-points“ was installed to achieve these aims. The treaty entered into force in 1993 with the aim to reduce emissions by 60% within 12 years. When Austria became member of the EU in 1995 the transit traffic treaty was transformed into a transition agreement included in the accession treaty. The term of the treaty was reduced by one year so that the right of Austria to

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<sup>69</sup> „Der Standard“, 23.-26.12.2000, 8.2.2001, 22.2.2001.

<sup>70</sup> „Der Standard“, 21./22.4.2001.

<sup>71</sup> „Der Standard“, 12.10.2001.

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<sup>72</sup> „Der Standard“, 12.10.2001.

impose some restrictions on transit traffic through Austria will end on 31 December 2003.

Austria would like to have a follow-up to the regulations of the transit traffic treaty especially in the light of enlargement. In August a study of the Austrian Institute of Economic Research predicted that after enlargement road transit traffic would grow fivefold in comparison to 1994 by 2015.<sup>73</sup>

The Commission opposes any special regulations for Austria as not compatible with community law. A possible compromise is indicated in the Commission White Paper „European Transport Policy for 2010: time to decide“. External costs, especially environmental costs, could be internalised in the price of transport and replace the rationing of transit rights in sensitive areas.<sup>74</sup> However, as long as a sufficient follow-up mechanism to the transit traffic treaty is not established, the Minister for Transport, Innovation and Technology, Monika Forstinger from the Freedom Party, is determined to veto any enlargement.<sup>75</sup> In contrast to the position of the Minister of Transport, the Minister for Foreign Affairs declared recently that the transport chapter in the context of enlargement and a follow-up for the eco-point-system will not be linked.<sup>76</sup>

When the transport chapter was opened for the first countries of the Luxembourg group at the end of 1999, Austria summed up its priorities in a declaration, demanding the full transposition of the acquits in the field of road transport - including social, technical, environmental and safety standards - before the full liberalisation of traffic.<sup>77</sup> The full transposition of the acquits includes the „pipeline-acquits“, meaning regulations or directives only recently or not yet adopted.

Until the full transposition of the acquits is achieved by the applicant countries, transition

periods and an appropriate monitoring-process need to be established.<sup>78</sup>

In the field of agriculture it will be important to secure that only products in full conformity with the established EU quality standards will be able to enter the common market. The complete and effective transposition of the *acquis* in this field will be a precondition of full liberalisation.

Concerning the financial aspects of agriculture and the other chapters with important financial implications (Regional policy and co-ordination of structural instruments and Financial and budgetary provisions) it is of paramount importance for Austria that the financial framework agreed in Berlin (Agenda 2000) will be observed.<sup>79</sup>

#### *Public opinion*

According to the Eurobarometer support for enlargement in Austria is the lowest of all member states and opposition the highest. 33% of the people are in favour of enlargement, and 49% are against it.<sup>80</sup> However, the outcome obviously depends very much on the way the questions are put. According to another study conducted in March 2001, 51% of Austrians were in favour of enlargement.<sup>81</sup> Another poll early this year asked the people if they were on principle for or against enlargement or whether they would be for enlargement in the case of transition periods. 25% were on principle for enlargement, 16% against and 55% would accept it with transition periods.<sup>82</sup> Taken together, these results seem to suggest that public opinion could shift either way depending on which proposals were made. Put together with the highly emotional questions of nuclear safety (or lack of it) and transit traffic a referendum would probably get a majority against enlargement. This is obviously the strategy of the Freedom Party that links these issues and demands referendums on enlargement and nuclear safety („Veto against Temelin“). Jörg Haider, the governor of Carinthia and spiritual leader of the Freedom

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<sup>73</sup> WIFO-Monatsberichte 8/2001.

<sup>74</sup> COM (2001) 370 final, p. 75.

<sup>75</sup> See for example „Der Standard“, 17.9.2001.

<sup>76</sup> Speech of Foreign Minister Benita Ferrero-Waldner („Die Bedeutung der EU-Erweiterung“) in Vienna, 30.10.2001

([www.bmaa.gv.at/presseservice/index.html.de](http://www.bmaa.gv.at/presseservice/index.html.de)).

<sup>77</sup> See Enlargement/Agenda 2000 Watch 2/1999.

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<sup>78</sup> [www.bmvit.gv.at/ministerium/neu/ressorte.htm](http://www.bmvit.gv.at/ministerium/neu/ressorte.htm).

<sup>79</sup> See also Enlargement/Agenda 2000 Watch 3/2000.

<sup>80</sup> Eurobarometer 55, p. 53.

<sup>81</sup> „Der Standard“, 17./18.3.2001.

<sup>82</sup> Österreichische Gesellschaft für Europapolitik - Osterweiterung am Prüfstand; [www.euro-info.net/studie/pk2001-02-14.pdf](http://www.euro-info.net/studie/pk2001-02-14.pdf).

Party already suggested a question for a referendum: Do you support that because of enlargement Austria's net payments to the European Union will increase?<sup>83</sup>

This makes the political situation for the People's Party, which strongly favours enlargement and opposes referendums on these topics, very difficult.

## **Belgium**

### *Time-table*

The official position of the government is still unchanged: enlargement is one of the most important projects in European politics. The Agenda of the Belgian Presidency (second half 2001) has established the enlargement as one of its priorities as "from a historical viewpoint, the achievement of enlargement touches the very soul of the European Union"<sup>84</sup>. As to the Prime Minister, he clearly states that the Union has to be enlarged "as soon as possible"<sup>85</sup>. Still, Belgium is not willing to put a concrete date on the conclusion of the negotiations as it will all depend on implementation of the Acquis Communautaire into the national legislation of the candidate countries.

The opposition agrees that the enlargement has to be completed as soon as possible, but they put the emphasis on the 'possible'<sup>86</sup>: "A well-considered accession in 2006 is to be preferred to a rash accession in 2004"<sup>87</sup>. Still they clearly support the wish to welcome the candidate countries into the EU: "With the combination of a realistic timing, clearly delimited transition periods, financial help and logistical support, the twelve candidate countries will have to become

members of the EU within a reasonable period of time from now"<sup>88</sup>.

For the Federation of Enterprises in Belgium (FEB), the enlargement is to be supported actively: "The enlargement of the European Union is, without doubt, one of the most important targets of the beginning century. (...) We enthusiastically believe that a widening of the internal market will be the basis for continuing peace, improved welfare and increased prosperity in Europe"<sup>89</sup>. The FEB proclaims explicitly its support for the "objective to have as many candidate countries as possible participating in the next elections for the European Parliament in 2004"<sup>90</sup>. However, they also stress the importance that national legislation is adapted to the implementation of EU-legislation: "Candidate countries as well should try to prevent marked distortions by the correct application of the EU-legislation with regard to taxation, customs union, state aid and competition policy"<sup>91</sup>.

In the opposition parties, questions are raised concerning the conflicting agendas for enlargement and EU-reforms. As to a former Minister the Treaty of Nice has increased the danger of a dilemma between the enlargement and/or reform of the Union<sup>92</sup>. He fears that either the enlargement will lead to more intergovernmental co-operation as the institutional deficits are not sufficiently tackled, or that due to the long-lasting negotiations the enlargement-process will slow down and the European Union will not fulfil its historical duties.

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<sup>83</sup> „Der Standard“, 6.8.2001.

<sup>84</sup> Prime Minister Verhofstadt in: "The Belgian Presidency of the European Union – Priorities Note".

<sup>85</sup> Prime Minister Verhofstadt in his speech for the European Parliament, Strasbourg, 4<sup>th</sup> July 2001.

<sup>86</sup> source :

<http://www.cvp.be/europa/uitbreidingeu.htm>

<sup>87</sup> *ibid*

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<sup>88</sup> *ibid*

<sup>89</sup> Gui de Vaucleroy, President of the Federation for Enterprises in Belgium, during a conference on September 5, 2001 on the theme: "The Enlargement through the eyes of companies in the Candidate Countries".

<sup>90</sup> source : <http://www.vbo.be>, press releases , 13 september 2001

<sup>91</sup> Tony Vandeputte, Chief Executive Officer of the Federation of Enterprises in Belgium in his speech on the Conference 'EU enlargement through the eyes of companies in the candidate countries', Brussels, 15 september 2001.

<sup>92</sup> source :

<http://www.cvp.be/hvanrompuy/dagvoordag/2001/20%2D03%2D01.htm>

In the context of enlargement and reform of the Union, the Declaration of Laeken will be an important reflection exercise, aiming at orientating the reforms of the European Union is faced with. Prime Minister Verhofstadt starts from the premise that the European citizens lost contact with the Union, do not longer understand its 'raison d'être' and turn it down<sup>93</sup>. Therefore, the first chapter of the Declaration will be dedicated to these questions. The second part will analyse the values and the aims of the European Union: "What is a European Identity"? The answers to this question will lead towards an analysis of the desirability of a Constitution for the European Union<sup>94</sup>" and a revision of the Treaty texts. The third part of the Declaration will focus on the delimitation of competencies. A thorough analysis of the division of power within the European and national institutions will be part of the Declaration. It is evident that the Declaration of Laeken will contribute to the orientation of the future of the European Union. For the Belgian government, enlargement and reform of the European Union are not considered to be conflicting.

#### *Principle of differentiation*

As to all major decision-makers in Belgian policies, the principle of differentiation is a logical procedure in the enlargement process. The negotiations are done on an individual basis, so the countries can finish negotiations and open new files as soon as they are ready for it. As Prime Minister Verhofstadt stated<sup>95</sup> clearly that "the (Belgian) Presidency will, in co-operation with the Commission, continue the accession negotiations according to the schedule and the calendar as agreed on during the European Council of Nice in December 2000. (...) Every candidate country will be treated according to its own merits on the basis of the complete and

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<sup>93</sup> According to statistical data published in 'De Standaard' (02/05/2001), only 29 % of the population support the accession of the 13 candidate countries. This is a clear reduction compared to the data from the beginning of 2001.

<sup>94</sup> Guy Verhofstadt in his speech for the European Parliament, Strasbourg, 4 July 2001

<sup>95</sup> Guy Verhofstadt in his speech during the closing session of a seminar organised by the European Movement Belgium in the framework of the Belgian Presidency, Brussels, 29 May 2001

actual implementation of the 'acquis communautaire'<sup>96</sup>. The accession is therefore expected to happen gradually and strictly individually, resulting of the adaptability of the applicants in implementing the necessary legislation. It is however evident that the policy-makers (off the record) expect a 'big bang'-accession of 10 countries around 2005.

#### *Free movement of labour and services*

The Belgian government does not exclude the possibility that the free movement of labour might be limited during a transitional period<sup>97</sup>. The Belgian government is taking a middle position in this discussion and will probably support either the option that the movement of labour will be free but restricted in case the internal labour market gets disturbed or in case a certain threshold of new labour forces is reached, or the option that the free movement of labour will be limited for a certain period of time, with the possibility for member states to open its labour markets completely.

#### *Public opinion*

As in more EU-15 countries, the recent opinion-polls show a undeniable decrease in support for the enlargement over the last months: "In Belgium, where the thirteen [candidate countries] are welcome to only 29 % [of the population], the support for the project has decreased with 9 points [compared to the data from one year earlier]<sup>98</sup>. Prime Minister Verhofstadt therefore stated in his speech commenting on the priorities of the Belgian Presidency that the cleavage between the European citizens and the European Institutions is one of the main reasons for the lack of public support for European affairs. This is why one of the big challenges of the Belgian Presidency was called to be the "reconciliation of the citizen with Europe"<sup>99</sup>.

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<sup>96</sup> *ibid*, own translation

<sup>97</sup> Source : De Standaard, 15/03/2001

<sup>98</sup> Source : De Standaard, 02/05/2001

<sup>99</sup> Guy Verhofstadt, in his speech for the European Parliament, Strasbourg, 4 July 2001.

## *Denmark*

### *Time-table*

The Danish Government strongly supports the time-table agreed upon in Göteborg. Indeed, the great ambition of the forthcoming Danish EU-presidency is to be able to conclude the first accession negotiations at the European Council in Copenhagen (12-13.12.2002). The unofficial motto of the Danish Government is "From Copenhagen to Copenhagen". To quote the Prime Minister of Denmark Poul Nyrup Rasmussen extensively :

"...given the strong Danish support for the enlargement we very much welcome the outcome of the European Council in Gothenburg in June. The Council confirmed the ambition to finalise negotiations with the best well prepared candidate countries by the end of 2002. We will be the Presidency at that time and we will be very prepared. Very determined and very goal-oriented. It is our ambition to conclude negotiations with as many prepared candidate countries as possible during our presidency. And I see really realistic, good and well prepared possibilities. And we will do all our utmost that it will be realized that the three Baltic countries and Poland will be with us at that time..."

By concluding negotiations with the best-prepared candidate countries including my friends in the Baltic countries, the Danish Presidency will feel that we can close a historical chapter in the newest development of our region. Starting from Copenhagen in June 1993 and finalising with conclusions in December 2002 will be the most promising ten years period of newest history".<sup>100</sup>

The goal of closing negotiations in Copenhagen is supported by all political parties, interests groups, general public etc. Hence, the disappointment would be substantial if the Danish EU-Presidency fails to deliver.

As can be seen from the above statement by the Danish Prime Minister the time-table agreed upon in Göteborg is judged to be realistic, if ambitious. In order for the EU to stick to the

deadline, it would have to be able to close negotiations on basically all issues in October 2002, leaving only a handful of issues for the endgame. Otherwise the endgame would become unmanageable.

Events that could derail the time-table are first of all the Irish referendum and the possibility that enlargement becomes intertwined with the reform of CAP and the structural funds. Any reopening of the Berlin-compromise will also open a Pandora's Box and hence postpone enlargement considerably.

The strongest card for the Danish Presidency in finalising the negotiations is the argument that a possible postponement could prove protracted. Delay would simply feed delay, especially if one considers the calendar of the EU. According to Danish civil servants it would thus be difficult to find a new gap in the EU's calendar for closing negotiations, seeing that the European convention starts in 2003, the IGC in 2004 and the new budget negotiations in 2005-6.<sup>101</sup>

Finally, it should be said that the events on 11<sup>th</sup> of September have made enlargement even more important for Denmark. To quote a civil servant: "If the enlargement process fails in December 2002, chaos will increase even more. And more chaos is not the response to the events on the 11<sup>th</sup> of September".

It should be said that the core opposition parties (The Liberal Party and the Conservative People's party) take the same attitude as the Government. This is important since these parties may come into power before the Danish Presidency. Parliament elections should be held on the 11<sup>st</sup> of March 2002 at the latest.

### *Principle of differentiation*

Denmark very strongly supports the differentiation policy. All countries should indeed be judged on their own merits. Judging from statements from the Danish government it is very clear that Denmark has a special interests in the Baltics – which are all perceived as being "fit" enough to close negotiations in Copenhagen. As can be seen from the below quote by foreign minister Mogens Lykketoft,

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<sup>100</sup> Speech by Mr. Poul Nyrup Rasmussen at the Summit of the Baltic Development Forum, St. Petersburg, 23. September 2001.

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<sup>101</sup> Interviews in the Danish MFA, October 2001.

Danish politicians are however also using moral arguments in their support for the Baltics:

“To conclude, the Summits of Prague in November and Copenhagen in December next year will indeed – to use the words of president Havel - be “a rendez-vous with history”. We are truly in for historic decisions on European integration, stability and prosperity. These decisions will be far-reaching. We owe it to you – the three Baltic States – to be included in these decisions”.<sup>102</sup>

The official view on differentiation was summed up by Mogens Lykketoft on the 23th of August 2001:

“It is self-evident that the speedy accession of Poland is of crucial importance, both symbolically and in real terms. Poland was the first victim of the Second World War. After the victory, the mutilated nation once again lost its freedom. But it was also Poland that led the way in the conflicts that resulted in the breakdown of the communist dictatorship in Eastern Europe. At the same time Poland is the most important candidate country in terms of population and economy. But it is also important that smaller candidate countries - for instance in the Baltic area - may accede first, if they are ready for accession even earlier, as a clear indication of our will to honour the promise of welcoming the prospective member countries, as soon as they comply with the conditions and are ready for accession”.<sup>103</sup>

Danish politicians have made several statements which indicate that the so-called big bang-scenario is not only the dream scenario for Denmark, but also a rather realistic one. To once again quote Mr. Lykketoft:

“The long-term outlook for membership not only includes the 12 candidate countries with which negotiations have already started - and of which hopefully up to 10 can become full members within the next three years.”<sup>104</sup>

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<sup>102</sup> Speech by foreign minister Mogens Lykketoft, 27. August 2001.

<sup>103</sup> Speech by foreign minister Mogens Lykketoft, 23 August 2001.

<sup>104</sup> Speech by foreign minister Mogens Lykketoft, 23 August 2001.

### *Free movement of labour and services*

Denmark supports the 2+3+2 option although it could also have accepted if the EU had agreed to no transition phase. Very quickly after Gothenburg the Danish Government stated that it would follow the example of Sweden and *not* make use of the general transition phase. The Danish declaration followed pressure from the Danish opposition, LO (The Danish Confederation of Trade Unions) and the candidate countries, who argued that Denmark was losing its place as the most pro-enlargement country in the EU. Although there were also other reasons for the Danish declaration, the danger of losing out to Sweden in the race of acting most pro-enlargement probably played a role. At least it is striking how swiftly the Prime Minister acted after he got under criticism. This shows how enlargement plays a role in Danish domestic policy: A government which is not pro enough, will come under fire. Ironically, free movement of workers is one of the reasons why the general public has recently lost some enthusiasm for enlargement (see below).

Denmark accepts the exceptions for the free movement of services, but is of the opinion that objective arguments for their necessity should be presented. The exceptions should only target the border regions as such and be of a temporary nature.

### *Chapters still to negotiate*

So far, in the enlargement process Denmark has never come forward with a special position which could somehow complicate the enlargement process. As a starting point one should therefore not expect Denmark to raise any special concerns. In the final half of 2002 this tendency is only strengthened by the fact that Denmark will have the Presidency.

Concerning agriculture Denmark will however try to secure agreement upon some provisions on the future of the CAP, i.e. after enlargement has taken place. The evaluation is that this will be a difficult task.<sup>105</sup>

Not surprisingly Denmark looks upon CAP, structural funds and the budget as the most difficult chapters. Hence, Denmark expects that

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<sup>105</sup> Interviews, Danish MFA, October 2001.

these questions will have to be solved in the endgame. After the 11<sup>th</sup> of September Danish officials also point to Justice and Home Affairs as a difficult chapter, if not especially for Denmark: Would member states for instance be willing to extradite citizens to Bratislava or Vilnius when they are already concerned about extraditing them to the present member states?<sup>106</sup>

### *Public opinion*

#### 1. General position of the government and the political parties

None of the political parties are directly opposed to enlargement. The issue of free movement of labour has been the single topic, which has received any significant attention. But only the Danish People's Party, a right-wing EU-sceptical party, has opposed opening the Danish labour market to workers from Central and Eastern Europe, while the other political parties support giving the future EU members access to the Danish labour market as soon as they become members.<sup>107</sup> Denmark has issued a declaration indicating that it will open the labour market from day one (see above).

#### 2. Pressure groups and interest organisations

The major interest organisations including the Danish Agricultural Council, the Confederation of the Danish Industries, DI, and LO, The Danish Confederation of Trade Unions are strong supporters of the enlargement including opening the Danish labour market to the Central and Eastern Europeans from the day they join the EU. The Danish Confederation of Trade Unions have stressed the solidarity with the citizens of the CEECs and that the enlargement will not endanger neither their own position on the Danish labour market nor the employment possibilities for Danes.<sup>108</sup> The Danish Agricultural Council do however express some concerns of the future of the agricultural sector and thus calls for reforms of the CAP.

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<sup>106</sup> Interviews, Danish MFA, October 2001.

<sup>107</sup> [www.danskfolkeparti.dk](http://www.danskfolkeparti.dk), statements (Danish version)

<sup>108</sup> Hans Jensen, President of the Confederation of Trade Unions, *Fri bevægelighed for nye EU-borgere*, Berlingske Tidende 26 June 2001.

### 3. The public opinion

Although all the major Danish political parties and interest organisations support enlargement of the European Union, the support for enlargement has fallen in the public opinion polls. Since last fall the support for enlargement has dropped from 56% to 50%.<sup>109</sup> This increased scepticism towards enlargement seems to a large extent to be caused by an expectation that enlargement will generate immigration to Denmark - a view shared by half of the Danish population. Immigration is by a large part of the public opinion seen as problem connected with a higher crime rate and social problems.<sup>110</sup> The fear of massive immigration to Denmark from the future members of the EU is primarily supported by the Danish People's Party and the People's Movement against the EU.<sup>111</sup>

### *Finland*

#### *Time-table*

The government position is that the timetable is ambitious but that it should be possible to achieve. The decisions taken in Nice and Göteborg form a strong basis for moving forward. However, there might be obstacles on the road, as the EU's internal reforms have their own dynamism. It is, however, important that there should not be a linkage between internal reforms and enlargement. Finland's assessment is that Belgian Council Presidency will ensure progress according to the 'road map' agreed in Nice. Finland actively urges the Commission to give draft positions on the remaining most difficult chapters: agriculture, structural and regional policies, and budget.

The Minister for Europe Kimmo Sasi hinted in September that Poland might be facing difficulties in keeping up with the timetable.

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<sup>109</sup> European Commission: Eurobarometer 55 Spring 2001

<sup>110</sup> European Commission: Eurobarometer 2001 - Special Edition (National Highlights)

<sup>111</sup> Sven Skovmand, *Folkebevægelsen mod EU: Udvidelsen mod øst - er det en god idé?*, 2001 and [www.danskfolkeparti.dk](http://www.danskfolkeparti.dk). Statements (Danish version)

Although he reiterated the Finnish position that the negotiations will be finished by the end of 2002, he nevertheless anticipated that the results of the recent parliamentary elections could be a cause for concern as they witnessed a clear victory for EU sceptic parties in Poland.<sup>112</sup> Also Antti Satuli, the permanent representative of Finland to the EU, has voiced some doubts concerning the timetable. In an interview he admitted that there are problems as the most difficult chapters are still to be negotiated. He said that 2004 is a “extremely ambitious and hard” target.<sup>113</sup>

Prime Minister Lipponen has, however, repeatedly stressed the importance of meeting the 2002/2004 deadlines. According to him, failing to do so would only complicate matters for both the EU and the candidate countries. It could erode the already achieved basis for continued reforms in the accession countries and it could also provide the current member states with excuses for stalling the enlargement even further.<sup>114</sup>

#### *Principle of differentiation*

The government position is that it is not feasible that the accession countries would join in small groups. Therefore, a “big bang” is the realistic option although it will be more laborious for the Union. The first wave could include ten applicants, as there are no big differences between them. This would leave out Bulgaria and Romania which themselves have set a target date beyond 2004. Nevertheless it is only after the three difficult chapters are negotiated that one can see how much flexibility there is on both sides.

Also according to Prime Minister Paavo Lipponen, the “big bang” of ten applicants would be preferable. According to him, not letting everyone in (except Bulgaria and Romania) at the same time would create more problems than it would solve, as it might result in the EU itself

willing to continue foot-dragging in the enlargement. In addition, the countries left out of the first wave must be given continued support and clear indication of when the next round of enlargement could take place.<sup>115</sup>

President Tarja Halonen, when commenting the results of the Göteborg European Council, has also discussed EU enlargement. According to her, the decisions taken in Göteborg were “sufficient” and the fact that the Conclusion of the Presidency deemed enlargement as “irreversible” was especially important. However, President Halonen has not made any direct references to the amount of countries to be taken in with the first wave. She has noted that it is feasible that the “most progressed candidates” can take part in EU Parliamentary elections in 2004.<sup>116</sup>

#### *Free movement of labour and services*

The question of free movement of labour and services has undoubtedly been the most difficult one in the Finnish debate on enlargement. Especially the Finnish trade unions have demanded long transition periods. In comparison, the Confederation of Finnish Industry and Employers has argued that transition periods can only hamper the full adoption of single market rules in the new member states. The trade unions arrived at consensus in April when they issued a joint statement on EU enlargement. In the statement, which is signed by all the major trade unions together with the Confederation of Finnish Industry and Employers, the signatories declare that although the transition periods are necessary they should remain flexible and that Finland can, after tri-partite negotiations between the government and trade unions, make a decision on a shorter transition period if necessary.<sup>117</sup>

The Finnish government has sought a reassuring stance in the matter. For example, Kimmo Sasi, the Minister for Europe, stated already in March that Finland does not expect a massive wave of immigrants after enlargement. At the same time, however, he stressed that Finland will be

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<sup>112</sup> *Helsingin Sanomat*, 29 September 2001.

<sup>113</sup> *Itälehti*, 10 October 2001.

<sup>114</sup> Cf. Paavo Lipponen, *The Future of the European Union After Nice*, speech at the European University Institute, Florence, 9 April 2001 (available at <http://valtioneuvosto.fi/liston/vnk.lsp?r=1911&k=en&old=2079>); and *Suomen Kuvalehti*, No. 22, 1 June 2001.

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<sup>115</sup> *Suomen Kuvalehti*, No. 22, 1 June 2001.

<sup>116</sup> *Helsingin Sanomat*, 22 June 2001.

<sup>117</sup> Kannanotto Euroopan unionin itälaajentumisesta, 17 April 2001.

prepared for all eventualities.<sup>118</sup> On the EU level the Finnish government has sought to influence the EU to adopt a flexible stance on the issue. The government's position in the matter is that the current 2 + 3 + 2 model is indeed flexible enough to cover the needs of both current member states and the accession countries. Finland will adopt an initial two-year transition period after which the situation will be re-assessed. During the transition the national work permit system will be applied in Finland. The Minister for Europe Kimmo Sasi has argued that the two-year transition period should be sufficient for Finland but the Minister of Labour Tarja Filatov has suggested that it is only prudent for Finland to prepare for the worst-case scenario as well.<sup>119</sup>

As has already been shown in the previous issues of the Enlargement Watch, the Finnish government has been active in preparing reports on the effects of enlargement on Finland in order to counter the eventual worries. The official governmental report published in January on the overall impact of enlargement<sup>120</sup> has now been followed by another published by the Ministry of Labour in October. The Ministry of Labour's study examines the likely influx of immigrants from Estonia to Finland. Due to close proximity and cultural ties, Estonia is feared to provide the country with the biggest inflow of immigrants. The study sends a soothing message as it estimates that although by 2005 enlargement is likely to double the current flows of immigrants from Estonia, the actual impact will nevertheless be small as the current volume is only 700 – 800 persons annually, resulting in a net immigration of some 1500 persons from Estonia.<sup>121</sup>

#### *Chapters still to negotiate*

For Finland as well as for all the member states agriculture, regional and structural policy, and finances and budget are the most important chapters as they affect the policies and finances of the European Union most. In Justice and

Home Affairs, JHA Finland has been actively engaged in developing border controls in the applicant countries as well as shaping the EU's position on border control regimes. All in all, it can be said that no individual chapter poses special problems for Finland.

#### *Public opinion*

The government is engaged in the activation of public debate on enlargement and the future of the European Union in general. In May the Cabinet Committee on European Union Affairs decided to establish a non-governmental forum for discussion of the future of the European Union. The forum convened for the first time in September and a special session on enlargement was arranged in October. In the future the forum will be organised prior to European Council meetings. Moreover, Prime Minister Lipponen has organized two fora dedicated to discuss the Northern Dimension, the Finnish initiative from 1997; then turned into EU policy. The first, national one was organized in Oulu in January 2001 and another, international, in Lappeenranta in October. There are already plans for two more Northern Dimension fora in 2002.

There have been numerous opinion polls on enlargement in Finland. Although they all show that the majority of respondents favour enlargement, the proportion of those against seems to be on the rise. Moreover, there seems to be a strong tendency towards wanting long transition periods especially on free movement of people. Finns seem to advice against enlargement in case it proves to be a costly or a complicated affair.

According to a poll published in June 2001, 51 per cent of respondents supported enlargement while 38 per cent were against. The crucial question seems to be the price of enlargement. If enlargement brings additional costs to Finland the situation changes dramatically with 27 per cent being for and 64 per cent against enlargement. The amount of respondents being against enlargement seems to be on the rise: when compared to the previous poll conducted in December 1999, the share of supporters had remained the same while that of against had risen from 29 to 38 per cent.<sup>122</sup> The recent

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<sup>118</sup> *Turun Sanomat*, 17 March 2001.

<sup>119</sup> *Helsingin Sanomat*, 24 October 2001.

<sup>120</sup> EU:n laajeneminen ja Suomi, the report is available (only in Finnish) at <http://www.vn.fi/vnk/suomi/julkaisut/vnkjulkaisu20011/vnkjulkaisu20011.pdf>.

<sup>121</sup> *Helsingin Sanomat*, 24 October 2001.

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<sup>122</sup> *Keskisuomalainen*, 20 June 2001.

Eurobarometer published in July gives very similar results: 45 per cent of respondents favoured enlargement while 41 per cent were against.<sup>123</sup>

According to an opinion poll conducted in April, a majority of respondents (53 per cent) thought that a rapid inclusion of the three Baltic countries into EU was important. Ten per cent were against Baltic's EU membership while a third were undecided. Little over half of the respondents were demanding a transition period before allowing new members to work freely in other member states.<sup>124</sup> It is interesting to note that the share of respondents against the EU membership of the three Baltic countries seems to be lower than the share of respondents against the EU enlargement in general in other surveys.

## **France**

### *Time-table*

The traditional French position is to make enlargement dependent only on the progress of the integration of the *acquis* in the candidate countries and to avoid setting the date for the accessions. This position is largely mirrored in the way accession negotiations have been dealt with so far. The negotiation of certain chapters, such as agriculture (see below), has been characterised by French demands for strict application of the *acquis*, especially in the area of food safety.

Moreover, during the Göteborg summit, France had supported the "globality" principle: no partial agreement will be considered before a global agreement is reached with candidate countries on all points. For the French, such a principle has two advantages. On the one hand, it enables the reopening of a chapter which was 'temporarily closed' if it appeared that the *acquis* was not in fact enforced by the candidate State. On the other hand, the French put forward that, in accordance with the 'globality principle', compromises already negotiated could be contested if some member states thought they did not get what they wanted in turn. In other words, the transitional

arrangement obtained by Germany regarding free movement of persons could be reviewed by France if the latter was not satisfied with the results of the negotiations on agriculture.

Nevertheless, according to French leaders, the negotiations could be concluded by the end of the year 2002. This appears to be a realistic time-table as it complies with the road map proposed by the Commission and agreed by the representatives of member states during the French Presidency. But French diplomats recall that, as the conclusions of the Göteborg summit state, this time-table only applies to 'those candidate countries that are ready', that is to say ready to enforce the *acquis*. As regards the date of accession, again the French refer to the Göteborg European Council, which stipulated that the applicants should participate in the European Parliament elections of 2004 'as members'. For France, it does not imply that they will already be in the Union at that time. The accession of the most advanced candidate countries should occur in 2004, but not necessarily before the EP elections given the time needed to ratify the accession treaties.

### *Principle of differentiation*

As regards the principle of differentiation, the French position appears to have evolved. According to the progress reports on candidate countries, issued by the Commission, ten out of twelve candidate countries could become EU members by 2004, leaving Romania and Bulgaria out for the time being. Quite surprisingly, whereas the French usually insist on the necessity to judge the candidate countries solely on their own merits, the French minister of Foreign Affairs recently seemed to support the idea of a "big bang" including the twelve applicant countries. Following the discussions of the progress reports in the General Affairs Council, Hubert Védrine said: "I have asked the Commission to think about the disadvantages of leaving two countries out [...]. Whether there are ten or twelve countries accessing, it does not matter a lot in practice. Therefore, I have asked the Council to think about comparative disadvantages".<sup>125</sup>

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<sup>123</sup> *Keskisuomalainen*, 18 July 2001.

<sup>124</sup> *Helsingin Sanomat*, 8 May 2001.

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<sup>125</sup> Hubert Védrine, press conference (after General Affairs Council), 19 November 2001 (available on

Two reasons might explain this turn away from 'orthodoxy' regarding accession negotiations. The first one is the comparatively close relationship with those countries, especially Romania, already mentioned in previous reports.<sup>126</sup> According to French diplomats, Mr Védrine may also have wished to voice a disagreement with the Commission's views. Either applicants are judged on their ability to implement the *acquis*, and no one can say how many of them will be ready by the end of 2002; or the decision to welcome new Member States will be taken on political grounds and thus there is no reason to exclude Romania and Bulgaria.

#### *Free movement of labour and services*

Free movement of labour and services does not appear to be as central for France as for Germany. During the final phase of negotiations under the Swedish Presidency, French officials showed sympathy for German worries in that area, provided that Germany's situation somewhat resembles France's situation before the enlargement to Spain and Portugal. At the same time, as is often the case regarding the Franco-German relationship, competition went hand in hand with solidarity. The French negotiators underlined that the actual importance of migration from new members was far from being established and that the free movement of persons was a crucial aspect of the internal market. Therefore, they favoured a rapid, if not immediate, granting of freedom of circulation to future members.<sup>127</sup>

The final compromise, thus, proved satisfying from a French point of view. Instead of a seven-year transition period demanded by the German delegation, there will be a 5-year period. The latter may be reviewed two years after accession, while individual member states may add an

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the site of the ministry of Foreign Affairs : [www.doc.diplomatie.gouv.fr/BASIC/epic/www/doc/SF](http://www.doc.diplomatie.gouv.fr/BASIC/epic/www/doc/SF)).

<sup>126</sup> See for instance *Enlargement/Agenda 2000 Watch*, n°1/1999, June 1999, p. 88; 2/1999, February 2000, p. 27-28.

<sup>127</sup> Cf. Florence Deloche-Gaudez & Christian Lequesne, *Frankreich*, In Werner Weidenfeld, Wolfgang Wessels (Hrsg), *Jahrbuch der Europäischen Integration 2000-2001*, Institut für Europäische Politik, Europa Union Verlag, 2001.

additional two years. It is unlikely that France will be one of them.

It must be added that the topic was hardly touched upon in the French media and public debates. Neither the strongly weakened extreme right, Le Pen's *Front national* and its off-spring, the *Mouvement national républicain* (MNR), nor the 'souverainist' movements have picked up the topic of the consequences of enlargement for immigration.

#### *Chapters still to negotiate*

Agriculture is probably the most important chapter of those still open. Officials from the French ministry of agriculture are worried about food safety and standards with regard to enlargement. More precisely, for the French, there should be neither derogations, nor even transitional arrangements regarding three points: the implementation of the BSE *acquis*, the standardisation of border controls and of slaughterhouses. Some French representatives interviewed on that subject stated that they felt somewhat isolated in the negotiations.<sup>128</sup> They described other delegations as much less demanding in terms of standards. As for the issue of direct payments, the French stick to the same position: one should first look at the way the applicants can implement the CAP *acquis*, before dealing with the question of aiding their farmers.<sup>129</sup>

It must be noted that the President and the Prime Minister are not always in agreement on the topic of agriculture. The current government seems to be increasingly inclined to seriously consider a fundamental reform of the Common Agricultural Policy as a consequence of enlargement. Relations between the major agricultural trade union, the FNSEA, and the minister for Agriculture, Jean Glavany, have been strained by the successive food crises. The latter is sometimes described by farmers as somebody "not liking agriculture". Admittedly, French farmers are traditionally conservative voters. President Chirac has long been an almost unconditional supporter of CAP, of which French

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<sup>128</sup> Interview with official of the French ministry of Agriculture, September 2001.

<sup>129</sup> See *Enlargement/Agenda 2000 Watch*, n° 3/2000, November 2000, p. 18.

farmers continue to be central beneficiaries. Therefore, until the presidential elections in 2002, the idea of reforming the CAP is carefully kept off the agenda. The current official French line is: no ‘telescoping’ between internal and external issues, in other words between the mid-term review on the CAP and the accession negotiations on agriculture. The French declare that those who would be willing to take the opportunity to reform the CAP would take the risk of delaying the enlargement of the Union.

As regards the Regional and Structural Policy, the French have defended the same position. During the Swedish presidency, the Spanish representatives attempted to obtain guarantees on structural funds from which they would continue to benefit in an enlarged Union, by threatening to oppose the agreement reached on free movement of persons. The French have refused to establish a link between the accession negotiations and the consequences of enlargement on Community policies.<sup>130</sup> In this case, France and Germany advocated the same position.

For France, among the chapters still to negotiate, that of ‘Justice and Home affairs’ would come second after agriculture in order of importance. Again, the French insist on remaining vigilant as to future border controls outside the Union.

With regard to ‘Transport’, French diplomats claim to have ‘no problem’ (unlike the Germans or the Austrians...). Apparently, there again, French leaders have decided to advocate the popular idea of safety – that of maritime safety. Finally, as for ‘Taxation’, French negotiators appear ready to grant transitional periods regarding cigarette excise duties in order to avoid unpopular increases in cigarette prices just before possible referenda on accession treaties.

### *Public opinion*

At first sight, it may appear that public opinion is rather inclined to oppose EU enlargement. According to Eurobarometer data, even if this percentage has slightly decreased, almost half of the French interviewed still say they are against a statement like: ‘the European Union should be enlarged and include new countries’.<sup>131</sup> Moreover, enlargement produces specific fears

especially concerning the future of small- and medium-sized farms (76.2 per cent), loss of employment to new member states (75.2 per cent) and disloyal competition (71.3 per cent), especially regarding agricultural products.<sup>132</sup>

Actually, as shown again by Eurobarometer, French citizens are on average not very well informed on EU enlargement. There is confusion concerning the countries that the EU will enlarge to (Norway and Switzerland are often quoted as ‘candidates’).<sup>133</sup> According to another survey, 74.7 per cent of French citizens declare that they are badly (bad + very bad) informed about enlargement, and even more, 82.6 per cent that they do not feel they participate at all in the debate on EU enlargement.<sup>134</sup> Therefore, it would be wise to consider that public opinion could evolve in the future.

Nonetheless, in the near future, the EU enlargement is unlikely to become a significant issue for public opinion. Presidential and general election campaigns usually do not focus on European issues. This time, it could be different because of the introduction of the euro currency. But French leaders will probably not deal with enlargement – a risky topic – till the signature of new accession treaties and they do not really have to take public opinion into account with regard to negotiations.

As for pressure groups, however, French negotiators must take account of agricultural trade unions. As indicated above, the main agricultural trade union, the FNSEA, might be slightly less listened to, the socialist government being inclined to share certain concerns with the competing “Confederation paysanne” led by José Bove.

Apart from agriculture, major French companies may be willing to influence the accession negotiations, when necessary, according to their own interests. For instance, as far as we know, within the framework of negotiations with Hungary, following Pechiney’s request, a preferential quota on aluminium products

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<sup>130</sup> *Agence Europe*, 19 May 2001, n° 7968.

<sup>131</sup> *Eurobarometer 55*, Spring 2001.

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<sup>132</sup> *Ibid.*

<sup>133</sup> Special edition, Survey carried out for the European Commission’s in the member states, European Opinion Research Group (EORP), June 2001.

<sup>134</sup> *Eurobarometer 55*, Spring 2001.

attributed to a competitor installed in Russia was removed.

## *Germany*

### *Time-table*

With view to the time-table of enlargement, the German government considers that the accession negotiations with the most advanced candidate countries could be concluded in the end of 2002 and that, therefore, these countries will participate in the elections to the European Parliament in 2004. The Progress Reports of the European Commission submitted in November 2001 recognised that all 12 candidate countries substantially progressed in the last year. Due to that statement, ten applicants will have good prospects to become members of the Union in 2004.<sup>135</sup> As chancellor Schröder stated the European Union has set the provisions to incorporate new members by 1<sup>st</sup> January 2003. The European institutions will be prepared due to the results of the Summit of Nice in December 2000. However, it will depend on the candidate countries when they will be ready to enter the Union. Germany is still a driving force with regard to the enlargement of the Union and the German government will support the candidate countries as much as it can. Moreover, Mr. Schröder underlined that the accession negotiations have advanced very well in the last year so that the time-table adopted in Nice and Gothenburg could be regarded as a feasible and realistic one.<sup>136</sup> With respect to Poland, chancellor Schröder pointed out that in his view, Poland takes a central position in the enlargement process. Mr. Schröder expresses the wish that Poland should be among the countries of the first wave of enlargement. Therefore, the German chancellor welcomes that the new Polish government appears to be more flexible and co-

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<sup>135</sup> Europäischer Rat in Brüssel: Es geht um die Zukunft Europas, 13.12.2001, download: [www.bundesregierung.de](http://www.bundesregierung.de).

<sup>136</sup> Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden; Regierungserklärung von Bundeskanzler Gerhard Schröder am 18.10.2001.

operative with regard to the negotiations. That gave the accession talks with Poland a new impetus. However, bringing up Poland to the level of the most advanced countries will not be easy, but Germany will support Poland to do so.<sup>137</sup>

In addition to Mr. Schröder, foreign minister Fischer underlined that the ratification of the Treaty of Nice is a precondition of the enlargement of the Union. Mr. Fischer stressed that point with the negative referendum on the treaty in Ireland in view. For Germany, the enlargement of the Union is of national interest and there may not be any delay concerning that historical project.<sup>138</sup> Despite the result of the Irish referendum, Mr. Fischer confirmed in July 2001 the time-table for accession adopted by the European Council. Moreover, he stated that the objective to conclude negotiations in the end of 2002 may additionally stimulate the candidate countries.<sup>139</sup> However, to avoid conflicting agendas for enlargement and reform, the Minister of Foreign Affairs Fischer stated on a conference in Budapest in November 2001 that the accession of the most advanced candidates will be conceivable in the end of 2003/beginning of 2004.<sup>140</sup>

The most conflicting reform issue with regard to the enlargement time-table will be the Common Agricultural Policy. The Agenda 2000 agreement provides a mid-term review of the CAP. The European Commission has announced its proposals for spring/summer 2002. However, the German government will set no link between the

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<sup>137</sup> Regierungserklärung von Bundeskanzler Gerhard Schröder vor dem Deutschen Bundestag zu den Ergebnissen des Europäischen Rats in Göteborg, 21.06.2001; Regierungserklärung von Bundeskanzler Gerhard Schröder vom 18.10.2001.

<sup>138</sup> EU-Gipfel in Göteborg und irische Volksabstimmung, Interview mit Bundesminister Joschka Fischer in der ARD am 15.06.2001, download: [www.auswaertiges-amt.de](http://www.auswaertiges-amt.de).

<sup>139</sup> Joschka Fischer/Jan Kavan: In der Mitte Europas: Die EU-Mitgliedschaft wird das Verhältnis von Deutschen und Tschechen positiv prägen", Süddeutsche Zeitung vom 18.07.2001.

<sup>140</sup> Rede von Außenminister Joschka Fischer, 11. Deutsch-Ungarisches Forum, 30.11. und 01.12.2001, Budapest.

accession negotiations and the reform debate on policy issues like the CAP.<sup>141</sup>

On the party level, the social democratic party emphasised the foreseen time-table in its policy paper on European integration.<sup>142</sup>

By agreeing the Treaty of Nice, the conservative and the liberal party argued that the agreement to the Treaty is based on the fact that they are not willing to hamper the enlargement process despite all the deficits the Treaty provides itself.

The conservative party asks for a rapid and well prepared accession of the candidate countries. Due to the economic relations to the CEEC and the foreign policy situation of Germany, that should be envisaged.<sup>143</sup>

### *Principle of differentiation*

As stated by chancellor Schröder, it lies in the responsibility of the candidate countries themselves when they could become members of the Union. The German government is of the opinion that the Copenhagen criteria have to be respected and that the *acquis* has to be adopted fully by the accession countries.<sup>144</sup>

Furthermore, Mr. Schröder pointed out that with respect to the agreed time-table, the principle of differentiation will be applied: the candidate countries will be judged exclusively on their own merits. Due to that, it is depending on the accession countries to undertake the necessary efforts and to progress in the accession talks.<sup>145</sup> Foreign minister Fischer affirmed that view and declared that it will not be of interest how many candidate countries will become members of the

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<sup>141</sup> The European Commission will probably present its proposals on the CAP after the elections in France. The foreseen reforms on the regional and structural policy will be discussed later.

<sup>142</sup> "Verantwortung für Europa". Leitantrag für den SPD-Bundesparteitag in Nürnberg, 19.-23.11.2001.

<sup>143</sup> CDU: EU-Erweiterung, download: [www.cdu.de](http://www.cdu.de).

<sup>144</sup> Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden; Regierungserklärung von Bundeskanzler Gerhard Schröder am 18.10.2001.

<sup>145</sup> Regierungserklärung von Bundeskanzler Gerhard Schröder vor dem Deutschen Bundestag zu den Ergebnissen des Europäischen Rats in Göteborg, 21.06.2001.

Union in the first accession round but that these countries fulfil completely the criteria of accession. The principle of differentiation is the only method able to operate with the admission of new members. Therefore, none of the applicant countries could be forced to wait until other candidate countries will be prepared to join the EU. It is not worth to build up groups of candidate countries. However, Mr. Fischer declared, it seems to be possible that almost ten countries will conclude their negotiations with the Union in 2002. For this reason, a so called big-bang scenario containing ten out of the 12 candidate countries will be conceivable.

With regard to Poland, Mr. Fischer expresses the wish of the German government that Poland will be in the first accession round. However, Mr. Fischer underlined, the principle of differentiation applies to Poland as well and the Polish government is aware of that.<sup>146</sup> As stated earlier in 2001 by chancellor Schröder, the German government will support Poland to bring it up to the level of the most advanced candidate countries. Therefore, Mr. Schröder is pleased that the new Polish government appears more flexible and co-operative with respect to the accession negotiations. That will bring a new dynamic to the talks between the Union and Poland.<sup>147</sup>

### *Free movement of labour and services*

Already in December 2000, the German chancellor Schröder declared that there must be a transitional arrangement with regard to free movement of labour and services in the course of the enlargement of the Union. He proposed a programme limiting the free movement of labour and of some branches of services. It should be a flexible model with echelon transition periods to fit the needs and the fears of the population in the

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<sup>146</sup> Magyar Nemzet, 01.12.2001.

<sup>147</sup> Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden; Regierungserklärung von Bundeskanzler Gerhard Schröder am 18.10.2001; Hungary and the other frontrunner candidates feared that their accession will be delayed by Poland. So far, Poland strictly refused to see in the relatively low number of closed chapters a lack of membership preparedness, see *Uniting Europe*, no. 166, 26.11.2001.

current and the present member states.<sup>148</sup> He affirmed that the German government is aiming to conclude such an agreement with the current member states, the accession countries and the European Commission.

On 30 April 2001, i.e. in the period the common position of the Union on free movement of labour was negotiated, the German Minister of Foreign Affairs Fischer stated that by its geographical position and by its situation on the labour market Germany is very interested in transition periods with regard to the free movement of labour and services. Moreover, he underlined that transitional arrangements had been agreed in the accession negotiations with Spain and Portugal and the experiences with the transition periods had been positively for both, the accession countries and the member states. Furthermore, at that time the provisions had been even higher and more strict than those the German government had proposed now.

For this reason, the German government hopes that the member states of the Union will support Germany in this crucial issue.<sup>149</sup>

In march 2001, the European Commission proposed five options for an orientation debate on the issue of free movement of labour: full and immediate application of the *acquis*, safeguard clauses, a flexible system of transitional arrangements, the establishment of fixed quota systems and a general non-application of the *acquis* for a limited period of time. However, the Commission paper contained no proposals on the

free movement of services. In the following, the debate among the current member states concentrated on two options: the safeguard clauses and the flexible system of transitional arrangements. Finally, the common position on which the member states agreed and on which the negotiations with the accession countries are based, provides a flexible system of transitional arrangements, similar to the model chancellor Schröder proposed in December 2000.<sup>150</sup> Furthermore, the German and the Austrian government succeeded in connecting the issue of free movement of services to the accession talks about the free movement of labour. There are no global transitional arrangements in relation to any provision of services nor for any other categories of persons. However, as long as they apply national measures to the free movement of workers from the candidate countries, "Austria and Germany may, after notifying the Commission, apply flanking national measures to address serious disturbances or threat thereof, in specific sensitive service sectors of their labour markets, which could arise in certain regions from cross-border provision of services."<sup>151</sup> A list of services covered has been agreed. For Austria, it includes the construction sector, horticultural service activities, cleaning services, social services, home nursing, security activities. For Germany, the list names the construction sector, cleaning services and activities of interior decorators.

On 30 May 2001, Germany made a unilateral declaration that the transitional period on the free movement of services could apply to the whole

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<sup>148</sup> Mr. Schröder proposed a seven year transition period from the first accessions in 2003 on. After five years there should be an obligatory review allowing to shorten the transition period with regard to individual new member states. At the request of the new member states, the restrictions could be revoked if the preconditions are fulfilled. The current member states could allow limited accession to their territory by their national regulations during the transition period if there is a need in labour force in some branches or in general. Moreover, there must be restrictions of the free movement of services with regard to some branches like in the construction industry and trade sector. See Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden.

<sup>149</sup> Zukunft Europas und der Europäischen Union, Rede des Bundesministers des Auswärtigen Joschka Fischer in Dublin am 30. April 2001.

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<sup>150</sup> For a period of five years, the current member states will continue to apply their national measures as regards the right of CEEC nationals to take up work. The current member states may introduce under national law greater freedom of movement of workers than at present, including full labour market access. After two years at the latest, the transitional arrangements have to be reviewed and the council has to decide on a proposal of the Commission and after consulting the European Parliament to shorten or conclude the transitional period. After five years the transitional period will come to an end. Only to address serious disturbances or threat, the transitional period can be prolonged up to a maximum of two years.

<sup>151</sup> *Uniting Europe*, no. 147 – 4/6/2001.

territory of Germany if necessary, and not only to some specific border regions.<sup>152</sup>

By this, the German government realised its particular interests with regard to the free movement of labour and, by the exceptions that were granted to Germany and Austria, its concerns with regard to the free movement of services. However, the manner in which chancellor Schröder dictated the Commission the transitional arrangements angered some of the current member states, even if they understood well that the free movement of labour and services was an important issue for the German government.<sup>153</sup> It is worth mentioning in this context that the prognosis on the quantity of migration from the CEEC to the current member states show quite different figures. Due to that, it is still difficult to discuss the problems that will be caused by migration and to deal seriously with the question of free movement of labour and services in the political, scientific and public debate in Germany.<sup>154</sup> However, despite the differences on the quantity of migration, all the prognosis conclude, that the job-seekers from CEEC will concentrate on Germany and Austria and, with regard to commuters, on Finland. That fact may explain to a large extent the fears and concerns of the population in Germany and Austria as regards the free movement of labour and services by the enlargement of the Union. The politicians took up that public view and, by this, were asking for transitional arrangements on the European level. However, in Germany no one in science or politics is really expecting a mass immigration. The importance of the issue is motivated rather psychologically and politically than in real terms. Seen economically, the effects on the income level and employment rate by the migration of labour force to the current member states of the Union will be low.

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<sup>152</sup> *Uniting Europe*, no. 147 – 4/6/2001.

<sup>153</sup> Christian Wernicke: *Die teutonische Agenda: Rot-Grün verheißt Europa hehre Ziele. Aber Berlins EU-Kurs ist unter Gerhard Schröder nationaler denn je*, in: *Die Zeit*, Nr. 50, 56. Jg., 6. Dezember 2001, p. 11.

<sup>154</sup> Deutsches Institut für Wirtschaftsforschung: *Study on the impact of the enlargement of the EU on employment and labour markets in the member states*, download: [www.diw.de/deutsch/projekte/docs/wlt\\_enlargement\\_EU.html](http://www.diw.de/deutsch/projekte/docs/wlt_enlargement_EU.html).

On the other hand, the free movement of services will affect much more the service sector in the current member states: The income level will be undercut by the providers from the CEEC and that will exert an increasing pressure on some branches as the construction sector. As border states to the accession countries, Germany and Austria would be concerned most by the free movement of services. For this reason, the German and the Austrian government asked for transitional arrangements on services in connection with the transitional period on free movement of labour.

However, the German farmers association underlines that for the competitiveness of the German agricultural sector, especially the labour-intensive branches, it will be necessary to assure the free movement of labour and to approve the arrangements for seasonal workers.

The German trade sector supports transitional arrangements with regard to the free movement of labour and services. The regulations should cover a period of seven years and include review mechanisms to fit the progress of the candidate countries and the situation on the labour market. By this, it should be possible to shorten or to prolong the transitional period. However, there should be special clauses in the accession treaties to open up the labour markets of the current member states for CEEC workers if there will be need. The influx of workers from the CEEC shall correspond to the demand of the enterprises. Especially with regard to the demographic situation in Germany, it might be necessary to open the labour market from 2010 on. Moreover, the association supports the transitional arrangement on services and welcomes the unilateral declaration of the German government to apply the transitional period to the whole territory of Germany if necessary.<sup>155</sup> The association of the German industry underlines that all kinds of transitional arrangements shall be avoided or, if inevitable, be agreed only on single issues and on the lowest possible level. As regards the single market, the prosperity effects

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<sup>155</sup> Zentralverband des Deutschen Handwerks, *Stellungnahme zur Osterweiterung der Europäischen Union: Risiken begrenzen, Chancen nutzen, Mittelstand fördern*, Januar 2001, download: [www.zdh.de](http://www.zdh.de); interview by telephone with the spokesman of the association.

of the enlarged market will be hampered by every transitional arrangement that will be established in the accession treaties. The four principles of the single market are of special concern in this context. Due to the association of the German industry, the debate on transitional arrangements takes into account the problems of some branches, but there is not much knowledge of the facts. As regards the demographic situation of the German population and the increasing shortage of qualified employees, the German labour market has to be opened up in good time for qualified workers from the accession countries. The foreseen transitional arrangements for the free movement of labour and services will protect the labour market in border regions, but they are no useful instruments to fight unemployment.<sup>156</sup> In the political debate, the social democrats pointed out that the agreed common position provides a flexible model assuring to deal with the uncertain quantities of migration after accession and to fit the concerns and fears of the German population with regard to labour force market and migration.

The conservative party agrees to a transitional period as well. However, the seven year period will not be as sure as supposed because it will take decades to bring into line the income levels in the current and the future member states. For this reason and thinking in long terms, it will be more important to open positive prospects to the population in the candidate countries, i.e. by an accession to the Union as soon as possible. Furthermore, as a representative of the conservative party stated, the limitation of the free movement of labour and services demanded by Germany and Austria might be seen as an expression of national interest that could provoke further demands by other member states with regard to the outstanding accession negotiations. That could hamper the accession talks, especially as regards the sensitive issues: the common agricultural policy and the regional policy.

It is worth mentioning that, in general, the debate on the free movement of labour has led to a more intensive discussion on immigration in the German public and in political and economic

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<sup>156</sup> Deutsche Industrie- und Handelskammer, Warum ja zur Erweiterung? 13 Thesen und Forderungen des DIHK zum Reformprozess der EU und zur Erweiterung, download: <http://www.dihk.de>.

circles. The association of the German industry and the association of the trade sector have clearly pointed out that in the forthcoming years, Germany will have to open its frontiers for people from abroad because of its own demographic situation. Immigration seems to be one of the means to recruit qualified workers and to stabilise the system of social security in Germany. On behalf of the German government, a commission has composed proposals and presented them in July 2001.<sup>157</sup> However, this issue is still a very sensitive one in Germany as can be seen in the public and political debate in the aftermath of the report.<sup>158</sup> As the German government was interested very much in transitional arrangements on the free movement of labour and services, it could be expected that there will be limitations in both areas. However, the duration and the extent of transitional arrangements corresponding to the agreed model could not be foreseen.

#### *Chapters still to negotiate*

Considering the table of open chapters, the most crucial aspects with regard to the individual chapters can be summed up as follows:

##### - Competition Policy

In Germany, it is under discussion to hand back more competencies to the national or regional level according to the principle of subsidiarity. However, this item is more related to the debate on the future of the Union than to the enlargement negotiations.<sup>159</sup>

##### - Agriculture

With regard to a reform of the Common agricultural policy, the German government approves national co-financing or probably a system of phasing-out (degressivity) of the direct payments for the EU-15 farmers. Furthermore the

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<sup>157</sup> Bericht der Süßmuth-Kommission, download: [www.bmi.bund.de/frame/dokumente/Artikel/ix\\_473\\_13.htm](http://www.bmi.bund.de/frame/dokumente/Artikel/ix_473_13.htm).

<sup>158</sup> see also Immigration als Wahlkampfthema, Frage; Beschluss des Bundesausschusses der CDU Deutschlands: Zuwanderung steuern und begrenzen. Integration fördern, vom 7.Juni 2001, Berlin, download: [www.cdu.de](http://www.cdu.de).

<sup>159</sup> "Verantwortung für Europa". Leitantrag für den SPD-Bundesparteitag in Nürnberg, 19.-23.11.2001.

government rejected to pay direct subsidies to farmers in the new member states in the past. The German government stands up for the principle of stabilising the expenditures of the Union and by this limiting the budget of the CAP. However, the budget of the CAP is fixed until 2006 and any re-negotiations of these settings are taboo in the view of the Government. These aspects should be kept in the back of one's mind with respect to the negotiations on agriculture. However, the negotiations with the candidate countries on the CAP will be based on the current CAP and there is no link between these negotiations and the mid-term review which is foreseen for 2002 and the preparation of the WTO-talks on agriculture, as stated by a representative of the Ministry of Agriculture.

At present, the question of handing over the direct payments and the production quota systems to the new members after their accession is still under discussion. However, the Ministry of Agriculture will set up a restrictive position on these items in co-operation with the Ministry of Finance to avoid high expenditures in the CAP. The German farmers association is interested in guaranteeing direct payments to the farmers in the CEECs just to make sure that these subsidies will be granted to the farmers in the current member states in future.

Moreover, the farmers association has asked for transitional arrangements with regard to the common market price system and the national production quota in the course of enlargement, similar to those which had been applied at the accession of Greece, Spain and Portugal. The German government disagrees with that and is of the opinion that the new members shall fully be integrated into the common agricultural market after their accession to the Union.<sup>160</sup>

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<sup>160</sup> interview by telephone, 09.01.2002, Rede der Bundesministerin für Verbraucherschutz, Ernährung und Landwirtschaft, Renate Künast vom 17. Mai 2001: EU-Erweiterung – Bestandsaufnahme und Perspektiven; Agranet: WTO-Verhandlungen und EU-Osterweiterung. DBV-Präsident Sonnleitner bei Bundesausseminister Fischer, 6.02.2001. Agranet: Nüssel fordert von der Berliner Politik Verlässlichkeit: Nationale Alleingänge untergraben die deutsche Wettbewerbsfähigkeit, 07.06.2001.

#### - Transport Policy

With respect to the chapter Transport Policy, especially Germany and Austria were concerned about "unfair competition" as a result of a possible massive influx of cheaper hauliers from the CEECs (namely Poland, Czech Republic, Slovakia or Hungary) on their national road transport markets.<sup>161</sup> The Commission followed these request and justified its proposal for the common draft position on transport to avoid disruption on the national markets of the current member states. The common draft position provides a transitional arrangement delaying the free access to cabotage up to a maximum period of five years after enlargement.<sup>162</sup>

#### - Finances and Budgetary Provisions and Taxation

Due to the fact that the European Commission will present its proposal for the common draft position in the end of January, the German Ministry of Finance has not yet defined its final position. However, the German government still favours to stabilise the expenditures of the Union and to fall below the ceiling of 1,27% of the GNP. Moreover, Germany is interested in a more balanced relation of the national contributions to the Union. The relative net contributions of other net payer countries will be a point of reference in this context.<sup>163</sup>

#### - Justice and Home Affairs

As regards Justice and Home Affairs, the German Minister of the Interior underlined that the candidate countries have to guarantee security in the European Union from the beginning of their membership on. Of special concern for the German government will be the implementation of the Schengen acquis in the new member states: The border controls will be lifted only if the accession countries are able to fully apply the Schengen acquis, i.e. if they can control efficiently their external borders.

Due to the draft common position on which the negotiations with the candidate countries are based, there are no further crucial points seen by the German government.

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<sup>161</sup> There were requests from various member states with regard to transport policy.

<sup>162</sup> *Uniting Europe*, no. 164, 12. November 2001.

<sup>163</sup> interview by telephone, 10.01.2002, Enlargement/Agenda 2000-Watch, Nice-update.

In addition to the national measures on fighting terrorism set up in the aftermath of 11 September 2001, the co-operation between the current and between the current and the future member states will be strengthened without being already part of the negotiation position of the Union.<sup>164</sup>

#### - Regional and Structural Policy

As pointed out by the German chancellor, a further sensitive issue in the course of enlargement will be regional policy. Together with Austria, Germany demands programs for border regions. The German chancellor underlined that these regions need special help to get adapted to their new role and geographic position in the middle of the European single market. Furthermore, Mr. Schröder declared in accordance with the Prime ministers of the German Länder that European rules may not hamper a national regional policy with regard to the border regions.<sup>165</sup>

Moreover, the German government underlines that it is very important to continue the aid for the new Länder of Germany. Namely with respect to the enlargement of the Union, the eastern part of Germany shall be well prepared for the economic challenges in the course of the accession of new members to the Union.<sup>166</sup>

#### *Public opinion*

The general support for enlargement decreased very slightly from November/December 2000 to April/May 2001 in the German public: In November/December 2000, 36 per cent of the German population were in favour of

enlargement, 43 per cent against, i.e. more Germans disagree with the accession of new member states (net result: -7 per cent). 21 per cent of the German population have had no opinion on the issue.<sup>167</sup> In comparison to these figures, no real change can be pointed out in April/May 2001: 35 per cent of the German people were for enlargement and 42 per cent against. The net result in supporting the membership of candidate countries remained unchanged by -7 per cent. However, the group of people who “did not know”, increased to 23 per cent (plus 2 per cent).<sup>168</sup> Due to Eurobarometer no. 55, the majority of the German population agrees only to an accession of a limited group of countries (51 per cent of the interviewed persons), whereas 17 per cent of the Germans are completely against new members and a minority of 12 per cent is in favour of opening the EU for all countries willing to access to the Union. 20 per cent of the German population has no opinion on that issue. However, in all member states of the Union the restricted accession of candidate countries is preferred (the EU-average is of 44 per cent). In Denmark, the Netherlands, Greece, Luxembourg and Finland the figures in favour of a limited accession are even higher than in Germany. But it is worth mentioning that the German population is the one with the smallest support for an unlimited accession scenario (the EU-average stands at 23 per cent).

As regards the speed of enlargement, 15 per cent of the German population want to speed it up (EU-average: 23 per cent), 46 per cent (EU-average: 44 per cent) approve that it should stay as it is and 21 per cent (EU-average: 16 per cent) want it slowed down. 18 per cent (EU-average 17 per cent) did not know. Slowing down the process is most widespread in Luxembourg (31%), Austria (29%), Finland (27%), Denmark (24%) and Germany (21%).<sup>169</sup>

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<sup>164</sup> interview by telephone with the Ministry of the Interior, 10.01.2002; Gemeinsame Presseerklärung von Bundesjustizministerin Däubler-Gmelin und Bundesinnenminister Schily, 08.02.2001: Europa der Freiheit, der Sicherheit und des Rechts schnell voranbringen; Rede des Parlamentarischen Staatssekretärs Fritz Rudolf Körper im Rahmen des “Seminars für Sicherheit” der Bundesakademie für Sicherheitspolitik vom 10.04.2001: Die Agenda der Bundesregierung zur Inneren Sicherheit.

<sup>165</sup> Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden.

<sup>166</sup> Bericht über die Entwicklung der Finanzhilfen des Bundes und der Steuervergünstigungen für die Jahre 1999 bis 2002, 18.Subventionsbericht, 28.08.2001, [www.bundesregierung.de](http://www.bundesregierung.de).

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<sup>167</sup> The EU-average was 44 per cent for and 35 per cent against enlargement. 21 per cent of the interviewed persons did not know.

<sup>168</sup> In the average, 43 per cent of the citizens of the Union are for enlargement and 35 per cent against. 22 per cent did not know.

<sup>169</sup> Crossing these results with those of the question on the speed of enlargement, restricted enlargement is the favoured option for all three groups of European citizens. However, those who want the process to be sped up are much more likely to favour an

Moreover, on the question whether people's personal life after enlargement will be better, worse or about the same as it is today, 61 per cent of the Germans (EU-average: 68 per cent) think that their personal life will not be affected. For 8 per cent of the population (EU-average: 10 per cent), there will be an improvement. But the feeling that enlargement will affect people negatively is highest in Luxembourg (21%) and Germany (20%) (the EU-average is of 13 per cent).

In general, it could be stated that the German population is very hesitant with regard to enlargement of the Union: The support for the accession of new members is one of the lowest in the Union. Furthermore, the majority agrees only a restricted group of new members. However 46 per cent of the population supports the speed of the enlargement process as it is, 21 per cent will slow down the process. And even if the majority of the German population is of the opinion that the accession of new member states will not affect their life, Germany shows on the other hand one of the highest rates of people that feel negatively concerned in their personal life by the accession of new members.

However it is worth mentioning that 71 per cent of the German citizens (EU average: 78 per cent) declare that they are badly (bad or very bad) informed about enlargement. Only 22 per cent of the German population (EU average: 18 per cent) feel well informed (very well or well informed) about the accession of the candidate countries.<sup>170</sup>

Therefore, public view on enlargement could evolve in the future, namely with regard to the fact that, among the current member states, Germany still benefits the most from the economic relations with the candidate countries.<sup>171</sup>

With regard to free movement of labour and services, the German government took into account the fears and concerns of the citizens, the trade sector and some branches like the construction sector. The debate on that issue

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unrestricted enlargement (37%) than are those who want the process to be slowed down (11%).

<sup>170</sup> Eurobarometer, no. 55.

<sup>171</sup> Regierungserklärung von Bundeskanzler Gerhard Schröder zum Europäischen Rat in Laeken vom 12.12.2001.

opened up the way to a more intensive discussion on immigration in general. The German government presented a draft bill on immigration on 7 November 2001 which is disagreed by the conservative parties. An agreement seems to be difficult and the issue may be one of the main topics in the election campaign in 2002.

As already pointed out by the German chancellor, a further sensitive issue in the course of enlargement will be regional policy. Together with Austria, Germany asks for programs to border regions. The German chancellor underlined that these regions need special help to get adapted to their new role and geographic position in the middle of the European single market. Furthermore, Mr. Schröder declared in accordance with the Prime ministers of the German Länder that European rules may not hamper a national regional policy with regard to the border regions.<sup>172</sup>

With regard to the chapter of Competition policy, it is discussed in Germany to hand back more competencies to the national or regional level according to the principle of subsidiarity. However, this item is more related to the debate on the future of the Union than to the enlargement negotiations.

Moreover, the German government has to take into account the concerns of the German farmers associations. The farmers association pleaded for transitional periods with regard to the common market price system (e.g. guarantee prices) and the national production quota. The German government disagrees transitional arrangements in the course of enlargement as they have been applied at the accession of Greece, Spain and Portugal. The new members shall be fully integrated in the common agricultural market after their accession to the Union, as have been Finland, Sweden and Austria in the past enlargement round. Due to the German Ministry of Agriculture, the question of direct payments and the quota system for milk is still under discussion. In co-operation with the Ministry of Finance, the Ministry will set up a restrictive position on these items to avoid high expenditures. The German farmers association stands for direct payments to the new members to

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<sup>172</sup> Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden.

guarantee these payments to the farmers of the current member states, too. However, the association does not want to see these payments cut down. In comparison to the past, the influence of the German farmers association on the Ministry has diminished with the new Minister Mrs. Künast.<sup>173</sup>

## *Greece*

### *Time-table*

Greece supports a 2002 end of negotiations allowing for a 2004 accession – while at the same time opting for a “big bang” approach, wide enough to include Balkan applicants. Nobody seriously considers this realistic – but the 2002/2004 timetable for at least a first group of accessions is crucial for Greek foreign policy for a very specific and focused reason: Greece gives much importance to the Helsinki Summit deal (more precisely: to its own reading of Helsinki) which has tied the green light for Turkey’s “path to Europe” to the peaceful solution to Greek-Turkish conflict issues, issues to be turned over to the International Court of Justice (ICJ), the Hague if not solved until 2004. While some measure of détente is present in Greek-Turkish relations since 2000, the Helsinki deal remains a linchpin of Greek foreign policy – along with the accession of the Republic of Cyprus, with no conditions precedent such as the solution of the Cyprus problem/the partition of the island. Thus, adherence to the strict timetable of 2002/2004 is a must for Greece. (The close inter-relation of Greek-Turkish-EU-Cyprus relations, under a distant U.S. patronage is presented in the series of articles of C. Zepos, A. Theophanous and M. Moronis, in “From Amsterdam to Nice”, o.c.)

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<sup>173</sup> interview by telephone, 09.01.2002, Rede der Bundesministerin für Verbraucherschutz, Ernährung und Landwirtschaft, Renate Künast vom 17.Mai 2001: EU-Erweiterung – Bestandsaufnahme und Perspektiven; Agranet: WTO-Verhandlungen und EU-Osterweiterung. DBV-Präsident Sonnleitner bei Bundesaussenminister Fischer, 6.02.2001. Agranet: Nüssel fordert von der Berliner Politik Verlässlichkeit: Nationale Alleingänge untergraben die deutsche Wettbewerbsfähigkeit, 07.06.2001.

### *Principle of differentiation*

As already explained, Greece is in favour of a “big bang” approach to enlargement, which would even include Bulgaria and Romania and which would stick to a fast and strict timetable. But pre-eminent to all enlargement considerations for Greece is the inclusion to the very first group of applicants of the Republic of Cyprus. This part of the Helsinki deal has become an integral part of all official Greek positions, spanning all levels and trends in successive Governments. Ever-clearer, though without aggressive tones when stated by PM C. Simitis or Foreign Minister G. Papandreou (as opposed to earlier FM. Th Pangalos who openly talked of “vetoing” enlargement) is the Greek position that “no Greek Parliament would ratify an EU enlargement which would not include Cyprus”.

### *Free movement of labour and services*

Although Greece has had quite an immigration problem ever since the mid- Nineties, and notwithstanding the fact that an appreciable number of immigrants to Greece come from CEEC countries (but especially from Balkan/South-Eastern ones) Greece has a relaxed position to the free movement of labour issue. This is probably due to the fact that nobody takes seriously the prospect of a Romanian/Bulgarian accession (and, of course, of an even further-away-in-the-future relationship with Turkey which would liberate immigration).

### *Chapters still to negotiate*

The nexus of Greek interests used to be (and largely remains) the future of the Structural Funds, as combined with the post-2006 EU budgetary provisions. (See for instance the presentation of a CPRM paper on “Who will pay for enlargement” in ECONOMICOS TACHYDROMOS of October 20<sup>th</sup>). Present problems in applying the Third CSF and drawing down its (quite important) funding has alerted the Greek negotiating positions to the fact that it is not only figures (i.e. shares in Structural Funds and contributions to the Budget) that count, but

also the rules through which programs are applied.

Still, the memories of negotiations over Structural Funds and Budget (Berlin Summit) and the fact that the 2002 Spanish Presidency will be instrumental in furthering negotiations on these chapters, make for still relaxed positions.

Meanwhile, the increasing problems that the ongoing reform of the CAP created for agricultural products of great importance to Greece (the new regulation for cotton of May 2001, the phasing-out of the subsidies for tobacco) may bring to the surface defensive Greek reflexes in the "Agriculture" chapter of enlargement negotiations. The fact that the new Minister of Agriculture has knowingly created a shock wave in farmer belt (interview in ECONOMICOS TACHYDROMOS of November 3<sup>rd</sup>) leading to massive demonstrations and political turmoil, indicates that any negotiation position visibly impinging on the remaining margin for Greek agriculture will be difficult to accept.

#### *Public opinion*

As already explained, public opinion towards enlargement remains loosely positive, but with the hard core of Cyprus/Turkey ultimately playing the decisive role in attitudes formation.

#### *Ireland*

##### *Time-table*

While negotiations are proceeding well, conclusions by the end of 2002 may be over-optimistic. The first half of 2003 might be more realistic. An extra effort may be needed if new members are to take part in the 2004 elections. It is not, however, expected that there will be a conflict of agendas. The agreement that enlargement is the priority should be maintained.

##### *Principle of differentiation*

Ireland is a strong supporter of the principle of differentiation. The accession scenario depends upon the necessary preparations being completed.

Current indications suggest eight countries being ready and this is the best guess which can now be made.

As to crucial problems under this heading, official sources suggest it is premature to say since not all potential major problems have yet been identified.

#### *Free movement of labour and services*

Ireland has a liberal policy with regard to free movement of labour and services. There is no intention of imposing limitations.

#### *Chapters still to negotiate*

Agriculture and Regional and Structural Policies are expected to be the most difficult chapters, not only for Ireland but in general.

Agriculture is expected to be very difficult but since the statistical basis for the negotiations is not yet available it is too early to say how difficult. Non-official sources suggest that radical change in the system of Direct Payments would give rise to problems. The date of accession will be a factor.

So far as Regional and Structural Policy is concerned it is accepted that Ireland's position as a major beneficiary will not continue. For Member States generally and for the applicants it will be a major task to find an equitable solution for those who will qualify for aid, including the new members and the less developed regions of the present Union.

#### *Public opinion*

In general support for enlargement is high (Eurobarometer 59%). There is at this time no significant opposition directed to particular areas, but this could develop (see Agriculture above).

#### *Italy*

##### *Time-table*

The EU time-table for the next years is filled with important events concerning not only

enlargement and EU reforms, but also the elections to the European Parliament, the renewal of the European Commission college, the debate on EU resources, etc.. The EU time-table therefore includes important issues not only from a procedural point of view but also on the substance. Against this background, Renato Ruggiero, the Italian Minister of Foreign Affairs<sup>174</sup> underlined the importance to conclude the work of the next IGC at the end of 2003, during the Italian Presidency, or at the latest at the beginning of 2004, in order to avoid an “institutional bottleneck“. However, it seems that the informal European Council meeting in Gent, on 19 October, opted to start the IGC only in 2004. Italy has proposed the candidature of Mr. Giuliano Amato as President of the Convention.

Mr. Ruggiero pointed out on several occasions that the EU will finally be reunified when it will move from its present 15 member States to 27 countries. This will open a new chapter of history and complete the design of reconciliation of a continent that has been marked by profound divisions.<sup>175</sup>

#### *Principle of differentiation*

With regard to the possible accession scenarios, for Italy it is at that time not yet possible to establish scenarios on the sequencing of the different accessions. However, it is nonetheless clear that Bulgaria and Romania will not be part of the first group of acceding countries.

With the above in mind, it is important to underline that special attention will have to be given to the relation with those countries that will only enter at a later date. It will in effect be necessary to take into account that the *acquis communautaire* has a tendency to expand and that the need for further negotiation may therefore add difficulties to the political and economic situation of these countries. It will be important to contain the possibility that an ever – growing gap should develop between the Union

and these countries. In view of the importance of maintaining regional stability in this wider context, Italy will be particularly sensitive to proposals that aim to overcome these difficulties.<sup>176</sup>

#### *Free movement of labour and services*

Regarding the free movement of persons, it may be noted that for Italy the introduction of certain limitations for a transitional period on the citizens of the new member states may be appropriate, notably in order to avoid negative reaction on enlargement by the public. In certain member States such limits should, however, be managed with a maximum of flexibility emphasising their transitional nature, while in parallel those member States should prepare the adoption of migratory policies of a more favourable kind. With respect to issues linked to Justice and Home Affairs, notably regarding a legal migration from third countries it will be necessary during the transition period to affect the implementation of the Schengen-EU *acquis*, to reinforce political, technical and financial efforts between the countries in order to minimize the negative effects of the shift of the external border.

In general, it should be recalled that the inclusion of these countries in the EU will imply the adoption of EU rules and policies which will improve their capacities to protect the environment, control migratory flows, etc. It would have been much more difficult to address these issues outside the context of the enlargement negotiations.

When taking account of the demographic trends in the candidate countries, it should be noted that the forecast for potential migration as a result of enlargement indicates that migration to Italy as well as to the entire Union is expected to be relatively modest. The main sources of immigration from eastern Europe after 1993 have been non-applicant countries such as the Western Balkans. Therefore, for Italy, the strengthening of the external border and the initiatives to stabilise the Balkans will be more important than the

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<sup>174</sup> Renato Ruggiero, speech on the future of the Union, Palazzo Montecitorio, Sala del Mappamondo, 31 October 2001, [www.esteri.it](http://www.esteri.it)

<sup>175</sup> Renato Ruggiero, *Gli annoiati studenti di Oxford e le nuove sfide dell'Europa*, Corriere della Sera, 18 October 2001.

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<sup>176</sup> Domenico Giorgi and Vittorio Rocco di Torre Padula, Office II European Integration, Ministry of Foreign Affairs, *Le Condizioni per L'Adesione*, in *Allargamento ad Est dell'Unione Europea: Sfide e Opportunità per l'Italia*, February 2001.

negotiation of a transition period. Economic reasons - after all just one of the reasons to migrate- and an unstable domestic situation (civil war, lack of respect of human rights, etc.) can be much more important. In this context, a strengthening of existing co-operation to control external borders and prevent illegal traffic, especially of course of human beings, seems to constitute a priority.<sup>177</sup>

#### *Chapters still to negotiate*

As far as the chapters that have not yet been concluded are concerned, Italy attaches particular importance to questions related to Regional Policy, the Structural Funds, as well as to the respect of the commitments taken in the field of Justice and Home Affairs and the control at external borders. Moreover, Italy will pay close attention to questions related to Finance and Budget Provisions, particularly regarding the impact on the national contribution and the reform of the Common Agriculture Policy, which will inevitably have to be reformed in an enlarged Union.<sup>178</sup>

Following extensive inter-ministerial consultations and the input from interested regions and the social partners, the government submitted to the European Commission in June 2001 a "Memorandum on Economic and Social Cohesion".<sup>179</sup> This document identifies three main objectives that need to be met as the Union's Regional and Structural Policy is reformed. First, reform should aim to continue to improve the competitiveness of regions that are underdeveloped. Second, reform will have to meet the needs of candidate countries while at the same time continuing to provide funds in specified regions of current EU members that are still underdeveloped. Lastly, reform should achieve greater quality, simplification and implementation of the principle of subsidiarity in the Union's Regional and Structural Policy.

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<sup>177</sup> *Allargamento ad Est dell'Unione Europea: Sfide e Opportunità per l'Italia*, Sintesi della Ricerca, February 2001, pp. 12-15.

<sup>178</sup> D. Giorgi and V. Rocco di Torre Padula, *op.cit.*

<sup>179</sup> *Memorandum italiano sulla coesione*, in *Nesletter mensile del Ministero dell'Economia e delle Finanze*, a cura del Dipartimento per le Politiche di Sviluppo e Coesione, Anno I Numero 4, August 2001, pag. 2.

Overall, this policy should aim to valorise each region's indigenous qualities, whether these are human, cultural, or related to natural resources, and facilitate local production methods. The ultimate objective of this policy, fully supported by the Italian government, is of course to contribute significantly to the acceleration of economic and social convergence of the candidate countries and the disfavoured regions.

#### *Public opinion*

The most sensitive issues for the public opinion are, as mentioned above, the questions related to the Regional Policy, the Structural Funds, as well as the control at the external border. Public opinion surveys show that support for enlargement of all EU member States is the second largest in Italy. 59% of Italians support enlargement, which is significantly higher than the EU average of 44%. Italians also appear willing to accept its consequences in a positive way, as a majority (56%) of the Italian people generally support future decision making by majority rather than by unanimity of all member States.<sup>180</sup>

#### *Spain*

##### *Time-table*

Spanish officials state that accession negotiations and EU reforms are being dealt in a separate way and are most likely to continue being so. They do not see any member state interested in opening up the 2000-2006 financial perspectives. At the same time, they consider that the negotiations on the 2007-2013 financial perspectives will not start until accession negotiations have concluded.

##### *Principle of differentiation*

Spanish officials take for granted that ten countries (all candidates but Turkey, Bulgaria and Romania) will conclude accession negotiations in time. Looking at the rhythm,

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<sup>180</sup> European Commission Eurobarometer Public Opinion in the EU, Report No. 54, April 2001, [www.europa.eu.int/comm/dg10/epo](http://www.europa.eu.int/comm/dg10/epo).

content and atmosphere of accession negotiations, there are no reasons to believe that the present enlargement calendar cannot be met.

#### *Free movement of labour and services*

Spanish officials endorse the “2 + 3 + 2” policy and accept the exceptions negotiated by Austria and Germany but are somehow worried about a possible proliferation of national exceptions to the principles of the single market. Spain does not envisage limitations of free movement.

#### *Chapters still to negotiate*

As a general rule, Spanish officials support that the resolution of the pending issues in all chapters will be dealt with in a manner which is fully compatible with the *acquis communautaire*. Some chapters, as “Justice and Home Affairs”, are specially sensitive and therefore, candidate countries should do their best to implement and effectively enforce EU regulations. In other cases, the candidates’ administrative capacity seems to be crucial to assure both full implementation of EU regulations and full access to EU funds.

Concerning structural and cohesion policy, the government sees with satisfaction the fact that other EU member states have recognised that enlargement will have an impact on the measurement of relative national incomes, and thus on the criteria for qualifying for EU structural and cohesion funds. As it will be recalled, this problem, known as the “statistical effects of enlargement”, was the object of a Memorandum sent by President Aznar to the Presidency of the Council in April 2001.<sup>181</sup>

Though the European Council refused to tackle the problem at that moment, officials do not show to be worried by an eventual losing of EU funds because of these “statistical effects”. On the one hand, they argue, Spanish regions are progressively phasing out the 75% income

threshold so, in the near future, there will be only a small number of regions entitled to receive EU funds. On the other hand, the principle of territorial cohesion is written into the Treaties so it will continue standing as a core principle of European integration and EU policies. Moreover, they conclude, the 2007-2013 perspectives will still be negotiated by unanimity, so all the views concerning structural and regional policies will have to be accommodated.

#### *Public opinion*

According to Eurobarometer data, Spain ranks third in public opinion support for enlargement, only after Greece and Ireland. Support in Spain is still 30 points above EU-15 average net support for enlargement, which is 8%. Compared to Germany, support for enlargement in Spain is 47 points higher than in Germany.<sup>182</sup>

According to a qualitative survey recently published by the European Commission, “the legitimacy of the candidate countries’ accession is not contested, and it is felt most strongly in the countries of the geographical South which are least economically developed and which show particular empathy and solidarity with the candidate countries, whose difficulties they understand better by virtue of going through or having gone through the same difficulties themselves”. In contrast, the report noted, “the citizens of the North in the narrow sense – the Dutch, Danes and Swedes – are particularly resistant to enlargement, which they oppose or accept as inevitable only reluctantly, seeing almost exclusively negative effects for themselves; many of them are clearly impervious to considerations of solidarity beyond their own borders. The British are no more willing either to “pay” for future members, towards whom they are rather indifferent”.<sup>183</sup>

According to Spanish officials interviewed, support for enlargement is also widespread

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<sup>181</sup> Document in Spanish: Ministerio de Asuntos Exteriores, <http://www.mae.es/mae/temas/presidencia/ampliacion-19-04-01.pdf> ; document in German: Spanische Botschaft 2001, “Memorandum Regionale Politik und Erweiterung” <http://www.info-spanischebotschaft.de/doku/r4.htm>.

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<sup>182</sup> Eurobarometer 2001, No. 55 <http://europa.eu.int/comm/dg10/epo/eb/eb55/eb55.html>

<sup>183</sup> OPTEM, 2001, “Perceptions of the European Union: a qualitative study of the public’s attitude to the expectations of the European Union in the 15 member states and in 9 candidate countries”, [http://europa.eu.int/comm/dg10/epo/gov/eu2001\\_sum\\_en.pdf](http://europa.eu.int/comm/dg10/epo/gov/eu2001_sum_en.pdf)

within the European policy-making community. So far, relations with interest groups, regional governments and political parties, both at the national and sub-national level, have been positive and both enlargement policy and domestic negotiations on enlargement issues have proceeded in a rather consensual way.

## **Sweden**

### *Time-table*

There is a common understanding in Sweden that the agreement about the timetable at the Gothenburg summit is workable. Furthermore, the distinct statement that the EU15 no longer simply *hope* that the first candidates will be a part of the elections to the European Parliament in 2004, but that this is an *aim* is regarded as having a great political and psychological importance for the enlargement process. It is thought to be especially important since the statement somehow may counter-balance the Irish *No*-vote in the referendum a few weeks earlier.

The most serious problem with further delays is that it will jeopardise the Union's credibility in the eyes of the CEEC citizens. The chairman of the Christian Democrats, Alf Svensson, said the following in a speech, and this reflects a widely held view in Sweden: "We believe that Europe is now living with a historical window of opportunity, which will not remain open forever! Now there is a possibility to re-unite a divided continent, and create a system of political stability and co-operation for centuries to come. For the first time since the World War II, *Europe is beginning to breathe with its both lungs - east and west.*" (Speech by Alf Svensson at a party EU conference of the Kristdemokraterna on 9 March 2001)

There seems to be no doubt within the government, the opposition, the relevant pressure groups and the large majority of the public that this re-unification is the most important task for the Union in the coming years. The Democracy Council, a "think-tank" with some of the most influential political scientists in Sweden, expressed its optimism by saying that after "the positive signs from the Gothenburg summit it can

not be ruled out that the Union will be enlarged with ten more member states within three years." (newspaper Dagens Nyheter, Debate, "Statsvetare efter svenska ordförändreskapet - Sluta ducka om EU, Göran Persson", 13 August 2001, SNS Democracy Council with Olof Petersson, Ulrika Mörth, Karl Magnus Johansson and Daniel Tarschys).

Concerning the enlargement vis-à-vis EU-reforms the government favours an early first round of enlargement, but it does not see any direct connection between this and an equally fast-moving structural reform process. The government prefers a step-by-step approach, not a big bang in 2004. (Speech by the Minister of Foreign Affairs, Anna Lindh, in the Royal Institute for International Affairs [Chatham House] London, 1 June 2001). "The enlargement and the reforms are parallel processes in which progress can be made in one independently of the other." (Information from a source at the Ministry of Foreign Affairs).

In disagreement with the government, the centre-right opposition argues that simultaneously with the first enlargement round in 2004 the structure of the Union should be profoundly reformed. This is regarded as necessary to avoid further delays in the subsequent enlargement process and to improve the efficiency and democracy at union-level in a future EU with 25-30 member states (opposition MPs, session in the Swedish Parliament, 9 May 2001).

The Swedish approach to the EU agenda rests on the mainly common positions of the Social Democratic government and the centre-right opposition. But the diverging views which to some extent exist on particular issues could lead to uncertainties in the years to come. On the other hand the general support for enlargement seems to overshadow this potential conflict. The anti-EU Vänsterpartiet (Leftist Party) and the Green Party are excluded from direct influence on the national EU agenda. They support the contradictory approach of an enlarged EU but without Sweden participating. (session in the Parliament, 9 May 2001).

### *Principle of differentiation*

During the Swedish Presidency a special priority was set up to speed up the enlargement process with the principle of differentiation as the basic

model. The Minister of Foreign Affairs said, in the final weeks of the Presidency: "We will have opened negotiations in all areas with some of the countries which started negotiating only last year. The principle of differentiation is thereby confirmed. Each candidate country is judged on its own merits and governs itself the pace of negotiations." (Speech by Minister of Foreign Affairs, Anna Lindh in the European Parliament, 13 June 2001) Almost two weeks earlier Ms Lindh had stated that the Swedish Presidency had registered significant progress with a number of the countries which started the negotiations the previous year. Candidates such as Latvia, Lithuania and Slovakia had shown that it is possible to catch up, and that the principle that every candidate country should be able to proceed on the basis of their own merits, really works. (Speech by Minister of Foreign Affairs, Anna Lindh in the Royal Institute for International Affairs (Chatham House) London, 1 June 2001).

The Minister of Finance, Bo Ringholm, has declared that the accession of smaller CEEC should not be delayed only because bigger candidate countries have not been able to complete the membership negotiations. (newspaper *Sydsvenska Dagbladet*, 5 April 2001: Olle Lönnaeus, Sloveniens EU-inträde kan försinkas av Polen). As said before, the government strictly favours the principle of differentiation. Consequently, the first round could be a big bang or a more limited number of countries, regardless of when they started the negotiations but depending on the progress each country makes in the negotiations (Information from a source in the Ministry of Foreign Affairs). The former Prime Minister Carl Bildt does not agree with the Minister of Finance. Mr Bildt declared that he has difficulties to imagine a first enlargement before the negotiations with Poland are concluded. He pointed out that the size and importance of Poland to a large extent decide the future of the enlargement process (electronic newsletter w33/01 of Carl Bildt, 14 August 2001).

#### *Free movement of labour and services*

The common view of the government, centre-right opposition, the Confederation of Swedish Business (*Svenskt Näringsliv*) and the blue-collar Labour Union (LO) is that there will be no

limitations of the free movement to Sweden. Moreover, in a debate in the Swedish Parliament on 9 May 2001 several members of the parliament focused on the danger that the CEEC will become second class members of the EU because of the long-term transition regulations.

The Minister of Foreign Affairs, Anna Lindh, declares that labour from the candidate countries will be given the same opportunities of free movement as the citizens from the present member states. The intentions are to use liberal rules even during the introduction phase when the new states have become EU members. Only if any significant disturbances on the Swedish labour market occur, actions will be taken to balance it. Sweden will also try to encourage the other member states to liberate their labour markets in a similar way. (Question number 2000/01:1346 in the parliament, from Sten Tolgfors, Moderaterna (Liberal-Conservative Party), written answer from Anna Lindh, 21 June 2001).

Marianne Andersson from the Centre Party argued that the most important task for the EU in the near future is to give all the candidates which fulfil the Copenhagen criteria free entry to the single market. (Statement 5, Marianne Andersson, Centerpartiet, session in the Parliament, 9 May 2001) The Minister of Foreign Affairs expressed her regret that national interests were regarded ahead of free movement. Nevertheless, she pointed out that the enlargement process now proceeds towards the most difficult issues which concern the foundations of the European co-operation. Consequently, the fact that national interest has been put on the table - both from member states and CEEC - was rather natural (statement 22, Anna Lindh, Minister of Foreign Affairs, session in the Parliament, 9 May 2001)

On the contrary, the general view in Sweden can be described as a belief that, in the short as well as in the long term, all parties will be winners in a fast-developing enlargement process. The chairman of the Christian Democrats expressed this as follows: "I sincerely believe that the fears of migratory flows are somewhat exaggerated. Current research shows that the potential economic gains of enlargement, even in the short term, are significantly greater than the costs." (Speech by Alf Svensson, Kristdemokraterna, party conference on EU matters, 9 March 2001)

A report from the Liberal Party dealing with the Swedish Presidency and its aftermath elaborates on this line of arguments: The German and Austrian position is built on prejudices and false notions about the number of migrants. The difference in language and culture is the main barrier to extreme migration from the candidate countries. In contradiction to the German and Austrian view, the Swedish Liberal Party claims that migration from the CEEC will greatly benefit the EU15. The ageing population, together with closed borders to the world outside the EU15, would lead to great demographic problems. (Report from the liberal Folkpartiet: "After the EU Presidency - From Mediator to Enforcer", July 2001) With focus on the demographic situation, Mr Lars Tobisson from the Liberal-Conservative Party adds that a liberal free movement policy will give competitive advantages to Sweden over member states with established barriers. (statement 38, Lars Tobisson, session in the Parliament, 9 May 2001). In an open letter to the Minister of Industrial Affairs, the Confederation of Swedish Business has put forward several proposals to extend the free movement policy of Sweden. One suggestion is that citizens from the candidate countries even before the accession to EU, in the same way as the EU-citizens, should be able to freely look for work in Sweden during e.g. three months. Those who found a job should also have a possibility to get a work-permit in Sweden, without having to go back to their native land/homeland. (An open letter to Björn Rosengren, Minister of Industrial affairs, by Göran Tunhammar, Confederation of Swedish Business, 19 June 2001, [www.svensktnaringsliv.se](http://www.svensktnaringsliv.se)).

### *Chapters still to negotiate*

The government attaches great importance to the adoption, implementation and enforcement of the *acquis communautaire* of all negotiating chapters. Chapters that have limited direct implications on the budget of the European Union - chapters like Environment, Competition and Justice and Home Affairs - are likely to attract most political interest and attention. Difficult negotiations may be expected in areas such as the common agricultural and the regional and structural policy due to the considerable budgetary and economic implications of these chapters. (Communication with a source in the Ministry of Foreign Affairs)

At the Berlin Humboldt University in October 2001 the Swedish Prime Minister Göran Persson presented his vision on the future of Europe. In connection with the enlargement a radical reform of the CAP was seen as indispensable. "The question is not if, but how", Mr Persson said. Apart from the fact that the CAP is often not in line with a sound environmental policy and the global negotiations on free trade, "the enlargement in itself will be a powerful engine of change". (Prime Minister Göran Persson, speech at Humboldt University, Berlin, 18 October 2001, see also Enlargement/Agenda 2000 'Nice Update', pages 61-62)

In the Swedish enlargement debate, the areas which are most frequently discussed are the CAP and to a lesser extent Regional and Structural policy. The Centre Party argues that richer member states like Sweden probably will have to contribute more and receive less from the EU budget than today. The solidarity with the CEEC must be the first priority. (Motion to the Swedish Parliament 2000/01:U510 by Centerpartiet, "*Ett smalare och effektivare EU*") The Centre Party proposal also shows the party's close connection to the Federation of Swedish Farmers (LRF), which favours market-oriented reforms but not on the expense of unemployment in the European agricultural sector.

Ms Pernilla Zethraeus of the Leftist Party has a slightly different focus. She claims that the budget of CAP gradually must be diminished in order to make the agricultural policy a national concern. To enforce an accession of the candidates to (the present) CAP is untenable. It would lead to a painful transition and increase the mass unemployment and the environmental problems that already exist in these countries (newspaper *Sydsvenska Dagbladet*, 1 April 2001, Pernilla Zethraeus, party secretary of the Leftist Party: "*Reformera EU:s jordbrukspolitik*"). A little earlier, in March 2001, the same opinion was expressed in a report from the think-tank of Swedish business, Timbro, which also declared that deregulation was a better alternative than a re-nationalisation of the CAP (Report by Kurt Wickman: "*A new agenda for European Agriculture - A radical proposal*").

The Christian Democratic Party has pointed out that also the chapter of Justice and Home Affairs may present a problem, referring to the Commission's progress reports. The party noted that several CEEC still have a long way to go in

establishing efficient border controls and step up the fight against organised crime. There is a danger that this will continue to erode the support in the member states for the enlargement, among the citizens as well as their politicians. (Motion to the Swedish Parliament 2001/02:JB by Kristdemokraterna: "Europas framtidsfrågor").

### *Public opinion*

In the spring of 2001 the opinion research institute TEMO's biannual opinion poll showed that 59 per cent supported the enlargement, while 24 per cent were against and 17 per cent expressed no opinion. The results were very similar to the previous opinion poll, in December 2000. Of particular interest is to compare this with another figure: 4 out of 10 respondents who are against the Swedish EU membership were in favour of the enlargement. (Opinion poll by TEMO: Svenska folket om EU-medlemskapet för Dagens Nyheter, 1028 interviews, 19-22 May 2001) However, the Eurobarometer poll published at about the same time showed slightly different results, with 50 per cent (-6 since the previous poll) in favour of the enlargement in Sweden, 34 per cent (+5 per cent change) against, while 13 per cent (no change) answered "don't know". (Eurobarometer, spring of 2001, GfK Sverige: 1000 interviews, 12 April to 22 May).

There were no big divergences in the way the questions were asked in the two opinion polls, and they were made during the latter part of the Swedish Presidency, in which the main priority was to increase the pace of the enlargement process. Nevertheless, according to the two opinion polls support for the enlargement did not increase, despite the government's priority. Judging from the Eurobarometer, public support even decreased with 5-6 per cent.

However, there is still a majority of the people who are in favour of the enlargement. Among the decision-makers, the support is even stronger: all the influential pressure groups like Confederation of Swedish Business (Svenskt Näringsliv), the Labour Union (LO), Federation of Swedish Farmers (LRF), as well as the political parties in the national parliament support the government's policy of an accelerated enlargement process. (Interview with Sören Gyll, the chairman of Confederation of Swedish Business, [www.svensktnaringsliv.se](http://www.svensktnaringsliv.se) 6 June 2001, and

interview with Wanja Lundby-Wedin, chairman of the Landsorganisationen (LO), made by Ulla Kindenberg: "LO välkomnar måldatum för utvidgningen", [www.lo.se](http://www.lo.se), 18 June 2001).

### *United Kingdom*

#### *Time-table*

As far as the broad timetable for accession is concerned, the British Government is a staunch supporter for prepared countries to be full members of the EU by 2004, with the rest following as soon as they are ready. On the FCO website, the Government is the self-proclaimed "Champion of Enlargement" with Tony Blair, in his speech at Warsaw in October 2000, described as the first EU leader to have called for new member states to participate in the 2004 European Parliament elections<sup>184</sup>. This sentiment is repeatedly voiced: in Mr Hain's speech in Budapest on 19<sup>th</sup> September 2001 he observed that Britain is "the only EU Member State to have agreed Action Plans with each candidate country." Similarly, in his speech to the Centre for European Reform in London, 24<sup>th</sup> July 2001, he noted that "the Government has played a leading role in moving forward the enlargement process. (...) Our Presidency in 1998 saw the launch of the enlargement negotiations."<sup>185</sup> Even the traditionally more Euro-sceptic Conservative party are firm supporters of expansion; Francis Maude, Shadow Foreign Secretary, stated at the spring party conference: "We want enlargement of the EU, and we want it more quickly. The first wave should be admitted by 2004. It is a scandal that more than 11 years after the fall of the Berlin Wall it hasn't even started."<sup>186</sup> The Liberal Democrats strongly support enlargement, having voted to ratify the Nice Treaty at each successive reading in Parliament.

However, while all the major British political parties support enlargement in the broad sense, the logistics and motives surrounding this vary widely. As the Guardian aptly observed while discussing the Nice Treaty: "Without ratification,

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<sup>184</sup> [www.fco.gov.uk](http://www.fco.gov.uk) October 2001

<sup>185</sup> [www.fco.gov.uk](http://www.fco.gov.uk) October 2001

<sup>186</sup> [www.conservatives.com](http://www.conservatives.com) October 2001

the argument runs, there will be no expansion and the Iron Curtain, demolished with the end of the Cold War, will be hammered back into place. Everyone in Britain is horrified at the thought of this, even Conservatives, who hope that expansion will dilute the EU's powers." Certainly, the possible reduction in efficiency and speed of the EU institutions after enlargement, and the resulting curtailment in the breadth of its jurisdiction, is not likely to run counter to Government concerns.

While the Labour Government accepts that reform of the EU is necessary for enlargement to take place, they are confident that Nice and reform of the voting system is the first step along this path. Blair, in his speech at Warsaw, advocated reform of the Commission and the creation of a second chamber of the European Parliament to review the EU's work. However, he was sceptical about the creation of a "single, legally binding document called a Constitution for an entity as dynamic as the EU."<sup>187</sup> The Liberal Democrats hold a similar view, that reform is necessary for enlargement, though they go a step further and advocate the codification of a Constitution in 2004. "Other Liberal Democrat Members and I believe that it is right to argue for a proper constitutional basis for the European Union, to establish clearly and unequivocally the nature of the powers and responsibilities of the European Union itself and of constituent Governments."<sup>188</sup> Whether enlargement will facilitate this process or hinder it is a moot point; the Liberal Democrat MEP Andrew Duff commented that on the one hand enlargement could facilitate reform given that the applicant countries are keen to reform the EU and would bring fresh ideas, prompting the conservative countries such as France and Britain to comply. On the other hand, the candidate countries do lack experience of the EU mechanisms and some are recently independent; potentially they could have difficulty in persuading the people of their countries to accept wide-reaching treaty changes.

The Conservatives have used the accepted need to reform the EU as a reason to say no to ratifying the Nice Treaty. Mr Maude claimed before Nice that "the EU hides, ostrich-like, from the implications of enlargement.(...) The simple but

fundamental question is how the Union is to operate effectively when it has 20, 25 or even 30 members."<sup>189</sup> In the debates in the House of Commons about the ratification of the Treaty of Nice, he maintained that Nice had not adequately addressed these issues. Moreover, the Conservatives believe that Nice is not primarily concerned with enlargement at all; "it is actually another milestone on the way to a more integrated EU."<sup>190</sup>

Other British institutions, including the Confederation of British Industry and the Trade Union Congress are also pro-enlargement, though the CBI is sceptical about the ambitions of the road-map. "There is some concern (...) that the applicants do not have the capacity to enforce EU rules even if they meet the Commission's end of 2002 target to end negotiations with the front runners. Enlargement of the EU offers significant potential economic and political benefits but these will not be realised unless enlargement is preceded by substantive reform both of the EU and in the candidate countries."<sup>191</sup> The TUC is more optimistic about the current timetable: the European TUC Executive Committee adopted a resolution in December 2001 "reaffirming the ETUC's support for enlargement, and for the entry of the first new members before the next European parliamentary elections in 2004."<sup>192</sup>

### *Principle of differentiation*

There has been limited discussion in Britain as to likely accession scenarios. It is the broader questions raised by enlargement, rather than the actual timing of accession for individual countries, that are the important ones for the UK. The Government explicitly supports the principle of differentiation, in line with the EU's stance on the timetabling of accession: "The EU is committed to the principle of 'differentiation', whereby each candidate is judged on its own merits and progresses towards EU membership at its own speed."<sup>193</sup> The Luxembourg accession scenario is, in its view, the most likely; it states

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<sup>187</sup> [www.fco.gov.uk](http://www.fco.gov.uk) October 2001

<sup>188</sup> Menzies Campbell, Commons Hansard Debates 17<sup>th</sup> October 2001 column 1201

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<sup>189</sup> Maude: Nations and Networks-Towards a New Europe [www.conservatives.com](http://www.conservatives.com) October 2001

<sup>190</sup> Commons Hansard Debates 17<sup>th</sup> October 2001 column 1209

<sup>191</sup> [www.cbi.org.uk](http://www.cbi.org.uk) October 2001

<sup>192</sup> [www.tuc.org.uk](http://www.tuc.org.uk) October 2001

<sup>193</sup> [www.fco.gov.uk](http://www.fco.gov.uk) October 2001

support for each country joining “when it is ready” and gives the common target dates as to when this should be.

Notably, Cyprus and Turkey are the only candidate countries whose accession the UK does not explicitly and unequivocally support. A divided Cyprus poses a problem for the UK, and the issue is all the more sensitive in light of Britain’s military ties with the island. The Foreign and Commonwealth Office maintains that the EU’s objective is accession, following a political settlement, of a united Cyprus to the EU. “It would clearly be easier for a united island to accede. But a settlement is not a precondition for accession. The Government fully supports the UN proximity talks for a comprehensive settlement which were launched in December 1999”.<sup>194</sup> As regards Turkey, Britain has expressed support for the country’s application for membership, but firmly states that no relaxation of the EU membership criteria will be considered to facilitate Turkey’s accession.

#### *Free movement of labour and services*

The Government appears to be in accord with the EU’s agreed negotiating position on this chapter but has not conclusively stated its position. Peter Hain acknowledged during his speech at Prague that, along with the issues lying ahead (namely Justice and Home Affairs, Agriculture, Transport, Competition Policy) “one of the most difficult issues has been the question of free movement for workers”. He reiterated the fact that there will be some short-lived EU restrictions in the free movement of workers but that “around 11, 000 Czechs already live and work in the UK. From accession, citizens of new member states will be given preference over non-EU nationals when applying for jobs. And member states will be able to apply full freedom of movement for all workers from 2 years after accession - considerably earlier than was granted for Spain and Portugal when they joined the EU.(...) As I have promised your Government today, the UK will -closer to the time of accession- look at whether we can open our labour markets even earlier.”<sup>195</sup>

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<sup>194</sup> [www.fco.gov.uk](http://www.fco.gov.uk) October 2001

<sup>195</sup> The UK and the Czech Republic, Prague 20<sup>th</sup> September 2001, [www.fco.gov.uk](http://www.fco.gov.uk)

Other British organisations are positive about free movement. The Trade Union Congress maintained that “free movement of workers from the new member states was one of the four fundamental freedoms, and that any risks to labour markets would be limited and controllable. If there were to be any transitional periods for free movement, they should be as flexible as possible and appropriate to the economic and social situation.”

The Confederation of British Industry is a keen supporter of free mobility. In March 2000 they maintained that insufficient labour mobility was a significant obstacle to the proper functioning of the single market, “constraining the ability of companies and individuals to take full advantage of the opportunities presented by this huge economic area.”<sup>196</sup> Since then, they have helped launch the Employee Relocation Council’s European Mobility Forum, and state: “The CBI recognises the strategic importance of employee mobility and the needs of companies to benchmark relocation strategies in order to meet the business challenges of globalisation.”<sup>197</sup>

#### *Public opinion*

On the whole, the British public remains uninformed and sceptical about enlargement of the EU. A Eurobarometer poll conducted in April 2001 asked a cross-section of British society how well informed they felt on the issue of new countries joining the European Union. 86.2% of respondents felt either ‘not very well informed’, or ‘not at all well informed’. This trend was strongest amongst the younger age groups.

When asked whether they supported enlargement of the EU, only 17.5% said that the EU should be enlarged to include all applicants, whereas 16% thought no additional countries ought to be allowed to join. 29.5% thought that enlargement should only extend as far as certain countries. Most significantly, however, nearly a third of all respondents were unable to answer.

These trends reveal the difficulties ahead for the Government, should it attempt to engage the public in a meaningful dialogue on this issue.

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<sup>196</sup> Europe at Work brief, [www.cbi.org.uk](http://www.cbi.org.uk) October 2001

<sup>197</sup> [www.cbi.org.uk](http://www.cbi.org.uk) October 2001. Also [www.britishrelocation.com/cbi](http://www.britishrelocation.com/cbi) October 2001

Alternatively, the Government's enthusiasm for enlargement remains mostly unchallenged, regardless of the hesitations of the Irish voters in the referendum of June 2001. Some areas are of course likely to attract more concern, in particular agriculture with the perceived need to reform the CAP, and defence with the fears, mostly expressed from Conservative quarters, that Britain's relationship with NATO and the USA might suffer.

Negative views of enlargement have sometimes surfaced in the press. Anand Menon, of the European Research Institute, at Birmingham University, writing in the Observer, remarked that "enlargement (...) may seriously damage [the EU's] health and may even paralyse it. (...) Making the EU still bigger threatens its effectiveness."<sup>198</sup>

A number of politicians have bemoaned this lack of knowledge. Menzies Campbell, Liberal Democrat Foreign Affairs Spokesman, placed the blame on the press: "Far too much of what the public learn of Europe is contained in curious stories in tabloid newspapers, most of which are founded on myth, not fact or reality"<sup>199</sup>. Commenting on the public response to the Treaty, Joyce Quinn MP (Labour) observed that there was "a problem (...) of a lack of engagement in the issue and a somewhat passive approach. However, my postbag is not full of letters opposing European Union enlargement. When I have held meetings on the subject in my area, people's attitude has, on the whole, been positive."<sup>200</sup>

### **3. Please note any observations you made on the debate of enlargement in the aftermath of Nice and shortly before Laeken in your country**

#### *Austria*

Apart from the developments already mentioned two issues are noteworthy. First, on 6 April 2001 the Foreign Minister Ferrero-Waldner, Vice-Chancellor Susanne Riess-Passer (Freedom Party) and the Representation of the Commission in Austria presented an initiative called „Österreich-Plattform“ which shall have the task to inform the people about enlargement and to provide a platform for discussion. The initiative is projected to run for four years and is co-financed by the Commission. It includes a homepage ([www.oesterreich-plattform.at](http://www.oesterreich-plattform.at)) and discussion meetings of politicians and experts with people, especially in border regions. However, the initiative has yet to gain a public profile, the homepage consists merely of some links and the first discussion meetings did not attract many people.

Second, the result of the referendum on the Treaty of Nice in Ireland triggered a public discussion in Austria about a possible referendum on enlargement in Austria. The Freedom Party demanded a referendum, the People's Party, the Social Democratic Party and the Federal President, Thomas Klestil, strictly opposed it. The conflict between the government coalition parties remains unresolved.

#### *Denmark*

It is noteworthy that the Danish support for enlargement has fallen with 6 percentage point since last fall. It remains to be seen whether this change will continue.

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<sup>198</sup> The Observer, 30<sup>th</sup> July 2001, Bigger not better by Anand Menon

<sup>199</sup> House of Commons debates, 17<sup>th</sup> October 2001, column 1203

<sup>200</sup> Commons Hansard Debates 17 October 2001 column 1205

## *Finland*

The debate on enlargement in Finland has to a large extent revolved around the cost of enlargement. For example, the Minister for Europe Kimmo Sasi has pledged that the costs of enlargement will be examined and that Finland will look out for its own interests.<sup>201</sup> Prime Minister Paavo Lipponen estimated in September that Finland stands to lose about a third of the present level of regional and structural funds.<sup>202</sup> The prevailing mood seems to be, however, that although the enlargement comes with a price tag, the gains are bigger than the losses. Moreover, the price of enlargement is not seen as a given but rather as an end-result of negotiations and political bargaining that still lies ahead.

On the level of public opinion, the costs and problems of enlargement seem to be accentuated. For example, according to the Eurobarometer already mentioned, 85 per cent of respondents thought that enlargement should be postponed if it results in many problems for the current member states. Interestingly, sixty per cent of respondents thought that the government's official positive stance on enlargement was not deemed as an important factor in deciding people's own position on the topic.<sup>203</sup> However, at the moment there are no major political forces in Finland seeking to gain political support by speaking against enlargement. As a consequence, a major polarization of opinions in Finland concerning the enlargement seems unlikely.

## *France*

The French are often considered as reluctant to the enlargement of the EU. More precisely, the French official position is that this enlargement should not result in a dilution of European integration. Hence France's attachment to the enforcement of the *acquis*. Nevertheless, we are obliged to admit that the French do not impede

the accession negotiations. Admittedly, so far, the most sensitive discussions for the French, linked to agriculture, have not really begun. However, the perspective of an extensive enlargement appears to be more and more accepted and it is at the origin of the debate on the future of the Union which, unlike certain expectations, has taken off in France.

## *Germany*

In Germany, two items dominated the debate of enlargement in the aftermath of Nice and shortly before Laeken: the preparation and the aims with respect to the debate on the future of the Union and in addition to that the role of Europe in the world, namely after 11 September 2001.

As chancellor Schröder pointed out the European integration has to go further to meet the challenges of the ongoing economic and political globalisation in the world. Europe has to assure its competitiveness and its role an important political player in the world.<sup>204</sup> Foreign minister Fischer added that the European Union must be able to act on all issues that could only be solved at the European level. Therefore, the Union shall evolve to a democratically legitimised and transparent body with clear defined competencies and duties. Internally, the institutional system has to be adapted to the accession of 12 or even more new members. Moreover, globalisation and the multipolar international system makes it necessary for the Union to redefine its role in that changed world.<sup>205</sup> Germany will actively support the deepening and the widening of the Union to fit the internal and external challenges the European Union is confronted with. "More Europe" is the adequate answer to these challenges. The Treaty of Nice has opened up the way for enlargement of the Union. The debate on the future of the Union shall further develop the European model which is not only an economic model but also a political and cultural one. The

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<sup>201</sup> *Helsingin Sanomat*, 20 June 2001.

<sup>202</sup> *Keskisuomalainen*, 15 September 2001.

<sup>203</sup> *Keskisuomalainen*, 18 July 2001.

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<sup>204</sup> Rede von Bundeskanzler Gerhard Schröder anlässlich der Regionalkonferenz Oberpfalz 2000 am 18.12.2000 in Weiden.

<sup>205</sup> Joschka Fischer: Zukunft Europas und der Europäischen Union, Rede des Bundesministers des Auswärtigen Joschka Fischer, 30. April 2001.

events of 11 September 2001 underlined that European integration has to go further and that Europe has a regional and international responsibility in keeping peace and guaranteeing security. “More Europe” does not simply mean a more in quantity, but also a more in quality, the German chancellor stated.

### *Greece*

Public debate on enlargement, especially the debate on institutional consequences of enlargement, remains at a back burner ever since Nice.

### *Ireland*

The post-Nice debate has in general confirmed support for Enlargement. A structured debate will now begin. The effect is likely to be on confining the debate to relevant issues.

### *Italy*

In the aftermath of Nice, in Italy the debate focused mainly on the need for further institutional and procedural reforms after the unsatisfactory results of Nice<sup>206</sup> and on the importance to involve the citizens in the debate on the future of Europe.

On the first point, in his speech at the Chamber of Deputies on 31 October 2001<sup>207</sup>, Mr. Ruggiero indicated that EU reforms should incorporate the Charter of Fundamental Rights, provisions on the rules of the institutions, as well as on the objectives and competencies of the Union, and

that the future Union should be based on the fundamental principles of solidarity and subsidiarity.

For Italy, the new European Constitution should follow a model of Federation of Nation States reflecting the different positions and sensitivities inside the Union. The attribution of competences between the federation and the nation states will not be an easy task. The European Council in Laeken will engage a first debate on this issue. For Italy, it will not be necessary to change the institutional rules, but rather to improve and strengthen them, in such a way that the system can function more efficiently and democratically. Among other things the following modifications are likely to occur:

- Extension of the “community method”, notably with respect to qualified majority voting in the Council.
- Possible election of the President of the Commission by popular vote, or else through a vote by the members of the European Parliament,
- streamlining the work of the Council and strengthening the co-ordinating role of the General Affairs Council,
- Strengthening the role of the European Parliament by extending the co-decision procedure to all legislative acts,
- Improving the relation between the European Parliament and the national Parliaments.

With regard to the second point, in Italy, there is a clear perception of the importance of the involvement of citizens in the debate on enlargement, in order to give legitimacy to decisions that the government will take in the future. Hence, the essential role of the national Parliaments shall be to involve the citizens and to favour the link between them and government activities.

In this respect, it is worth mentioning two initiatives of the Italian Parliament. The first is the launch of an “*indagine conoscitiva*” on 25 September 2001 to stimulate a debate at national level with hearings of Mr. Napolitano, Mr. Ruggiero, Mr Buttiglione (Minister of the EU Policies) and representatives of civil society. One of the results of this “*indagine conoscitiva*” was the approval of a report for the Assembly on the

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<sup>206</sup> See on this point Nice-update to the Enlargement/Agenda 2000 – Watch – 3/2000.

<sup>207</sup> Renato Ruggiero, speech on the future of the Union, Palazzo Montecitorio, Sala del Mappamondo, 31 October 2001, [www.esteri.it](http://www.esteri.it)

issues which will be discussed at the European Council of Laeken, 8 November 2001.<sup>208</sup>

*The second initiative concerns the launching on 30 November 2001 of the programme “Per l’Avvenire dell’Europa”. The aim of this initiative is to stimulate the participation of the institutions, the organisation of the civil society, including the cultural and media sectors in the debate on the future of Europe, and this according to the Declaration enclosed to the Treaty of Nice.*

Representatives of the Italian Government and other Italian institutions, the Italian members of the European Parliament, the Presidents of the Italian Regions, the mayors of major cities, representatives of the social partners, of universities, as well as research institutes will be invited. All the participants to these initiatives will be asked to promote new initiatives of study and debate with regard to the future of the Union.

A similar initiative on “Globalisation, Europe and Labour” was organised on 21 November by the National Council of Economic and Labour, with the support of the government.

### ***Spain***

The most remarkable event has been the speech given in Brussels by President Aznar’s on 9 October 2001 at a ceremony held in Brussels to homage Commissioner Viviane Reding. Referring to the incoming IGC, President Aznar spoke in favour of the progressive constitutionalisation of the Treaties. Also, he proposed, the Human Rights Charter should be given a binding status and the EU should be given international legal personality. Concerning the improvement of citizens participation in the European integration process and the so-called “democratic deficit”, Aznar proposed the drafting of a binding Chart regulating the participation of national parliaments in the European integration process.<sup>209</sup>

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<sup>208</sup> Relazione all’Assemblea sulle Tematiche del Consiglio Europeo di Laeken, [www.camera.it](http://www.camera.it)

<sup>209</sup> Government Spokesman, Speeches by the President of the Government, Speech given in

### ***Sweden***

Four prominent political scientists at the Democracy Council of the Centre of Business and Policy studies (SNS) presented the following review of the Swedish EU-debate more than a month after the Swedish Presidency. "At the end of July Romano Prodi delivered the Commission White Paper on better governance. It was received with a yawn by the Swedish media, if they noticed the news at all. (...) During the Presidency the government ducked out on questions concerning the future of EU. They were unwilling to put these topics on the agenda because it would complicate the discussion about the enlargement." (newspaper Dagens Nyheter, debate page, 13 August 2001) If this was really a conscious strategy by the government it might to some extent have been caused by the already mentioned picture of the public’s views – being at the same time one of the most EU-sceptical people and one of the most favourable to enlargement. Sceptical attitudes towards the Union and its future combined with some degree of collective “exhaustion” after the extensive news coverage during the Presidency are thought to be the main reasons behind the fact that the debate on EU to a large extent disappeared from the agenda shortly after the Presidency. The European Union has continued to be a low-key issue during the Belgian Presidency.

The speech given by Prime Minister Göran Persson at the Humboldt University last October on the future of Europe will hopefully function as an wake-up call for the slumbering debate. Mr Persson favours a constitution which clarifies the competences of the national and the Union level, and with extended QMV particularly for Justice and Home Affairs. However, the Prime Minister also declared that the authority of the Council of Ministers should be reinforced, mainly at the expense of the Commission but perhaps also of the European Parliament. (Speech at the Humboldt University in Berlin by Prime Minister Göran Persson, 18 October 2001). This position reflects the greatest political division in Sweden on the future of Europe and on enlargement. The government supports a more intergovernmental

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Brussels on 9 October 2001, <http://www.la-moncloa.es/interv/presi/p0910010.htm>

approach to EU, in which no marked connection is made between the need of profound reforms of the institutions and the ability to handle the accession of several new member states. The centre-right opposition has a different opinion.

The opposition is stressing that if the Union will be able to manage a large enlargement process, decisions have to be made at the IGC 2004 about far-reaching institutional reforms. In a parliament debate, Göran Lennmarker from the Liberal-Conservative Party (m) said, referring to the enlargement, that the future Union will be an even more multicultural community "vibrating of growth and development". He went on: "In this perspective it is important to actually accomplish whatever one has committed oneself to. It must be possible to make wise decisions without risking paralysis of action". (statement 57, Göran Lennmarker, Moderaterna, session in the parliament, 9 May 2001). Karl-Göran Biörsmark, Liberal Party (fp), argued that in order to secure and enhance openness in a EU-27, a constitution has to establish the basic rules of the co-operation. (statement 57, Karl-Göran Biörsmark, Folkpartiet, session in the parliament, 9 May 2001). The Christian Democrats have proposed that QMV should be the main rule for voting in the Council of Ministers, with the exception of institutional issues. Moreover, the triple-majority-vote decided in Nice must be changed in order to make the voting procedures more transparent. (Kristdemokraterna, motion on the future of Europe to the parliament, 2001/02:JB). The Centre Party has declared that the role of the European Parliament and its members should be strengthened, for instance in the areas of decision-making and the right to take initiatives. (Committee motion from Centerpartiet, 107). Even if there are some different views, the centre-right opposition agrees that these are among the main points which should be a part of the future Europe in order to facilitate the enlargement process. Sweden's future position on these issues will to some extent depend on the outcome of the elections to the parliament in September 2002.

The Minister of Foreign Affairs, Anna Lindh, calls into question whether an enlarged Union will function if every member state would have the right of interpretation to their own language. In the Italian periodical *Affari Esteri*, Ms Lindh suggests that "the public and the elected politicians should still have access to translation

to their own languages", but, she is asking in the article, "is it reasonable that officials on international duty will always have access to interpretation, at a great expense?". Presently, there are rather big problems with eleven languages, and in a Union with 27 members these problems will increase tremendously, with the effect that the functionality will decrease. "We must review this issue, while maintaining full respect to the fact that language is an important part of the national identity." (*Affari Esteri*, 9 May 2001, article by Anna Lindh, also published by [www.utrikes.regeringen.se](http://www.utrikes.regeringen.se)).

The above-mentioned Democracy Council suggests one possible future function for the interpreters in the European Parliament. The basis of the proposal deals with the citizen's awareness on European issues and the desire to strengthen a European identity. One of the ideas is the development of a permanent public forum; a European television channel should be established as a complement to the often scanty attention to European issues by national TV channels. Such a channel should be multilingual, and interpretations from the European Parliament and from Council of Minister's summits could also be used in the broadcasts in order to reduce costs (newspaper *Dagens Nyheter*, debate section, 13 August 2001).

**ANALYTICAL SURVEY BY APPLICANT COUNTRIES**  
**(Czech Republic, Hungary, Poland, Slovenia)**

**1. With regard to declaration no. 23 „Future of the Union“ of the Treaty of Nice a wider and deeper discussion on the future of the Union shall be started in 2001 and lead to an intergovernmental conference in 2004 dealing inter alia with the delimitation of powers between the European Union and the member states, the simplification of the treaties, the future role of national parliaments in the institutional system of the Union and the status of the Charter of Fundamental Rights of the European Union.**

- **Inclusion of applicants: How shall the applicants (including Turkey?) be included in the post-Laeken process?**
- **Input of applicants: Which input can be expected to the debate and negotiations on the future of the Union from the CEEC? Which “camps” will they probably join? Which dynamic can be expected?**
- **Ratification of the Nice Treaty: Do you expect problems in the further course of ratifying the Treaty of Nice? Which steps have already been taken to ratify the treaty in your country?**

**Which are the likely positions of your country (Government, political parties, pressure groups, wider public) with regard to the three points?**

### *Czech Republic*

#### *Inclusion of applicants*

On the highest level, the applicant countries should be included in the Post-Laeken process by means of a Convention similar to the one which worked out the Charter of Fundamental Rights. The next Convention should involve four parties: national parliaments, the European Parliament, the Commission and representatives of the governments. All the applicant countries or at least the ones with whom the EU is already negotiating accession, i.e. minus Turkey, should be represented in the proceedings of the Convention in all its phases. It is a wish of the

Czech government that its representatives in the Convention would participate in it as full and equal members.

On a lower level, the Government is trying to bring the debate on the future of the Union closer to the Czech citizens by means of its Communication Strategy.

#### *Input of applicants*

It can be said that there exists practically no official view on most of the key issues related to the debate on the future of the Union which is now taking place in the EU member countries. This is being explained by the fact that the CR has so far not participated in the decision-making process inside the EU and for this reason these issues have never been officially discussed. At the same time, the public debate on most of these issues is non-existent in the CR. It is also very difficult to obtain any opinion at all even from relatively well informed civil servants at the EU units of various ministries. Thus if there exists anything which can be compared to a debate on selected post-Nice issues and finalité of the EU, then it is taking place only in the academic sphere and to a certain extent also inside the major political parties. Besides this, President Václav Havel occasionally makes some important remarks in this respect.

There are four major political forces in the CR at present: the governing Social Democratic Party (ČSSD), the Civic Democratic Party (ODS), the 4- Coalition (4C) which is a coalition of two big and two small parties - the Freedom Union (US), the Christian Democratic Party (KDU-ČSL), Civic Democratic Alliance (ODA) and Democratic Union (DEU), and the Communist Party (KSČM). Since the coalition potential of the KSČM is almost next to zero, it does not make much sense to analyze the views of this party in this context. The next parliamentary elections are going to take place in June 2002 - unless there are early elections - and various coalitions are possible as the outcome: 4C-ODS, 4C-ČSSD and even ČSSD-ODS. Another minority government, e.g. that of ODS supported by another version of opposition agreement with ČSSD is highly unlikely, another minority government of ČSSD is extremely unlikely and the same goes for the coalition ČSSD-KSČM. In

this respect, it must be mentioned that all the three (not counting the Communists) key political forces have a very different view of European integration and finalité of the EU, even though all three of them are in principle in favour of the country 's accession to the EU.

In a simplified way it can be said that while ODS refuses the idea of a European federation and is strongly in favour of intergovernmental approach, ČSSD likes the idea of a European federation and is in favour of strengthening the supranational elements of European integration, and 4C is supporting strongly the principle of subsidiarity and is in favour of a certain reasonable balance between supranational and intergovernmental elements.

In this respect it is perhaps useful to quote from the speech of Jan Kavan, the Czech Foreign Minister, at the CEPS in Brussels on March 19, 2001: "Clear and logical delimitation of competencies between EU and its Member States including regions based on the principle of subsidiarity is surely topical and desirable. However, the efforts to transfer responsibilities and decision-making powers to a lowest possible level should not result in casting doubt on the existing role of supranational institutions. Frankly speaking, on the European level I support the Community method of governance. This is not to say that I have any doubts as for legitimacy and purposeful character of intergovernmental approach in areas where, for one reason or the other, this approach works to everybody's satisfaction. I think Community policies can go hand in hand with policies based on intergovernmental cooperation including coordination and bench-marking. It can lead to useful synergy. I can very well imagine that an originally intergovernmental cooperation will be transformed into a new Community policy, as was the case with part of the Third Pillar."

The need of simplification of the Treaties is supported by all the relevant political parties in the CR. Arguments against it can hardly be found - at least not in the CR.

In Art. 5 of the Resolution on the Future Shape of the European Union (of the XXX. Congress of the ČSSD), the ČSSD is convinced that simplification of the treaties on the European Union and the establishment of a fundamental document of the EU - the constitution, which would be part of the treaties, are very useful

steps. The Charter of Fundamental Rights accepted at the conference in Nice should become part of the foreseen constitution of the EU. Together with the single currency Euro, Common European Security and Defense Policy, the European constitution should help to form a naturally perceived European identity, with which the citizens of the EU would identify themselves.

Another quotation from the speech of Jan Kavan in CEPS: "Although being aware of the fact that it is not only a technical process, but also a political one, I fully support all attempts aimed at simplification of the founding treaties. As for the EU's Charter of Fundamental Rights, I am convinced we should support endeavours to strengthen its current purely declaratory status. I suppose that it could be possible to take relevant parts of the Charter and the results of the debate on the delimitation of the competencies, and compile a basic document which should make clear what the European Union is about. Such a document, be it called the Constitution or something else, should express fundamental goals and means of the Union in a transparent and comprehensible fashion. It should address not only the peoples of our old Continent but also to become a kind of universal source of a comprehensive information about this unique form - the European Union."

It is worth reminding here that in his speeches in the French Senate in March 1999 and in the European Parliament in February 2000, the Czech President Václav Havel argues for a European constitution which should make the Union more transparent and closer to the citizens. The Parliament should become the second chamber; the members of which would be delegated by national parliaments, each state having the same representation. The Commission should be completely detached from national interests and the Commissioners should be appointed on the grounds of their qualification only. Havel calls for "deeper parliamentarization and federalization" replacing intergovernmental methods.

## **Hungary**

### *Inclusion of applicants*

Hungary welcomed the idea of including the representatives of the applicant countries in the debate on the “Future of the Union” leading to the intergovernmental conference (IGC) in 2004. Hungary is satisfied with the proposal of involving the candidate states in the Convention and would like to participate there with the same number of members as the present member states, that is to send one representative of the government, one member of parliament from the governing coalition and one member of parliament from the opposition. Hungary would participate in the Convention with consultative rights but without voting rights. Nevertheless, Hungary understands that this forum (not being a decision-making forum) is going to function on the basis of consensus. Hungary expects to be able to accede to the debate with full rights once our accession treaty is signed.

### *Input of applicants*

A very positive and constructive contribution can be expected from the candidate states. As regards Hungary we are unlikely to adhere to any of the “camps” of thoughts (e.g. federalism or confederalism), since Hungary deems that the next IGC might not be able to tackle all issues of European structures and “finalité”. It is more realistic that this IGC will give rise to further streamlining and modernizing of decision-making mechanisms (e.g. the General Affairs Council seems to become outdated, so maybe regular meetings of prime ministers could be justified, etc.). In this context Hungary will play a constructive role and will pursue a consensus-building approach.

### *Ratification of Nice Treaty*

Hungary firmly hopes that the Treaty of Nice will soon be ratified and we expect that this will not delay or hamper the enlargement process.

These opinions represent the official position of the Hungarian diplomacy. Regarding the points above (inclusion of applicants, input of candidates and ratification of Nice) there are no

particular non-governmental positions, since these issues belong to the government level.

## **Poland**

### *Inclusion of applicants*

Poland has applied for membership in the EU on April 5<sup>th</sup> 1994 and is an associated member state since February 2<sup>nd</sup> 1994 when the European Treaty on the Association, signed in December 1991, entered into force. Since that time Poland has implemented into its legal system a good part of the *acquis communautaire* – i.e. it has adopted the legislation that was created without Polish participation. Seen the necessity of such a process, Polish public opinion won't support much more legislative adoptions. It would be extremely difficult to convince the citizens to support such a policy for an unlimited period of time in the future. Considering recent budgetary problems of the Polish state with little perspective for improvement in the next few months it is most probable that the costs of adaptation of the Polish economic and judicial system to EU standards will be blamed by different political forces for the existing troubles. The EU's reluctance to accept Polish demands concerning CAP, Structural Funds and free access of the Polish labour force to the EU market should not be accompanied by the refusal to accept Poland as an equal political partner and co-decision maker concerning strategic issues of the future construction of the Union if we do not want to provoke a massive decline in Polish public support for European integration.

Therefore:

1. Poland and other CEEC (including Turkey) should be consulted in all the issues concerning the future construction of the EU;
2. All the candidate states should be included into the broad discussion connected with the preparation of the Intergovernmental Conference 2004. According to the speech delivered by the Polish Minister of Foreign Affairs Prof. Wladyslaw Bartoszewski at the conference *The Future of the European Union. The Polish Point of View* (Warsaw May 28<sup>th</sup> 2001) the candidate countries should be offered the opportunity to adopt in Laeken together with member states a

declaration outlining the programme and preparation methods of the Intergovernmental Conference 2004.

3. The candidate countries that will have completed their accession negotiations by 2004 should be invited to participate in the Intergovernmental Conference 2004 on an equal basis with the member states and the other candidates should be granted the status of observer (this demand has already been met by the declaration of the EU);

4. All the candidate countries (including Turkey) should enjoy the full right of co-decision in the questions directly connected with their vital national interests (for example: Poland and Lithuania as far as the Kaliningrad problem is concerned, Visegrád Countries and Romania as far as EU relations with Russia, Ukraine, Belarus and Moldavia are concerned, Poland and all the Baltic States as regards the Northern dimension of European integration and the diversification of gas and oil supplies);

5. NATO member states that are simultaneously EU candidate countries (including Turkey) should enjoy the full right of co-decision within the structures of CFSP and ESDP.

#### *Input of applicants*

Poland is interested in a strong EU construction. Being a relatively large state comparable to the demographic size of Spain it was awarded by the Nice treaty 27 votes in the future EU Council which will enable it to influence EU decisions in a considerable way. Only a strong and well integrated European Union gives Poland the opportunity to play a proper role in international politics. Poland declares clearly that its aim is full membership in an **effective** EU.

According to the above mentioned declaration by the Polish Minister of Foreign Affairs:

1. Poland supports the strengthening of the community method within the decision-making process of the EU;

2. Poland together with the other candidate states supports the so-called *enhanced co-operation*; It still insists on the guaranteed openness of it and on the enactment of a clause that would prevent the permanent marginalisation of weaker member states. Therefore Poland welcomed with satisfaction the stipulations of

“the Nice Treaty that contains firm resolutions that should constitute an effective barrier against disadvantageous phenomena, particularly as regards future members”. Poland should become actively involved in all forms of enhanced co-operation;

3. The ideas of *the inner core* and *the vanguard of states* are seen as considerably overstepping the bounds of *enhanced co-operation*. It is perceived as aiming at the creation of “a group of member states that are to plot the direction of the European Union’s basic political changes in the decades ahead.” The leading principle of Polish foreign policy in that area is that “Poland cannot afford to remain on the fringes of initiatives determining the developmental directions of European integration”.

4. Poland will not support the idea of re-nationalisation of important areas of the EU activity such as agricultural or regional policy. This would be seen as a regression of the integration process and would be contrary to the principle of solidarity between the EU member states;

5. The EU should be based on:

- a catalogue of common values;
- democratic legitimacy;
- division of power into legislative, executive and judicial branches;
- political responsibility of those exercising authority;

6. The charter of Fundamental Rights should be included into the future *constitutional treaty* of the EU;

7. There is a necessity of the simplification of the treaties establishing the European Communities that must go beyond the “Amsterdam formula” (i.e. introduction of uniform numbering and revocation of redundant regulations). It must go as well beyond the adjustment of the treaties brought about by the expiration in mid-2002 of the Treaty on the ECSC. There should be constructed a single Treaty on the European Union containing sections precisely elaborating the principles of modern democracy;

8. The status of national parliaments in the legislative system of the EU member states should be maintained and the role of those bodies

in the intra-state decision-making process pertaining to integration issues should even be strengthened, especially in the candidate countries;

9. The European Parliament's political potential is far from being exhausted; however, the strengthening of the EP's political legitimacy cannot be achieved by formal steps or the creation of new structures. It is a process that requires the strengthening of the awareness of the European *demos*, the development of "joint" party structures and the creation of a "European public opinion";

10. The development of ESDP should not weaken the transatlantic ties within the framework of NATO. Therefore, Poland is in favour of co-ordinated actions that serve to complement each other, and of a joint forces planning system covering all the 23 states of NATO and the EU;

11. ESDP should be credible and therefore be based on:

- a joint assessment of the security environment and the perception of threats;
- real armed forces (joint exercises, training, logistics) supplied with a real financial background;
- joint political will necessary for effective deployment of these forces in cases of requirement (Poland has pledged its contribution to the European military capacity - one brigade);

12. Poland wishes to participate in the consolidation of the European arms industry and related research programs and cannot accept the emerging division into arms producers (present EU members) and buyers (candidate countries).

Generally speaking Poland as a NATO member state will join the transatlantic "camp" as far as the CFSP and ESDP are concerned. In the area of external relations of the EU one can easily find a set of common interests of the CEEC and the Nordic member states of the EU as well as Germany (Northern and possible future Eastern dimension) and Great Britain (transatlantic relations).

### *Ratification of Nice Treaty*

As Poland does not need to ratify the Treaty of Nice it can only observe the ratification procedure and hope for its rapid termination. Our government has generally strongly welcomed the Treaty of Nice, however, it has not officially expressed its position concerning the year 2004 as a date for the EU's readiness to be enlarged as well as concerning some other decisions on the EU's institutional reform. On this occasion the Minister of Foreign Affairs Wladyslaw Bartoszewski stressed only that "... it [Treaty of Nice] is a good and solid starting point for the threshold of the Third Millennium...".

The Polish government has officially opted for running the ratification of the Treaty of Nice simultaneously with the ratification of the Accession Treaties of the first group of candidate countries ready to join the EU club. Otherwise our accession could be postponed for a few years.

### *Slovenia*

#### *Inclusion of applicants*

As far as the post-Laeken process is concerned, the Slovenian Government has stressed several times that the applicants, including Turkey, should actively participate in the Convention which is due to take place between Summer 2002 and June 2003. One should take into account that the candidate countries want to take their part of responsibility for the future development of the European Union (EU), due to the fact that they will join the club soon. However, the decision about their status at the gathering will be taken at the Laeken summit. It is important that those applicants, which will be included into the first round of enlargement, will be entitled to participate in the Inter-Governmental Conference in 2004 on an equal footing with the existing member states.

#### *Input of applicants*

As for input of the applicants in the post-Laeken process, representatives of the Slovenian Government are of the opinion that the role of the Central and East European countries in the Inter-Governmental Conference will be limited due to

their lack of experience with regard to the functioning of the EU. Yet, Slovenia is highly interested in an Union as democratic and efficient as possible. Slovenian officials believe that during the Conference pragmatic coalitions between old and new member states will be formed, just as it was the case at previous Inter-Governmental Conferences. The main Slovenian opposition party<sup>210</sup> argues that political views of some newcomers will be similar to those of their 'natural' allies (Poland – Germany, the Baltic states – the Scandinavian countries, Hungary – Austria). When it comes to solutions with respect to the future constitutional form of the EU, Slovenian experts have been studying different concepts, presented very carefully by Fischer, Chirac, Schröder, Jospin, Blair, and Prodi. One can argue that the decision, adopted at the Conference, will inevitably be a kind of compromise between the radical federalist view and a more pragmatic approach. Representatives of the Slovenian Government are of the opinion that the adoption of an European Constitution would be an appropriate but however very difficult step. In addition, accurate delimitation of powers between the EU and the member states will surely be a very difficult task to accomplish. After all, one has been trying to tackle this issue ever since the beginning of European integration. Representatives of the Slovenian Government emphasise the problem of democratic deficit and stress that it should be dealt with by strengthening the role of national parliaments with regard to the decision-making process in the EU. On the other hand, it is doubtful whether this can be attained by setting up a bicameral structure of the European Parliament since efficiency of the Union is important as well. Finally, the existing level of human rights protection in the EU should be at least maintained.

#### *Ratification of Nice Treaty*

As regards the process of ratification of the Treaty of Nice, Slovenian Government's representatives as well as those of the main opposition party anticipate no serious problems. Governmental officials argue that the 'black' Irish scenario can hardly repeat itself in any other

existing member state. Moreover, they are convinced that the Irish Government will organise another referendum aimed at more positive outcome. Last but not least, Slovenian officials point out that the ratification process is extremely important but however not necessarily crucial. As a last resort the provisions concerning institutional reform and voting power of the existing and new member states can be included into the treaties of accession.

#### **2. With regard to the conclusions of Göteborg summit in June 2001 and the enlargement of the Union, which are likely positions of your country (Government, political parties, pressure groups, wider public) in view of:**

- **Time-table: The negotiations with the most advanced countries shall be concluded by the end of the year 2002; the accession of those countries to the EU is foreseen in 2004 before the elections to the European Parliament. Is this a realistic and manageable time-table? Do you expect conflicting agendas for enlargement and EU-reforms?**
- **Principle of differentiation: The principle of differentiation still applies; candidate countries are judged solely on their own merits. Which accession scenario ("big bang", "Luxembourg group" or mixed "group" of countries joining) do you expect? Which are the most crucial problems and considerations with a view to following the principle of differentiation?**
- **Free movement of labour and services: What is the opinion on the EU's common position on free movement of labour ("2 + 3 + 2 years option") and the exceptions for the free movement of services for Austria and Germany? Will there be any limitation of free movement by your country?**
- **Chapters still to negotiate: From the table of open chapters ("Competition**

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<sup>210</sup> The Social Democratic Party is the second largest party in the Slovenian Parliament.

**Policy”, “Agriculture”, “Transport Policy”, “Taxation”, “Justice and Home Affairs”, “Regional and Structural Policy”, “Finances and Budgetary Provisions”) – which are most crucial for your country and which outcome do you expect?**

- **Public opinion: Which sensitivities with a view to public opinion and pressure groups must be taken into account by the government of your country with regard to the time-table for enlargement and the policies still to be negotiated with the candidate countries? How did support for enlargement develop over the last months?**

## ***Czech Republic***

### *Time-table*

The Czech government would like to conclude the negotiations with the EU preferably by the June 2001 parliamentary elections, and at the latest by the end of 2002. The official target date of January 1<sup>st</sup>, 2003, by which the country should be ready for the EU membership, remains valid. The Czech government believes that EU member countries will not allow the EU reforms to be an obstacle for the next wave of enlargement before the elections to the European Parliament in 2004. In the academic circles it is often heard that a more likely date for the next enlargement is the year 2005. The year 2006 is already considered by most as being too pessimistic.

### *Principle of differentiation*

The Czech government is ready for any accession scenario as long as the CR will be in the first wave of enlargement. In the Czech academic circles, it is perhaps the “big bang“ scenario which is considered as the most likely one at present. The Czech government insists that candidate countries should be judged solely on their own merits. In this respect it should be mentioned that unofficially (from well informed sources) it can be heard too often that the CR will have to wait if Poland will not be ready to

participate in the first wave of enlargement, e.g. because of the problems with its agriculture - such voices are frequent especially in Germany. This is a cause for serious concern in the CR. On the other hand, the CR would welcome if not only Poland but also Slovakia could be among the first newcomers to the EU.

### *Free movement of labour and services*

The CR has already provisionally closed negotiations with the EU both on the chapter on free movement of services and the chapter on free movement of labour. According to Pavel Telička, the Czech Deputy Foreign Minister in charge of European Affairs, the CR has always assumed that the free movement of labour is not a problem reflecting the real situation but rather a political problem. The CR welcomes that some countries (e.g. Ireland, Sweden, Denmark and Netherlands - four or five other countries may join this group) will not impose any restriction in this area. The CR still considers the conditions of Brussels on the free movement of labour as unjustified, but has nevertheless decided to accept them. The Czech side has succeeded in pushing through at least the possibility to impose the same kind of restrictions on the people from other new member countries, with the exception of Malta and Cyprus, who would like to work in the CR. The Union has also accepted that Prague would like to be consulted whenever some EU member country will want to open its labour market for some profession only. There is a certain fear of brain drain from the CR.

### *Chapters still to negotiate*

At present from a short-term view, the most crucial ones from the table of open chapters are perhaps “Energy“ and “Competition Policy“. In case of energy, Austria wants to block the closing down of this chapter because it is not convinced that the nuclear power station Temelín is safe enough. As far as competition policy is concerned, the Commission is not very happy with the way the CR is restructuring its metallurgy by means of massive state subsidies. This fact may be a major obstacle for provisionally closing this chapter.

On 25-26 October 2001, the last round of negotiations of the CR with the EU ended up with two chapters of the *acquis communautaire*

being provisionally closed (the one on financial control and the one on the free movement of labour). Thus the CR has so far provisionally closed negotiations of 21 chapters of the acquis out of the total number of 31. This is the same number as Slovenia. Only Cyprus (23 chapters closed) and Hungary (22 chapters closed) are a little bit ahead of the CR in this respect. Moreover, it can be expected that during the next negotiation round in November, one or two more chapters could be provisionally closed (maybe the chapters “Taxation“ and/or “Transport Policy“).

The Czech Republic’s remaining requests for transitional periods are the following ones:

#### Chapter “Energy“:

- a transitional period in respect of Article 18 of the Directive on the internal gas market (the Czech Republic is ready to open the gas market step by step - starting from 1<sup>st</sup> January 2005 the market shall open to an extent of 28% of the total gas consumption in the Czech Republic at minimum, starting from August 2008 the market shall open to an extent of 33% of the total gas consumption in the CR at minimum).

#### Chapter “Taxation“:

- a transitional period for retaining the reduced rate of VAT applied on supply of heat energy (until 31.12. 2007) and construction works in the field of housing (until 31.12. 2010);
- exemption from registration of VAT for taxable persons achieving annual turnover lower than 35 000 EUR);
- a transitional period until 31.12.2007 for retaining the lower level of excise duties rates on cigarette and tobacco products;
- requests for maintaining the reduced excise duties rate for the traditional local production of spirits.

#### Chapter “Co-operation in the fields of Justice and Home Affairs; Schengen“:

- a transitional period until 2005 in respect of the Executive Committee Decision SCH/Comex (94) 17 rev. 4, introducing and applying the Schengen system on airports and aerodromes.

#### Chapter “Financial and budgetary provisions“

- request for gradual phasing-in of the Czech contribution to the EU budget.

#### Chapter “Agriculture“:

The Czech Republic asks for the following 8 transitional periods (3 of them are conditional) and a number of technical arrangements after accession, which are not subject of the accession negotiations:

- the CR requests an annual replanting right of 600 hectares until 2009 with additional replanting rights for the vineyards grubbed up after 2000 in accordance with the EC rules (Council Regulation (EEC) No. 822/87, Article 7 and Annex V - Replanting rights);
- the CR requests a different treatment as regards the testing for viral diseases in vine propagation and marketing of vine on the country’s territory (Council Directive 193/68 on the marketing of vine propagating material);
- public health protection: the CR requests a three-year transitional period to improve hygienic conditions in meat and milk production establishments;
- animal welfare: the CR requests a transitional period to adjust the technologies in laying hen production operations;
- price alignment: in the event that the EU and CR price levels in above mentioned sectors would not be aligned before accession, the CR reserves the right to introduce a transitional period or another measure to eliminate a price shock for the processing industry and consumers at the time of accession.

#### Conditional transitional periods:

- Council regulation No. 1253/1999 amending Regulation No. 1766/92 (Article 3) on the common market organization in cereals, Council Regulation No. 1785/81 and other relevant legislation concerning sugar market regulation, Council Regulation No. 1255/99 and other relevant legislation concerning milk and milk products regulation, Council regulation No. 1254/99 and other relevant legislation concerning beef market regulation;

- Council Directive 96/93 on certification of animals and animal products: the CR requests a transitional period of 2-3 years to complete the construction of the veterinary posts designed to carry out veterinary border inspection of live animal and animal product imports so that they meet the EU standards for border crossings: Prague-Ruzyně airport and river port in Děčín;
- the CR requests a potential transitional period of 2-3 years for the construction of infrastructure of six new inspection posts on the Czech-Slovak border.

### *Public opinion*

One of the greatest sensitivities with a view to Czech public opinion have so far been the restrictions on the free movement of labour and the fact that the CR will not be included in the Schengen area immediately after it joins the Union. From the point of view of pressure groups in the CR, a great sensitivity is the restructuring of the Czech metallurgy.

According to CVVM (Centre for Public Opinion Research), the support for EU membership has been increasing recently. The latest CVVM survey shows that if there were a referendum at the beginning of September 2001, 45% of people would vote for EU membership, 18% would vote against and one fifth of Czechs does not know how they would vote. According to the same survey, 7% would certainly not participate in such a referendum and another one tenth does not know whether they would participate. A somewhat differently asked question shows that the efforts of the state to enter the EU are supported by 56% of citizens, 29% of them do not agree with the accession and 15% of them have not made up their mind yet.

## ***Hungary***

### *Time-table*

Hungary is firmly convinced that completing negotiations by the end of 2002 is perfectly manageable and becoming a full member on the 1<sup>st</sup> January 2004 is realistic. This target date also matches with the desire to participate in the

European Parliament elections in May 2004 and in the IGC during the same year. This time-table should not conflict with EU reforms. Hungary understands that enlargement is a top priority of the EU, enabling new entrants to participate in the making of the internal reforms as well as deciding on the budgetary framework for 2007-2013.

### *Principle of differentiation*

Hungary always subscribed to the principle of differentiation meaning that each candidate state should be judged on its own merits. Actually, Hungary would prefer an enlargement by ten countries but if any of them were not be ready or hesitated, Hungary would not like to be obliged to wait for them. Thus Hungary can imagine a three-wave and a four-wave enlargement scenario. In the former case the first group of ten candidates would enter in 2004, followed by Rumania and Bulgaria approximately four years later, while Turkey would enter last. In the case of the latter scenario the accession of some 5 countries would occur in 2004, another 5 entering around 2008, Rumania and Bulgaria following them soon after, and in the last round Turkey would accede to the EU.

### *Free movement of labour and services*

As regards the chapter on Free Movement of Labour Hungary was the first to close it temporarily with the EU. This topic is very sensitive for the EU even entailing a lot of unfounded fears for several member states. In the June ministerial round the 2+3+2 formula was adopted by the parties. This means that upon accession there is a general derogation only in the first two years. From the third year on, only those member states can apply national treatment towards Hungarian job-seekers who notify it to the European Commission, while in absence of notification the full liberalization and application of the *acquis* takes place (although even in the latter case there is a legitimate possibility to impose safeguards if needed). From the end of the fifth year till the end of the seventh year national treatment can only be applied if justified by serious market disturbances or if such a danger exists. By the same token, the President of the Council emphasized in the name of the 15 that the EU will use the principle of

differentiation and flexibility and that the member states will strive to provide increasing access to their labour markets. In parallel to this, several member states declared to accelerate this process (like Sweden, the Netherlands, Denmark and Ireland) and some other countries (Spain, Austria) suggest bilateral consultations with the aim of gradually enabling free movement of labour. On its part, the EU accepted the Hungarian demand to use the principle of reciprocity. This means Hungary will apply the same rules to job-seekers from the individual member countries as they apply vis-à-vis Hungary. Furthermore, Hungary will have the right to impose safeguards against other new member states (present candidates) if justified by labour market disturbances (or if such a danger exists). By closing temporarily this chapter Hungary paved the way for other candidate countries to proceed further in the negotiations. In this respect Hungary played a “driving force” role which it is willing to preserve in the future.

As regards Free Movement of Services there shall be no general derogation upon accession. Nevertheless, Austria and Germany – while maintaining restrictions towards Hungarian job-seekers as notified to the European Commission – can impose restrictions on some services provided by Hungarian undertakings in the territory of these states (for example constructions or cleaning).

#### *Chapters still to negotiate*

Another sensitive issue – this time for Hungary – was the Free Movement of Capital. Hungary achieved a five years prohibition on buying real estate (second dwelling) and seven years on buying land by EU citizens. Only those farmers may be exempt from this rule who legally and uninterruptedly worked on Hungarian agricultural land for at least three years prior to buying the given farm. This is the only issue so far that entailed a greater political debate after the chapter was closed. Several political forces have been expressing their criticism vis-à-vis this compromise as being too liberal.

By the end of the Swedish Presidency Hungary temporarily closed 22 chapters<sup>211</sup>, which means

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<sup>211</sup> These are: Small and Medium Sized Enterprises; Social Policy and Employment; Science and

a good compliance with the “road map” proposed by the European Commission regarding the timing of negotiations. (The only exception is Audio-visual Policy, which for internal political reasons seems to be more difficult to tackle.)

Some of the sensitive topics have thus been treated already, such as the above-mentioned Free Movement of Labour and Capital, or the chapter on Taxation. Regarding taxation success can be attributed to both Hungarian self-restriction in demand for transitory periods and to the readiness of the member states to find a compromise. Thus Hungary withdrew demands concerning e.g. a more favourable level of VAT for transportation and storing, on the other hand the EU accepted that Hungary maintains low VAT for some socially sensitive sectors (such as distance heating or provision of canteen meals). In the field of taxation Hungary was the first to close this chapter. As regards the Belgian Presidency, Hungary hopes to be able to close the chapters among others on Justice and Home Affairs, Competition and Transport.

As regards other more sensitive chapters (Agriculture, Regional Policy, Budgetary Provisions, being closely interconnected) the Hungarian position is based on the request to be treated as full members with equal rights after accession. As Hungary pledged to comply with the whole *acquis* (even if some pieces of the *acquis* will be harmonized in a couple of years after accession) Hungary expect to enjoy equal rights of membership too. Hungary would not accept to become a “second class” member, which at the same time would mean discrimination and would thus conflict with Community law.

#### *Public opinion*

According to results of opinion polls Hungary ranks among those Central and Eastern European countries where public support for EU accession

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Research; Energy; Education and Training; External Relations; Statistics; Company Law; Industrial Policy; Customs Union; Telecom and Information Technology; Free Movement of Goods; Fisheries; Freedom to Provide Services; Consumers and Health Protection; Environment; Economic and Monetary Union; Free Movement of Capital; Common Foreign and Security Policy; Free movement of Persons; Financial Control; Taxation.

is relatively high (above 60%) and, even more important, stable. The number of those opposing EU membership is constantly below 10%; the remaining share being composed of hesitant or ignorant citizens. Hungary implements a communication strategy on its EU accession ever since 1996, co-ordinated by the Ministry of Foreign Affairs and financed partly by PHARE.

On the other hand, Hungary sees public support for EU enlargement more problematic in most of the present member states. Hungary, as a candidate country would of course prefer to see a higher support – which could be enhanced by leading politicians of the member states using more objective arguments (backed by statistics or scientific research) in favour of enlargement. In this respect the media should be used more intensively and Hungary sincerely hopes that the communication strategy proposed by the European Commission will finally start in the EU as from January 2002. We must not forget: the outcome of the ratification process will be at stake in both parts of Europe.

## ***Poland***

### *Time-table*

The Polish government officially sustains 1<sup>st</sup> January 2003 as the deadline for fulfilling the EC requirements stemming from the negotiation process and for achieving Poland's readiness to membership in the European Union. Primarily, the Polish government has unilaterally taken this decision at the beginning of the accession negotiation process. The Prime Minister Jerzy Buzek has recently repeated it during his spring visit in Brussels. Hitherto, Polish government has claimed that although this date is very ambitious it is not unrealistic. The fact of the parliamentary elections in September 2001 have for a long time paralysed any government's decisions on accepting any later date of Poland's accession to the European Union. It is supposed to be clarified just after establishing a new coalition and a new government at the forth quarter of 2001.

The major political parties in Poland (that is the Solidarity Election Action, the Democratic Left Alliance, the Civic Platform as well as the Union of Freedom) signed "the Pact in favour of

integration" (pol. Pakt na Rzecz Integracji) on 22<sup>nd</sup> August 2001. Furthermore, the Polish Peasants' Party has declared its will to participate in this initiative. According to this Pact all the most powerful political parties in Poland have agreed upon the necessity of initiating common activities in order to achieve the best conditions of our accession as well as to create wide public support for Poland's membership in the EU. Notwithstanding the share of mandates in the current as well as the future Parliament, the parties will act in order to institutionalise their co-operation on integration issues. Therefore, instead of betting what the date of Poland's accession is supposed to be, the biggest Polish parties have been declaring the common endeavours in order to secure a good and relatively quick Polish membership in the European Union.

There are, of course, political parties in Poland (like the Alternative, the League of Polish Families, the Self-defence) which are opposed to the European integration and which have been trying to catch votes by claiming that Poland's membership in the European Union should be postponed or even refused. However, these parties are outnumbered.

In the opinion of the wide Polish public the manageable date of Poland's accession to the EU is closer to the date proposed in the Treaty of Nice or even later than the date kept by the Polish government. Our society has become more and more tired of the whole adjustment process (sometimes it is misidentified with the transformation process) and for this reason more resistant to integration. Some of them claim that even if our accession since 1 January 2003 is theoretically and politically possible, this won't be the case in procedural and technical terms.

### *Principle of differentiation*

From the Polish point of view the most important concept is the reintegration into Europe, covering especially an inclusion of the former Soviet Union's dependent countries to the European Union. Poland expects to be included in the first wave of enlargement, due to its advancement in full implementation of the Copenhagen political criteria, progressive implementation of the *acquis communautaire* as well as a permanently continuing economic growth and an increasing

level of preparedness to cope with the European market rules.

Poland's differentiated position on the three above quoted concepts is based on the key priority given to the target date (2003-2004) of its membership. In this respect the optimal scenario would be the one which does not make the most advanced candidates waiting long for others, who – having started their adjustments later – still need more time for the fulfilment of all criteria.

The Polish opinion on various concepts developed during the last decade concerning the differentiation issue within the European integration construction (e.g. „noyau dur”, „géométrie variable”, „flexible integration” etc.) may shortly be described as : membership means the full range of obligations and the full range of rights. Within this formula, transitional periods are common practice in European integration history.

The term of transitional periods does not signify the exclusion of participation in particular areas of the European policies, but it means differentiated calendars of deadlines. In this respect the Polish position makes use of Emil Noel's concept of the complete Europe as a target, with flexibility of calendars leading to full participation in all fields of European policies.

The main concern of Poland's position in this respect is a potential risk of a partial membership that may lead to the decrease of advantages for the entirety of the enlarged European Union. According to the economic integration theory, maximum benefits may occur if the totality of integrated countries operates within the same rules, which are a basic condition for the realisation of free market competition advantages.

An additional concern comes from a public opinion side. The Polish society does not consent to membership of second quality and may not be ready to accept a differentiated membership after all efforts made for the full reunification of our continent.

#### *Free movement of labour and services*

The Polish government has not presented its official answer to the latest EU position on free movement of labour yet (by this way it is worth mentioning that the initial Polish position paper

in this field has been submitted to the EU on 30 July 1999). Nevertheless, the Polish experts have been working on the new scenarios of negotiation compromises with the EU. One of them is to accept the transition period concerning free movement of labour while receiving the EU concessions for the Polish economic zones with regard to competition policy.

The general perception of this negotiation problem by many Polish politicians (both from the coalition and the opposition) is that the EU side (especially Germany and Austria) exaggerates the real problem (overestimates the prospective scale of Polish migration after enlargement) and that Poland would prefer to create employment capacities within the domestic market instead of stimulating outflow of Polish labour force abroad. In addition, the linguistic and cultural differences are the major hindrances for many Poles to move and work abroad. Therefore, Poland is even more interested in receiving resources from the structural funds in order to develop its infrastructure and compensatory payments for Polish farmers than insisting on getting unlimited access to the EU labour market at once.

Nevertheless, the official position of our government in this field has been very rigid so far. Meanwhile, Leszek Miller – the leader of the Democratic Left Alliance – has recently stated for one of the German newspapers (*Handelsblatt*) that if his party wins the Parliamentary elections, its position to this as well as to other negotiation problems would be more flexible (*source: Gazeta Wyborcza, www.gazeta.pl, 02-09-2001*).

The Polish negotiators have managed to temporarily close the negotiation chapter on the free movement of services and they are against an exclusion of any part from this chapter in order to move it to the chapter on free movement of labour. Therefore, the Polish position on the field of freedom to provide services abroad is even more rigid than that concerning job migration.

#### *Chapters still to negotiate*

The internal negotiation process of Poland's positions ended in December 1999, following the completion of the screening process that had taken place in November 1999. The Prime Minister of Poland took the decision to make the negotiation positions presented to the EU

open to the public. This decision was derived from the fundamental need of securing greater transparency and openness of the negotiation process of Poland's membership in the EU.

Poland presented its position aimed at the full implementation of the *acquis communautaire*, excluding some areas of particular Polish problems (left as subjects of negotiations on transitional periods) and the question of its participation in the European Union's institutions, as these issues are to be negotiated after the completion of EU's internal reforms.

Negotiations are conducted in stages: after presentation of the Common positions by the EU, the negotiation process implies subsequent discussions on particular chapters and for those ones that do not cause problems the clause of provisional closure.

By the end of September 2001 the following negotiation chapters were closed:

- 1) Small and Medium-Sized Enterprises
- 2) Education, Vocational Training and Youth
- 3) Science and Research
- 4) Telecommunications and Information Technologies
- 5) Industrial Policy
- 6) Consumers and Health Protection
- 7) Statistics
- 8) Financial Control
- 9) Economic and Monetary Union
- 10) External Relations
- 11) Common Foreign and Security Policy
- 12) Customs Union
- 13) Free Movement of Goods
- 14) Social Policy and Employment
- 15) Energy
- 16) Freedom to Provide Services
- 17) Culture and audiovisual policy

It is obvious that the most difficult chapters will be negotiated with the EU on the basis of a consensus regarding the interim periods and other special solutions requested by Poland.

The Polish side perceives as necessary and possible to speed up the accession negotiation

process, assuming the date of 31 December 2002 as the moment of Poland's readiness for membership in the EU.

While negotiating the conditions of Poland's membership it is treating the *acquis* as extremely serious and declares that it is fully acceptable and that it will implement the entirety of the *acquis*, except for certain derogation in some negotiation fields, which will be submitted to special negotiations (that concerns about 5% of the *acquis*).

Poland wishes to achieve certain interim periods in some areas of crucial importance for its economy and society and continue the realisation of adjustment process within membership, which means with full obligations and rights in the long term.

We expect particularly difficult negotiations in the field of agriculture. Poland claims that Polish agriculture will totally be included into the CAP, that it is being granted levels for production limits that take into account the natural potential for environment-friendly agricultural production and ensure the maintenance of stable income sources for the farming sector as well as the inclusion of Polish agricultural products market into the Single European Market.

The Polish side holds the position that during the negotiation process it will be possible to work out common solutions to secure the eligibility of Polish farmers for benefits provided by price, income and structural mechanisms. Moreover, Polish farmers should after accession be included in the direct payment mechanism resulting from the *acquis*.

Poland consequently carries out an intensive preparatory process aimed at participation in the CAP, while implementing administrative and institutional adjustment measures, given the fact that potential barriers of the access for Polish farmers to the full range of CAP instruments would imply serious deterioration of their competitive position, which – in turn – would undermine the rules of the Single Market. Therefore, Poland regards the adoption of the CAP – being one of the pillars of the *acquis communautaire* – as a very important condition for EU membership.

Currently, the problems in the agricultural sector concern the future of the CAP (very different positions of the individual Members States, as

regards for example the problem of renationalisation of the CAP) and the fact that the real negotiations on this chapter had not started yet. The opinion on the very high costs as a result of the accession of Poland to the CAP is based rather on intuition than on exact calculations. Direct payments for Polish farmers will be rather limited, not only due to the low level of agricultural production, but also due to serious formal and administrative conditions.

As far as the chapter "Regional and Structural Policy" is concerned, a worry about limited access to structural funds, as a result of enlargement and the fact that only a relatively small number of regions will be covered by benefits, is to take into account. It is worth underlining that all of the poorest regions will keep their rights for support. It is almost sure that regions that may eventually expect a decrease in subsidies, will be taken into phasing out programmes in order to adapt to the new situation. The Polish capacities to absorb structural funds are limited, and according to intuitive estimations the assumed increase of expenses by virtue of Poland's participation in regional and structural policies and CAP is considerably exaggerated. Those expenses will not extend the budgetary capacity of the European Union, and an expected increase of public and private sectors' incomes in current Members States may compensate communities' transfers to those states.

The EU's budgetary costs of enlargement will be lower than the advantages. Simulation estimates show that economic benefits of enlargement will be greater than its costs. The enlargement of the EU will lead to a significant GDP increase in the new Member States, and will as a result lead to considerable development of trade within the EU. Economic benefits for present Member States will also be noteworthy. Another great important advantage will be a progressive reintroduction of equilibrium in the development of both parties of the continent involved, and the increase of a secure political, economic and social stabilisation.

#### *Public opinion*

With regard to the time-table for enlargement and the policies still to be negotiated with the EU our government should take into account the

following sensitivities experienced by the Polish society:

- 1) The defined accession time-table seems to be a vital element, on which public perception of the integration process in Poland is based – since it conditions the perception of the process as credible and the Union as a trustful partner.
- 2) Polish negotiators should take into account and try to fix long transition periods for the purchase of real estates by foreigners – the fears related to this should not be perceived as "Polish xenophobia" as they are simply results of economic calculations (the price of land in Poland is still relatively low when compared to Western European prices).
- 3) The transition period with regard to the free movement of labour is – in the view of Polish public opinion – unnecessary and does not result from the real risk of Polish workers flooding Western Europe's labour market but from the negative attitudes of Western societies towards Eastern Europeans. The recent cases of tenders for employment of nurses in Norway and computing scientists in Germany prove that the linguistic and cultural factors for example are the elements that can easily prevent the mass influx of Polish workers to Western Europe.

As regards the support for enlargement of the EU and Polish membership the recent opinion polls (CBOS) suggest that the support is stable and amounts to ca. 55% of interviewees.

#### *Slovenia*

##### *Time-table*

Concerning the agreed time-table for the enlargement process, Slovenian respondents strongly believe that it is realistic as well as manageable. In this respect, the Slovenian Government plans to conclude all negotiations until mid-2002 and subsequently sign the Treaty of Accession at the end of 2002. Representatives of the Government also stress that in the post-Laeken period the EU member states should strictly stick to the plan agreed at the Göteborg summit: while the Convention should take place before the enlargement, the Inter-Governmental Conference should already happen with

participation of the first newcomers. There has been a consensus amongst Slovenian political actors that Slovenia will join the EU in the first round of enlargement.

#### *Principle of differentiation*

As far as evaluation of the progress of the applicants is concerned, the principle of differentiation as well as the principle of catching up have been applied. In other words, the candidate countries of the 'Helsinki group' have had the opportunity to catch up with those which had started the negotiations earlier. While Slovenian Government's officials acknowledge the importance and the desirability of both principles, they also emphasise a need to apply them in a more balanced way in order to allow the most advanced candidate countries to assume membership earlier, no matter from which group they are coming. It would in fact mean unfair treatment if those ready would have to wait for others which are not. In other words, those ready should get the chance to join when ready. However, one can expect a 'big-bang' scenario, *i.e.* enlargement with ten applicants (all of them save Romania and Bulgaria), given that both principles will be used. Ever since the beginning of negotiations with the 'Helsinki group', any kind of division into two negotiating groups has been perceived by the EU as politically incorrect.

#### *Free movement of labour and services*

As for free movement of labour, Slovenian respondents maintain that the agreed transitional period ('2+3+2 years option') is not an appropriate solution for Slovenia, due to the level of the country's economic development, the small migratory potential, and the considerably limited mobility of population. However, they are well aware of the fact that some of the existing member states have legitimate fears in regard to possible massive migratory pressures from the East. Realistically speaking, one cannot expect reformulation of the common negotiating position of the EU vis-à-vis Slovenia. Therefore, Slovenian negotiators will seek to find optimal solutions within the framework of the Union's common negotiating position, including possible use of the principle of reciprocity, *i.e.* the right of introducing restrictions vis-à-vis the existing member states as well as the other applicants.

Interestingly, the main opposition party emphasises that Slovenia will have to accept the transitional period due to limited negotiating skills of the Government. As regards the exceptions granted to Austria and Germany, they actually don't fit into the chapter on free movement of services, but free movement of labour since they concern workers employed by companies from the new member states which will do business in both countries. When it comes to services as such, there are no transitional periods.

#### *Chapters still to negotiate*

As regards open chapters, the most important are those having considerable financial implications, *i.e.* 'Agriculture', 'Regional and Structural Policy', and 'Finances and Budgetary Provisions'. Some representatives of the Slovenian Government insist that negotiations on agriculture should be based on the existing *acquis* and not on the premise of reduced budgetary funds for the Common Agricultural Policy. Otherwise, Slovenia is rather an unproblematic candidate country as agricultural sector makes up only 4 per cent of its gross domestic product. In addition, the country is already a net importer of agricultural products. However, the specific nature of Slovenian agricultural sector (small farms, difficult configuration of terrain) demands an unique approach. Last but not least, Slovenian experts point out that the negotiations would be importantly accelerated by the adoption of a common negotiating position of the existing member states.

As for 'Regional and Structural Policy', the Slovenian Government has been trying to find the most adequate division of the country into regions in order to meet the criteria of the EU and to achieve eligibility for receiving structural funds. However, this has proved to be a very demanding project as in the past Slovenia's administration was never divided into regions. Moreover, the redistribution of competencies, political power, and money has been involved. In Social Democratic Party's opinion, 'Regional and Structural Policy' is the most important chapter left open since in financial terms Slovenia can benefit considerably from it. Finally, one may regard 'Finances and Budgetary Provisions' as the most sensitive chapter since Slovenia will strive hard to obtain the status of net receiver.

However, this will depend on the decision with respect to Slovenia's number of regions. Slovenia will gain the status of net receiver only if it will be allowed to be divided into two or three regions.

### *Public opinion*

As for Slovenian public opinion, it has perceived the decisions in regard to the enlargement process, taken at the Göteborg summit, with considerable relief since a more transparent timetable has been determined. Namely, in the Slovenian public there has been a quite strong belief that only the applicants have to make concessions while the EU is unprepared to commit itself more concretely. The public is also not very happy with the fact that Slovenia had to accept certain measures before signing the Association Agreement (the 'Spanish Compromise' regarding the land ownership, promise of closing down duty-free shops on the borders with Italy and Austria). Even more, some transitional periods in this field have been promised to some applicants while at the same time no exceptions are possible in the fields where Slovenia would like to get fair treatment (e.g. free movement of labour). However, the Göteborg decisions have been very helpful with regard to preparation of the Slovenian public for a referendum on EU membership which is due to take place before the accession. The project aimed at informing the Slovenian public about the EU and the enlargement process and has been conducted by the Governmental Office of Information. One should take into account that the maintenance and the possible increase of the pro-European public opinion has been one of the most important tasks of the Slovenian Government in regard to the EU. Concerning pressure groups, their opinion had been mainly stated before the negotiations began as the Government had invited all segments of the Slovenian civil society to take part in the procedure of formulating negotiating positions. After the beginning of negotiations, the Government and the Parliament have been assessing demands of pressure groups (e.g. industry) on an *ad hoc* basis in the light of wider national interests.

### **3. Please note any observations you made on the debate of enlargement in the aftermath of Nice and shortly before Laeken in your country**

#### ***Czech Republic***

The idea of second class EU membership of the CR has appeared very often in speeches and occasional remarks of some politicians, mostly from the ODS party, and also in the Czech media. The main arguments which are usually given in order to support this idea are restrictions on the free movement of labour that especially Germany and Austria want to impose, and also the fact that there will exist a Schengen border between the CR and its frontier with Germany and Austria for several years, even after the country's entry into the EU. Some Czech euro-skeptic or "euro-realistic" (as they like to call themselves) politicians, again mainly from ODS, like to point out the fact that public opinion surveys in EU member countries do not show a very convincing popular support for enlargement. From this fact they often deduct that "they do not really want us in the EU anyway". Many of the ODS top politicians accept the prospects of the country's EU membership with very little enthusiasm and some of them admit this very openly. They tend to see the entry into the EU as a lesser evil than staying outside of it.

#### ***Hungary***

As mentioned above, the Hungarian diplomacy is confident that accession negotiations can be accomplished by the end of next year. This would mean that the remaining most sensitive chapters could be closed under the Spanish and the Danish Presidency – which would even be symbolic: the enlargement process spanning from Copenhagen (1993) to Copenhagen (2002).

In Hungary EU membership is increasingly discussed in the media as well as on conferences or in the private sphere. There is a cautious expectation that we could enter the EU by 2004-2005. In connection with the expected

consequences of the EU entry, a general optimism can be observed too. Recently, Prime Minister Viktor Orban stated that if Hungary continued to develop by the same pace as today we could catch up to the EU standards of living by 2015.

### **Poland**

With regard to the Nice Treaty, the question seems a little bit premature to the Candidate Countries. However, the prolonged ratification process of the Nice Treaty itself might result in the hindrance of the Accession Treaty's ratification and consequently in delayed accession – therefore in the perception of the Candidate Countries the parallel ratification of the Nice Treaty and the Accession Treaties would be most welcome. Therefore we suggest that the question should rather concern the issue of parallel ratification of the Nice Treaty and the Accession Treaties than the problem of the Nice Treaty's ratification as such.

### **Slovenia**

One can detect four developments with regard to Slovenia's position vis-à-vis the EU in the aftermath of Nice and shortly before Laeken. First, in September 2001 Slovenia closed down duty-free shops located on the borders with Italy and Austria. Their closure had been demanded by the EU ever since 1994. More importantly, Slovenia had promised to take this step. However, there had been some attempts to prevent the implementation of the Government's decision as minor and a non-parliamentary 'New Party' had tried to collect 40.000 signatures in order to organise a referendum on the issue. One may observe that the question of duty-free shops was an important indicator of Slovenia's European behaviour.

Second, since the inauguration of the centre-right Government of Silvio Berlusconi in Italy in June 2001 fears have arisen again in Slovenia that the powerful western neighbour would try to obstruct Slovenia's accession to the EU in order to fulfil

interests of certain influential Italian lobbies (the optants, *i.e.* population which opted for Italy in 1947). Slovenia has had rather negative experiences with Silvio Berlusconi as in the period 1993-1994 his Government blocked Slovenia's acquisition of the Association Agreement with the EU. At the present, Slovenia is surely much better 'equipped' since it signed the so called 'Spanish Compromise' with Italy in 1996 under the auspices of the Spanish Presidency. The document is part of the Association Agreement (Annex XIII.). When it comes to activities of the second Berlusconi's Government, first signs have been quite encouraging. When the Italian Foreign Minister Renato Ruggiero visited Ljubljana on September 11, 2001, he emphasised that the principle *pacta sunt servanda*<sup>212</sup> has to be respected. Such a view is congruent with the Slovenian policy as Ljubljana has always pointed out that the Osimo Agreements of 1975 and the Rome Agreement of 1983 have to be respected. Yet, there have been some more worrying signs as Italy has not raised the funds deposited at the special account of the Dresdner Bank in Luxembourg yet. In accordance with the Rome Agreement of 1983 Slovenia has put a certain amount of money on the account in order to compensate the Italian optants for their property which was confiscated in 1947.

Third, Slovenia's relations with Austria have been gradually normalising. After the inauguration of the centre-right Government in Austria in 2000, the Freedom Party's leader Jörg Haider started to press Slovenia with several demands (nuclear power plant Krško, Austrian minority, and abrogation of the AVNOJ Decrees<sup>213</sup>). In recent months, however, the

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<sup>212</sup> Treaties have to be respected.

<sup>213</sup> The AVNOJ Decrees were adopted by AVNOJ Presidium on November 21, 1944, and determined, *inter alia*, that a property of those Yugoslav citizens, which had collaborated with the occupying forces, will be confiscated. In fact, the AVNOJ Decrees are analogous to the well known Beneš's Decrees, adopted in 1945 in Czechoslovakia and therefore can be regarded as a constituent part of the post-World War II order as formalised by the Potsdam Declaration. Thus, possible abrogation of the Decrees would cause a re-opening of already settled issues which would imply complete change of the post-World War II political structure and therefore is not acceptable.

Austrian Government has treated Slovenia on an more equal footing. Thus, a special commission of historical experts was set up in order to scientific study events on which there has been disagreement between the two countries. Furthermore, Slovenia has been striving to put unresolved border questions with Croatia *ad acta*. In this respect, the two Governments have already reached an agreement. Unfortunately, prospects for ratification of the agreement in the Croatian Parliament has been grim.

Fourth, in recent months support of Slovenia's EU membership in the Slovenian public has tended to decrease. Although competent opinion polls still indicate that around 58 per cent of the population would vote for an EU-membership,<sup>214</sup> this is considerably less than a few years ago.<sup>215</sup> Traditionally, the most sceptical segment of the population have been farmers (voters of the Slovenian People's Party) and less educated people. What is perhaps even more worrying is the fact that also the support of the more educated and well informed people has been diminishing. It may be a result of the feeling that the candidate countries are not treated the same way as the existing members. They are supposed to assume all the responsibilities before joining with very few transitional periods yet they cannot enjoy all the benefits of the most important parts of EU policies like the Common Agricultural Policy or the structural funds.

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<sup>214</sup> Research of public opinion in regard to the EU conducted by the Public Opinion and Mass Communications Research Centre, Faculty of Social Sciences.

<sup>215</sup> In 1997, 66 per cent of population would vote for the membership.