



# *e*uroscope

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Spring 2004

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# euroscope

*the newsletter of the Sussex European Institute*

Spring 2004

Volume 28

## Editorial

With the accession into the EU of new nations only a few short months away in May 2004, Euroscope for Spring 2004 has gathered some thoughtful pieces from SEI students and former students who are involved in one way or another with both the issues and practicalities of this. Levente Csaszi has canvassed his former MACES colleagues who are now working as stagiaires in Brussels and who give us the inside scoop, but who also give useful advice for present students who wish to consider this as their next step. Zuzana Andrejckova points out the problems which could arise from the first European Parliamentary election held in Slovakia immediately after May, and Grzegorz Bajorek, a former SEI Erasmus student, and now at Warsaw University has sent us an opinion piece discussing the relationship between the present government key players in Poland, their past and how this will affect negotiations and business dealings with the EU. Natasa Besirevic also contributes a piece on the uses of SEI knowledge in her future role in the Ministry for European Integration in Croatia. Jim Rollo gives us another Co-director's report and Paul Taggart and Alek Szczerbiak have updated us on EPERN and their research activities for the past few months.

It only remains for me to welcome you back to another bustling term in SEI, and to wish everyone (somewhat belatedly) a Happy New Year.

Michèle Harrison, Editor

## **Sussex European Institute Co-Directors Report**

### **Jim Rollo**

Happy New Year to all SEI Colleagues across the University, students, alumni and friends. We welcome this term new students in the Diploma on Contemporary European Studies and 3 visitors from the Middle East Technical University and two visitors from the University of Saratov in Russia.

The new year will be a momentous one for Europe. The divisions of the Cold War will finally begin to be fully healed with the entry of 8 Central European countries into the EU in May. The entry of Cyprus and Malta will intensify the southern and eastern aspect of the Union. We will try to make sense of this with a planned workshop on the challenges facing the new Europe on March 5<sup>th</sup> with Aleks Szczerbiak in the organisation seat. The Czech Ambassador to London has agreed to speak, as has Graham Avery – Adviser in DG Relex and one of our Practitioner Fellows. Alan Mayhew who has just become a Jean Monnet Professor (congratulations Alan) also plans a Jean Monnet seminar on EU relations with the new neighbours in Eastern Europe following enlargement, provisionally scheduled for 6<sup>th</sup> / 7<sup>th</sup> May.

Of course, as the December Brussels's European Summit revealed, the new member states are already playing a key part in designing the new Europe. The inability of Germany and Poland to agree on any of the possible compromises on how to calculate a qualified majority put forward by the Italian Presidency was unfortunate. It is not surprising that the rules for the calculation of a qualified majority were sensitive. The rules agreed at the Nice Summit in 2000 were rammed through by the French Presidency to give France parity with Germany (who in return got a bigger share of seats in the European Parliament). To do so required support from others notably Spain; where Spain went Poland inevitably had to follow. It is ironic therefore that France, the architect of the Nice rules is now a key, perhaps the key, defender of the double majority (50% of countries, 60% of population) rule proposed in the Convention. The rest of the IGC looked pretty well sewn up so perhaps the Irish Presidency will be able to broker a compromise early in the New Year. If not, we will need to wait and see if the Nice rules lead to grid lock or if, as in the past, QMV is relatively rarely invoked and almost all decisions are made by consensus, following careful brokering by the Commission.

Two further comments on the fall out from the Brussels summit. First is on the talk of a two-speed Europe. This is taken to mean that a hard core (sometimes the original six members; sometimes France, Germany, Belgium and Luxembourg) go ahead and integrate further and faster than the rest. The question is on what? The primary areas where progress might be made all seem to require the presence of others if they are to be practically successful – notably defence policy needs the UK (and Spain and Poland) on board to be credible. On other topics other member states would wish to be involved. Secondly, we already have a two-speed Europe. The Euro-zone and Schengen do not include all EU Members. The new Members are excluded from full access to the commonly financed CAP compensation payments; to the structural funds (capped at 4% of GDP); to the single market in Labour (where they are prohibited free movement by Germany and Austria in particular – the two major economic beneficiaries of the fall of the Iron Curtain) and from the Schengen agreement.

My second comment is on the role of Britain. It is hard to convey what a personal relief it is that it was not Britain that was at the heart of the breakdown at an IGC. One can quarrel with British objectives in the Convention and in the IGC – though I do not particularly - but I think British participants played a reasonably constructive role in both. The result it seems to me is a Convention text and an IGC text that fits with a British vision of the Union. The draft constitutional treaty is 95% or more a clarifying and simplifying exercise; British 'red lines' were well understood; Britain had allies on all of them and in any case they were not disproportionate compared with the 'red lines' of others. I will settle for Britain in the middle of the European pack.

Let me also return to two issues that I discussed in the last Euroscope. First the WTO; the Doha Development Agenda is on track to failure after the break down at the Cancun Ministerial. The meeting of the WTO General Council on 15<sup>th</sup> December 2003 gave no evidence of any urgency in reviving the negotiations and little sign of significant movement by main players (the EU has made some small further proposals but not enough on agriculture to get a meaningful response from other players, in my view). The political calendar is not propitious – Indian Elections, US Presidential elections, a New EU Commission - in 2004; a new WTO Director General in 2005. What is required is a big step forward by all the players – with the EU and US in the lead. My own suggestions for a set of new offers to relaunch the round can be downloaded as an SEI Briefing Paper (No 9) at [www.sei.ac.uk/documents/briefing\\_papers\\_No9.doc](http://www.sei.ac.uk/documents/briefing_papers_No9.doc).

Second, the Stability and Growth Pact (SGP) is now in complete tatters following the unwillingness of the Economic and

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Finance Council to impose sanctions on Germany and France. As I noted in the last Euroscope this is good economics (it would have been stupidly deflationary) but bad politics. Indeed, the fear of large countries trampling the rules and the rights of smaller countries generated by this episode may have contributed to Spanish and Polish intransigence on QMV rights in the IGC.

It would be perfectly plausible to have no SGP and rely simply on the treaty provisions under the economic policy guidelines, the excessive deficits procedure (the latter is hardly more flexible than the SGP but the sanctions are less draconian) and the 'no bail-out' clause. But this may be politically unsustainable both among member states and in financial markets. So there is a case for agreement, and soon, on a more flexible version of the SGP that nonetheless avoids the potential negative spillovers on the euro zone from irresponsible national fiscal policies (French and German fiscal policies are not yet irresponsible, in my judgement).

Enough: I wish the Irish presidency good luck; the WTO negotiators more energy and commitment to success than they have shown so far; and everyone at Sussex a good Spring Term.

**JIM ROLLO**

**Grzegorz Bajorek**  
**Warsaw University**  
**Former Socrates- Erasmus student**  
**at Sussex University, (Autumn 2002)**

**December 2003**

## **On the reign of postcommunists in Poland and problems to be faced after this country joins The European Union.**

Winston Churchill once said about the Poles: "Few are the virtues which the Poles lack and few are the mistakes they can avoid making". As far as politics goes this is certainly true. At present what we are dealing with in Polish politics is a horrendous situation: Poland is being introduced into the EU by post communists. I would like to devote a few lines to this peculiar historical paradox ( and its implications).

The name "postcommunists" given to the generation now in power in Poland is apt and not only a label, as these people share both biographies as well as experiences. The current Polish government ministers used to be actors of the Communist Party, which was the sole rule in the 'People's Poland' prior to 1989. And while their peers from "Solidarity" were demonstrating and distributing anti-soviet leaflets, these men were forging their careers<sup>1</sup>.

Their personal links and connections have survived the system change. After the fall of the Berlin Wall, the former comrades established the SLD( Alliance of Democratic Left) on the ruins of The Party. Later, in a democratic Poland, members of the Alliance started successfully competing with "Solidarity" in general elections. In 1995 their leader, Aleksander Kwaśniewski, took over the presidential office from the legendary Lech Wałęsa. Soon Kwaśniewski became Poland's most popular politician, and easily secured reelection five years later. Meanwhile the Alliance monopolized the leftist political scene sufficiently to finally win nearly half of the parliamentary seats in the 2001 election. Leszek Miller, 57, a long-time party colleague of Aleksander Kwaśniewski, was named as the Prime Minister<sup>2</sup>.

A reminder of the past is necessary since the former Party activists have distanced themselves from Marxism and to all appearances the Polish postcommunists now have more in common with the British Labour Party or German social democrats. Nevertheless, the political genotype of the ruling elite is not indifferent to the majority of Polish society, and this justifies the statement that the holding of power by the "Reds" can have a negative impact on Poland's ' integration within the EU structure.

Firstly: many people view being a prominent political figure in the communist era as a disqualifying factor: former Party secretaries now promoting the European Union are regarded as acting in conspiracy, which gives a strong argument to all of the Polish eurosceptics who are working to impede the whole Treaty. A clear example of this was the June referendum. According to the polls many Poles did not vote "yes" although they have in the past supported the idea of a united Europe, only to protest against the highly unpopular( only 10 percent support for his government) prime minister, Leszek Miller<sup>3</sup>.

Secondly, a proper collaboration between government and the opposition is impossible. The right wingers deny the moral right of former comrades to rule the country, and in modern Poland, contrary to Britain, it is virtually impossible to form a coalition bolstered by the opposition ( as Ramsey Mac Donald did in twenties). Although post communists are seeking agreement<sup>4</sup>, while they are in power it is impossible to unite government and the opposition. Without such a unity, cooperation between Poland and Commission is expected to be much harder.

Thirdly, the public's reluctance to trust the ruling team<sup>5</sup> results in the lack of popular support for Mr. Miller's cabinet. Thus his determination to implement the structural reforms which are demanded by the EU is being diminished. For instance, cuts in the coal mining industry have been required for a long time( similar to those

carried out by Margaret Thatcher in Britain) and these have been postponed, because the miners raise ideological arguments against the economic ones ("The Reds won't tell us what to do!"). Moreover, a similar situation concerns other sectors of the national economy which need reform. The Trade unions, dominated by the historically anti-communist "Solidarity", refuse to negotiate. This lack of social support lessens the ability of Miller's team to promote Polish interests inside the member's club.

Fourth, due to the stigma of its past, The Alliance can no longer keep its profile as a party of the left. Not backed enough by the workers, SLD has gradually moved to the center. As it is a compulsory move and not a free choice (contrary to Blair's Labour), Alliance leaders have lost their credibility both at home and abroad, which may damage their future alliances in the European Parliament<sup>6</sup>.

To sum up: Leszek Miller's government is unpopular, weak and outwardly leftist, whereas Poland as never before, deserves a strong cabinet able to contribute something meaningful to the debate on the European Constitution. It leads to the conclusion that Poland, because of the presence of the former communist, could squander the opportunities created by joining European Union.

And finally: what are the possible ways out for the Left in such a plight?

- 1) Hope for a generation shift, but in the SLD still unlikely.
- 2) Forming a new left-centrist party by president Kwaśniewski, and some secessionists from the Alliance. However trials of this kind already undertaken (the "Ordynacka" Association) show clearly that a new party will be supposedly perceived as a child of wedlock.
- 3) Creating a true, authentically leftist party through people without pasts tainted by being part of the former communist regime. Such a party could continue the very best traditions of the Polish independent Left. The hope is that the demand for such a party will grow after May 1st 2004.

## **How does SEI knowledge helps Croatia's way towards the EU?**

**Natasa Besirevic**

In September of 2003, for the sixth time in a row, the Ministry for European Integration (MEI) hosted a ceremony of 18 young Croatian scholars being awarded scholarships for postgraduate studies in the areas of European law, economics and multidisciplinary European studies. By signing the contract, these young professionals took a pledge, upon their return home, to help Croatia's state administration to speed up the process of entry into the EU. By doing this, these young scholars joined the ranks of some one hundred young "Euro-experts" who, during past 5 years and at 27 different universities, have learned about the functioning and structures of the EU.

Out of 18 chosen Croatian postgraduates, 9 are already employed in the state administration and I was amongst those applicants. My destination was Sussex European Institute (SEI). Though all I heard about SEI from my Ministry colleagues who have completed the MACES program at Sussex University were superlatives, I was a bit scared prior to my arrival to UK. It was to be my first long stay in a Western European country and I was suppose to speak English all the time, which is the opportunity I had not had so far! But only few days after my arrival I was in for a surprise – I realised that no matter the problem that might occur, it could be solved in a few days. For me, an Eastern European, that was a new experience!

Those who don't have the opportunity to visit the UK usually assume that British people are reserved and almost unapproachable, but every step of my stay in Brighton and attending SEI, all I have encountered is openness, warmth and politeness. Regardless of the problem I might have, administrative and teaching staff are there to assist with the valuable advice or the required information. This surprises me every time! I have also discovered the magical new word "organisation". All SEI courses, lectures, tutorials and Research in Progress seminars are very well organised. I know exactly what my duties are during my studies at SEI, which I had not experienced during my education in Croatia. Politeness and organisation can solve any problem – this is definitely the lesson I have learned in SEI.

During the lectures, but especially the Research in Progress seminars, I have learned a lot about the EU. The future enlarged Europe with almost 500 million inhabitants will be a very complex community. Therefore it is of an essential importance to understand the its functioning, identifying the key decision-making players, the particular problems of the common market, etc. Everyday work at the Ministry of European Integration gave me some general knowledge about the EU, but SEI lectures have opened whole new EU-perspectives for me. They gave me the broader view, "the big picture" on the whole "European project", raised some new questions and therefore some new research areas, and offered different approaches and opinions to some important European issues. My favourite part of the first term at SEI were the tutorials. They were a unique opportunity for exploring some EU issues in a more detailed manner, but also occasions for exchanging and expressing different opinions.

How to present the information is of an extreme importance for me as it would be my future job within MEI. As a journalist I would present the information to different target groups. The ability to write and speak briefly and clearly is an asset I would gain through my practice at SEI. Coherent analysis, balanced approaches to different perspectives, originality in thinking and ability to link the issues with the evidence are also the skills I haven't had the opportunity to learn so far.

Standard academic writing instead of just memorising the facts is also a very important lesson for me. I am still learning how to do it! But, the most important thing about SEI, the thing which stands at the beginning and the end of the whole story about a successful educational institution, are the people; administrative and teaching staff, but furthermore my colleagues from all over the world.

The best thing that SEI provides is a unique opportunity to meet different people with various educational and cultural backgrounds and life experiences. We have a chance to find out about living conditions in Poland, Czech Republic, Malta, Belarus first hand. I can hear their views and discuss the great "European project"; if they are satisfied with the living in the EU; what their expectations are regarding entering the EU – these are just some of many questions we contemplate on every day.

Through talking to my colleagues, I have realised that Croatia has accomplished a lot on its way towards the EU especially in the field of public information, which is my main occupation in MEI. For example, although Croatia is not a candidate country yet, on 18<sup>th</sup> October 2001, the Croatian Government officially adopted the Communication

According to the Communication strategy, all available types of information dissemination as applied in the accession countries, have also been applied in Croatia. The public is divided into target groups and a MEI staff member is assigned to each target group as a permanent point of contact and the provider of information. The Ministry has initiated the establishment of 'Euro-info points' which consists of an internet kiosk where citizens can obtain any information they might be interested in about the EU or just take free publications of the Ministry. So far some 70 Euro-info points have been opened throughout Croatia. This project is called "Europe in Croatia" and it is ongoing.

Information is also available daily at the free phone (0800 203 203) where citizens may talk to an operator or their inquiry is forwarded to an expert team in the MEI. Furthermore, all databases relating to the implementation of various projects are available on the website of the Ministry which is updated daily ([www.mei.hr](http://www.mei.hr)). Therefore, it is possible to permanently monitor all of the steps that Croatia is making towards the EU. Special attention is also given to informing the professors and teachers, pupils, NGOs and political parties, and lecture cycles about the EU are organised daily. During 2003, MEI organised a total of 22 educational projects, 106 seminars, workshops, lectures and courses for over 3000 attendants with approximately 400 lecturers and last year's figures were exceeded this year! A special emphasis has been given to youth. Starting from last year, MEI organised a competition for elementary and secondary school pupils to design a website ([Login@Europe](mailto:Login@Europe)), as well as a knowledge competition on the EU, called the EUQUIZ. A total of 100 teams from 82 secondary schools in Croatia entered the competition this year and the interest of the pupils steadily grows.

MEI also organises summer and winter school courses on European Integration for pupils and students and provides scholarships for postgraduate studies. Upon my return to Croatia, I will work in all mentioned information projects. Undoubtedly the knowledge SEI is giving me will enable me to inform the Croatian public in a more accessible and qualitative manner. This is important since according to the public polls that started in 2000 and are conducted every 6 months, 75% of the Croatian public supports the country's accession to the EU. Compared to other transition countries, this is a very high percentage. These polls show that the demand for more information on the EU grows as we approach entry into the EU. Therefore, more quality information will be requested from the public.

In this sense, SEI has not only extended my knowledge, but also enlarged my perception of the EU borders by getting to know the people who study here. So many nations in one place learning about Europe and finding out about each others' countries through communication, brings us to the highest contribution of SEI; spreading the 'Europe' spirit. Multiculturalism and tolerance are the greatest lessons that can be learned in SEI. These are also the ultimate prerequisites for living in the future enlarged Europe, and these are the most precious ideas I will take back me with when I leave the UK and go home.

## **European Parties Elections & Referendums Network Update**

**Aleks Szczerbiak and Paul Taggart**

Autumn 2003 was another busy and productive one for the SEI-based European Parties Elections and Referendums Network (EPERN). Co-convened by Aleks Szczerbiak and Paul Taggart, EPERN is a network of scholars examining the impact of European integration on domestic politics, particularly as expressed through political parties, elections and referendums. It is the successor to the Opposing Europe Research Network (OERN), which was launched in June 2000, and now numbers more than 70 scholars whose research interests cover virtually every EU member, candidate (and non-candidate!) state.

One of the highlights of the last few months has been analysis of the nine EU accession referendums held in the post-communist candidate states and Malta between March-September 2003, a popular plebiscite on European integration that is unprecedented in its scale. EPERN is producing special briefing papers on all of these referendums that are available on our website (see below). In recent months briefings have been published on the Lithuanian and Latvian referendums and one on Estonia is currently in the pipeline. Most of the authors will be contributing to a special issue of *West European Politics* devoted specifically to the 2003 EU accession referendums. The contributors to this issue also held a special workshop at SEI at the end of October/beginning of November. This workshop, together with an earlier one held in June, discussed what (if anything) is different about these referendums and whether it is possible to use them as a basis for developing causal models to predict (European) referendum outcome and turnout. Apart from the co-convenors, the participants in this project include: Michelle Cini (Bristol University), Brigid Fowler (University of Birmingham), Sean Hanley (Brunel University), Karen Henderson (Leicester University), Alenka Krasovec (Ljubljana University), Evald Mikkel (University of Tartu) and Geoffrey Pridham (University of Bristol).

The last three months have also seen the publication of a special briefing on the important September 2003 Swedish referendum on economic and monetary union, authored by Nicholas Aylott (Umea University), and no fewer than three SEI/EPERN briefing papers.

The first of these, on 'Theorising Party-Based Euroscepticism: Problems of Definition, Measurement and Causality', was by Aleks Szczerbiak and Paul Taggart. It addresses and seeks to move forward the debate on two theoretical questions that have recurred in debates about party-based Euroscepticism: how do you define and measure it; and what causes it? The paper argues that analysts need to be careful to ensure that definitions of party-based Euroscepticism are not over-inclusive and should refer specifically to party attitudes towards European integration through the EU in principle and the EU's current and future trajectory. The next stage in the process of theorising party-based Euroscepticism, it is argued, is to locate it within a broader typology of party positions on Europe that breaks down attitudes among pro-integrationist parties. However, the more complex and fine-grained the typology is, the more difficult it is to operationalise. The paper also argues that the debate on causality (as well as on conceptualisation and definition) has been confused by the conflation of: Eurosceptic party positions on the one hand and the use of Eurosceptic discourses in inter-party competition on the other. These two phenomena need to be clearly distinguished for analytical purposes and have different causal mechanisms.

The second working paper by Nicolo Conti (University of Siena), who wrote it while visiting the SEI as a Marie Curie Fellow in 2002-2003, was on 'Party Attitudes to European Integration: A Longitudinal Analysis of the Italian Case'. In spite of the increasing attention given to party attitudes towards European integration in recent years, the Italian case remains relatively under-explored and is usually associated with an image of long-established support for this process. Nevertheless, with the political turmoil starting in 1992, and the fall of the old party system and birth of new parties, European integration has become a more problematic issue in Italy. This paper proposes a framework for the analysis of party attitudes towards European integration, guided by contributions available in the comparative literature. The aim is to both develop the study of attitudes at the individual party level and the longitudinal mapping of these attitudes, as well as to explore the patterns of party positioning on the EU within the Italian party system.

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The third paper is by Paul Lewis (Open University) on 'The impact of the enlargement of the European Union on Central European Party Systems'. The paper argues that analysis of party system development in already established members of the EU suggests that the European issue has had remarkably little direct impact on national party systems. The indirect impact of EU membership may have been considerably stronger, but precise definition and measurement of this influence has so far been highly problematic. The position of party systems in central Europe, it is argued, is likely to be different from those in the West due to their being more fluid and less consolidated, as well as having been the impact of wide-ranging EU support and influence throughout the 1990s. On this basis a number of exploratory hypotheses and tentative principles concerning Central European party system change are advanced. Parliamentary elections have been held in six of the eight countries studied here and an initial survey suggests that the direct impact of enlargement issues has indeed been limited so far, with Poland constituting the sole exception. The problems concerning the 2003 EU accession referendums were less in levels of support for opposition to EU membership but in the reluctance of many voters to participate in the ballot at all. Established views on the EU had little predictive value in this context, and various national factors were more likely to affect turnout. Early observations lend weight to the view that the influence of enlargement on Central European politics is likely to strengthen, but its impact on party systems, it is argued, may indeed be more indirect than direct in nature.

2004 is certain to be another busy year for the EPERN. Apart from the *West European Politics* special issue, it will see the publication of a two volume book on 'Opposing Europe: The Party Politics of Euroscepticism' by Oxford University Press. These two volumes, which represent the culmination of the Network's first phase of activity, will cover country surveys and case studies, and theoretical and comparative perspectives. There are also (at the moment tentative) plans to draw on the Network's expertise to analyse the June 2004 European Parliament elections. Watch this space!

*All our publications and latest news of our activities is available from the EPERN website. For further information or to keep up with the latest developments, contact the convenors (a.a.szczepiak@sussex.ac.uk or p.a.taggart@sussex.ac.uk) or visit the EPERN homepage at <http://www.sussex.ac.uk/Units/SEI/areas/OpposingEurope.html>*

## **Inside the EU—The Life of a Stagiaire in Brussels**

Some of SEI's former MACES students have sent us the inside scoop on their next step to a position as a stagiaire or stage in the directorates and departments of the European Union in Brussels. If you would like more information, contact email addresses for our correspondents can be found at the end of the article.

### **Levente Császai - European Parliament, Conciliation Secretariat**

How I ended up in the grey and shiny glass building of the European Parliament in Brussels is still a mystery. The selection procedure of EP *stagiaires* (trainee/intern) is even less transparent than the accounts of Eurostat and one has to consider themselves extremely lucky to be one of the 40 chosen ones out of 1800 applicants (or has to be Italian, it seems). Less than two weeks after handing in my dissertation in a red brick building on the Sussex campus, I found myself in the EP, namely on the eighth floor with a nice view. As a result of enlargement, there are not enough offices for everyone so I am sitting at a desk in the corridor with my fellow stagiaires...

The adventure of being an EP stagiaire compliments very well the somewhat more academic SEI experience. What stagiaires do depends on their division/unit and of course their supervisor ("*maître de stage*"). I ended up in the Conciliation Secretariat, a truly interesting division. I draft notes, check documents and edit news releases, but more importantly I have gained an insight into the exciting life of the Parliament, including plenary sessions, the work in the various Committees and of course, Conciliation. In this division one can follow negotiations with the participation of the Council, MEPS and even Commissioners and Commission officials. Rather than a boring and merely bureaucratic procedure as I thought before, Conciliation is very often a spectacular and fascinating political process involving the EP and the Council. I am also very lucky to be surrounded by excellent people from various countries and backgrounds. I can learn a lot from them.

Of course, the stage it is not only about work and Brussels has a lot to offer outside the walls of the EP too. However, instead of attending one of the numerous receptions organised regularly on the EP premises, stagiaires from the accession countries trying their luck in the open competitions ("*concours*") tend to spend their evenings preparing at home. Let us keep our fingers crossed for them...

### **Claire Salignat . Stagiaire in Unit A5 : Citizenship, fundamental rights, racism and xenophobia, DAPHNE Programme, DG Justice and home affairs, European Commission**

Tips for application:

I've done the internet application quite in time, not in the rush of the last night. Then, I've been waiting for the 'blue book' results (end of March). It was a great surprise for me as I was the youngest among the MACES, I did not really believe in my chances...then I've just decided to wait for the SEI Brussels trip in June to contact people in my favourite DG. It was a bad strategy as June is very late to start lobbying. When I came to see my potential employers, they just told me that it was too late and that 2 persons were before me for the only place for stagiaire in this unit. I came back to Brighton giving up the idea of being a stagiaire...and then, they called me on the 14<sup>th</sup> of July!!! Exactly for the place I was dreaming about! There is still a mystery about my selection but I am sure that the choice of the subject of my dissertation played in my favour, they saw that I had a 'kind of expertise' in this field. This is the tip; you really have to show them that you can be useful!

It's nice to work for the EU because you can enter in all the buildings you want with your magic badge! It is a huge organisation but the life within my Unit is easy, I am starting to know everybody quite well and they are giving me more and more works to do. I am supposed to work with one of them but finally I am following 4 different areas (EU Charter, citizenship, fundamental rights network and relation with legal service) at the same time! I am also in charge of following the jurisprudence in Luxembourg and in Strasbourg. Stagiaire's life is also full of activities...time is running so fast between conferences, languages courses, charity fund and awareness raising, tips to discover Belgium, organisation of national party...and parties!!!

**Ian O'Donoghue and The Life of a stagiaire in 200-300 words**

Having left the SEI in September 2003 to work for the European Commission as a stagiaire, the rather bizarre hybrid that is the EU has become slightly less puzzling as I am able witness the tortuous grind of the policy process first hand. Nevertheless, after this experience it seems that the adage 'nothing ever runs smoothly in the European Union' is likely to become ever more pertinent after accession in 2004 as policy debates grow ever longer. I was selected to work for the Secretariat General, which, crudely put, deals with horizontal relations between the Commission, Council and Parliament, and am specifically working on the reform of the CAP (Special Committee on Agriculture), international trade and WTO negotiations (133 Committee), in addition to attending Coreper (I and II) and Council of Ministers meetings. This is rather a privileged position as I receive an overview of all the actors involved in inter-institutional relations.

The life of a Commission stagiaire comes highly recommended as it is the perfect opportunity to gain valuable working experience, hone one's language skills and mix with an almighty array of characters from different cultures and backgrounds, Europe-wide and beyond. To meet such a diverse range of dynamic people is what makes this experience so rewarding as it significantly broadens one's cultural horizons. Whilst our days are spent aiding the construction of Europe, during evenings and weekends Brussels offers a wide range of attractions to keep one occupied. Despite the hedonistic reputation that is attributed to stagiaires, the majority of us usually expend most of our energy searching for employment after the stage period finishes in March. One can draw certain parallels with an Erasmus year, but the people are slightly older and far wiser, the atmosphere is fuelled by what will happen afterwards and the social life is slightly less decadent. Such is life at the heart of Europe.

Ian O'Donoghue  
Brussels, December 2003

**Miriam Necedova and The Brussels Experience or 482 words on Brussels...**

Now, a few days before the competition "*how to become a millionaire or an official*" (organized by EPSO), feeling more and more nervous (as you never know what those curious and tricky tests can ask you to answer) one of my cool SEI classmates (the victim of studying for the competition as well), asked me to write a few words on my stay here...Here it comes.

After spending an adventurous year in Brighton, meeting friends at SEI, but also clubbing, biking on the cliffs, bathing in the sea, exploring all the happening in and out of Brighton, I finally got to Brussels. Some say, the capital of Europe where you can enjoy its *dolce vita*, either by comparing your atoms to Atomium or by getting lost in the Mini-Europe... Others say, the capital of capital, the place to can earn lots of Euros being one of the well-paid Eurocrates. I choose the so-called *golden way*...to be happy in Brussels on a traineeship scholarship but to be in the EU affairs...

Simply, everyone interested in the EU, should experience it, breathe it and digest it on his/her own. I like it, being a part of the group of the lawyers working for the DG ADMIN, within the European (complaining) Commission. It is the people who care; it is the policy, which must be applied according to the EU law, so when the law is breached my unit is contacted by the victims of the fault, or simply by the complainant's courage to fight for his/her rights. Believe me it is interesting to see the inner side of the Commission, people complaining. I do not intend to "complain" here, as I think a stoic person as me is at the right place and at the right time.

But (read the word 'BUT' with Adrian's pronunciation) being a bit optimist, I take my traineeship also as a chance to see how the Commission works. I say, it works but it is going to be reformed also thanks to our unit which getting too much bored, decided to make a value added to the Commission's reform. Guys, as an issue of the fate, I could experience the creation of the Staff Regulations which are to change the old ones, and who knows direct your life, your plans (for your vacation) if you will find yourself eligible, grounded you will get a contract with this enlarging dub.

All in all, as my space for writing is limited, I strongly advise you to challenge yourself to experience Brussels in its true colours, with its aura of fame, place of politics, summits, as well as IGC meetings '*where nothing is agreed until everything is agreed*'. You may disagree to agree, but I hope you agree the best way is to come here as '*nothing is impossible until everything is possible*'.

**EMILY PALMER, DIRECTORATE GENERAL FOR EDUCATION AND CULTURE**

Since sadly leaving my wonderful experiences of MACES behind, I have started my new life as a stagiaire in the Directorate General for Education and Culture (DG EAC) in the European Commission, Brussels. I work in a horizontal unit, which deals with the inter-institutional relations, co-ordination and evaluation of the programmes in all the units within the DG. This means that I have three main roles in my stage. First, I follow the position of the Council, European Parliament, Committee of the Regions and Economic and Social Committee in the legislative procedure of DG EAC's policy proposals. I go to various parliamentary committee meetings and write the minutes for DG EAC's intranet. Second, I study the implementation of Equal Opportunities in the legal bases of DG EAC's programmes. I am researching how other DGs have this into their programmes so that DG EAC can learn good practice. Third, I take part in various workshops to evaluate the new generation of DG EAC's programmes from 2006. This involves finding relevant indicators to ensure that the programmes will achieve their objectives.

Life outside of the office is also a very important part of the whole stage life in Brussels. I have been working closely with two other former MACES students to run a project for Amnesty International. I have been organising the sale of Christmas cards and candles in the EU institutions and at other events in Brussels. We are currently preparing a Human Rights Conference, which we will host in Brussels in January, which involves inviting speakers, organising the programme and managing the finances.

I have hardly had a rest from the many activities that I have been involved in since my arrival in Brussels. The stage really is an excellent opportunity to make use of the resources available in the European institutions and to take part in many projects. I recommend the stage to anyone interested and I would be happy for future applicants to contact me for advice.

I

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# *Euroscope Volume 27 Spring 2004*

## RESEARCH IN PROGRESS SEMINARS

SPRING TERM 2004

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*If you would like to be included in our mailing list for seminars,  
please contact Lucy Barling, tel: 01273 678578, email: [lb49@sussex.ac.uk](mailto:lb49@sussex.ac.uk)*

**13<sup>th</sup> January 2004**

*Sussex European Institute-SEI Roundtable on  
"Who killed the European Constitution?"*

Prof Alan Mayhew, Prof Jorg Monar, Prof Jim Rollo, Dr Aleks Szczerbiak

**20<sup>th</sup> January 2004**

*"Always the bridesmaid never the bride": The increasing  
institutionalisation of 'safety net parties' in Sweden and elsewhere*

Dr Tim Bale  
University of Sussex

**27<sup>th</sup> January 2004**

*EU Enlargement and Political Parties in Central Europe*

Dr Paul Lewis  
Open University

**3<sup>rd</sup> February 2004**

*Processes of incorporation of immigrants in Greece*

Panos Hatziprokopiou  
Sussex European Institute

**10<sup>th</sup> February 2004**

*The European Convention: Flawed consensus and its impact on the IGC*

Peter Norman  
Financial Times

**17<sup>th</sup> February 2004**

*Between ideology and pragmatism: the politics of dual citizenship in Germany*

Dr Simon Green  
University of Birmingham

**24<sup>th</sup> February 2004**

*Governing the EU Economy - Models and Mechanisms*

Francis McGowan  
University of Sussex

**2<sup>nd</sup> March 2004**

*The forgotten institution - some reflections on the European Court of Auditors*

David Bostock  
European Court of Auditors

**9<sup>th</sup> March 2004**

**SEI Plenum**

## **'In Brief'**

**Aleks Szczerbiak**

October 14th – participated in SEI Research in Progress seminar roundtable on “The European Convention’s Draft Constitution: Prospects and Perspectives,” SEI

October 31st-November 1st - June 13th - organised and participated in a seminar on the “2003 EU Accession Referendums” for contributors to a special issue of *West European Politics*, SEI

October 14th - Interview by the BBC World Service on the fate of former dissidents in post-communist Eastern Europe

December 12th – made a presentation on “The political situation” at a briefing seminar for the new UK Ambassador to Warsaw, Foreign and Commonwealth Office

### **Publications**

“Approaching the Endgame: Polish Public Opinion and the Changing Euro-Debate in the Run up to the 2003 EU Accession Referendum,” in Frank Columbus, ed, *European Economic and Political Issues Volume 7*, 2003

(with Paul Taggart) “Theorising Party-Based Euroscepticism: Problems of Definition, Measurement and Causality,” *European Parties Elections and Referendums Network Working Paper No 12/SEI Working Paper No 69*, October 2003

Review of Marjorie Castle and Ray Taras, “Democracy in Poland,” *Slavonic and East European Review*, October 2003

Review of Petr Kopecky and Cas Mudde, “Uncivil Society? Contentious politics in post-communist Europe,” *Europe-Asia Studies*, November 2003

“Eastern Europe” in Maurice Kogan and Mary Hawkesworth, eds, *Routledge Encyclopaedia of the Social Sciences*, 2003

“Chaos out of Order? Polish Parties’ Electoral Strategies and Bases of Support,” in George Kolankiewicz and Tomasz Zarycki, eds, *Regional Issues in Polish Politics*, SSEES Occasional Papers. London: SSEES, 2003

“Civilised Lustration? Evaluating the Polish Model,” *Studia Polityczne*, Vol 14, 2003

Wrote the “Political Developments” section for the December 2003 Economist Intelligence Unit Country Report

“Polish Euroscepticism in the Run Up to EU Accession,” *European Studies*, forthcoming, January/February 2004

(with Paul Taggart) “Contemporary Euroscepticism in the Party Systems of the EU Candidate States of Central and Eastern Europe,” *European Journal of Political Research*, Vol 43, forthcoming, 2004

**Paul Taggart**

Editor, POLITICS ([www.politicsjournal.com](http://www.politicsjournal.com))

September Politics vol.23, no.3 published edited by Paul Taggart (with Charles Lees)

October 31-November 1 (with Aleks Szczerbiak) Organised and contributed to two day workshop on the the '2003 EU Accession Referendums' for West European Politics special issue, SEI.

Paul Taggart and Aleks Szczerbiak 'Europeanisation, Euroscepticism and Party Systems: Party-Based Euroscepticism in the Candidate States of Central and Eastern Europe' in Paul Lewis and Paul Webb (ed.) *Pan-European Perspectives on Party Politics* (Leiden: Brill 2003)

1 November new POLITICS website launched (see [www.politicsjournal.com](http://www.politicsjournal.com))

22 October, 12 November, 26 November Sussex European Parties & Democracy Group meetings, SEI

25 November Attended Political Studies Association Awards ceremony, London

Paul Taggart and Aleks Szczerbiak 'Supporting the Union? Euroscepticism and Domestic Politics of European Integration' in Maria Green Cowles and Desmond Dinan (ed.) *Developments in the European Union 2* (Palgrave, forthcoming, 2004)

Paul Taggart and Aleks Szczerbiak 'Contemporary Euroscepticism in the Party Systems of the EU Candidate States of Central

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## **Slovakia and the European Parliament Elections: unresolved challenges**

**Zuzana Andrejčáková**

Since 1993, when the Slovak Republic became an independent and sovereign state, membership in the EU became one of its top foreign policy priorities. By December 2002 it had successfully concluded its accession negotiations and was awarded a firm date for its aim of full membership to be fulfilled. As of May 1, 2004 the Slovak Republic will begin to participate in all aspects of EU affairs in the same way as any other member EU member state. This will include its historically first chance to participate in the upcoming European elections taking place on a Europe-wide basis in twenty-five European countries between June 10 and June 13, 2004 and will mean that Slovak citizens will for the first time have the chance to elect representatives to the European Parliament.

However, apart from a few common provisions under which the EP elections are held, the majority of the electoral arrangements as well as a number of provisions concerning the status of elected MEPs, differ from one state to another. Therefore, the 2004 European elections, will be carried out on the base of only a few Europe-wide principles that the member countries will be obliged to respect, as was the case in all previous EP elections. Apart from those basic common requirements, the elections will be governed by purely national legislations. Therefore, in line with its commitment to harmonize national legislation with the legal order of the European Union, the Slovak Republic had to produce its own electoral rules in order to prepare for these elections.

The obligation to adopt the European Parliament Election Act resulted directly from the provisions of the Treaty establishing the European Communities, the Maastricht Treaty and the European Association Agreement<sup>1</sup>. This commitment was also included in the negotiating position of the Slovak Republic concerning the Second Chapter of the EU Acquis 'Free movement of persons'. The paragraph on the Citizenship of the Union states that the right of Slovak nationals as well as nationals of other EU MS residing in Slovakia to vote and stand as a candidate in elections to the European Parliament will be governed by a separate law that will come into effect by the accession day of the Slovak Republic into the EU<sup>2</sup>. In 2002, this requirement mirrored itself into the 'Plan of legislative tasks of the Government of the Slovak Republic', and the European Parliament Election Act was adopted on July 10, 2003 by 111 out of 150 MPs, with no MP voting against the Act. However, despite the fact that it seems as though Slovakia did everything possible to fulfil its obligation to create and adopt the proper rules governing the EP elections, one could argue that such legislation was adopted with many shortcomings. This article aims to discuss these weaknesses and, in comparison with other countries, tries to explain why they could be counter productive for the general course of the European elections.

The first problematic issue is the **issue of voting rights**. As the European legislation states, '*every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State*'<sup>3</sup> [emphasis added]. However, due to the lack of a uniform electoral procedure, resulting in the fact that the member states' electoral acts still interpret their requirements for the exercise of electoral rights in fifteen different ways, the requirement of residence is understood throughout the EU very differently. This causes a situation whereby, in order to fulfil the condition of residence, Community voters living in one country can be required to have previously spent there a period of time different in length than that required in another EU member state. To solve this problem, the mentioned Directive stipulated that if, in order to vote nationals of the Member State of residence must have spent a certain minimum period as a *resident* in the electoral territory of that State, Community voters<sup>4</sup> will be considered to have fulfilled the same condition where they have resided for an equivalent period in other Member States<sup>5</sup>.

Article 5 of the Council Directive therefore made it clear that, when exercising their voting rights, nationals of any EU member state may also be exercising their right of free movement and residence in all Member States and this right shall not be a reason for denying them the vote in a member state to which they move subsequently.

However, the 'Table of similarities' (*Tabuľka zhody*)<sup>6</sup>, submitted to the Slovak government for the purpose of explaining the conditions on which the new law<sup>7</sup> must be formed by its Minister of the Interior Vladimír Palko, displayed a serious flaw. Whereas Article 5 of the Council Directive spoke of a '*minimum period [spent] as a resident*', the Table of similarities translated it inaccurately as '*minimum period [spent] as a citizen*.' Furthermore, an Introductory report (*Predkladacia správa*)<sup>8</sup> concerning the draft EP election Act put forward by the Slovak government showed another mistake caused (again) by incorrect translation, when it concluded that '*the Council Directive 93/109/ES enables [EU citizens] to vote or stand as candidates (1) in a state of which they are nationals, or (1) in the state of their permanent residence*' [emphasis added], despite of the fact that the word 'permanent' is not included in the original Directive's text. This then mirrored itself into a Slovak EP Election Act as Article 2 (2) stating that, along with Slovak citizens, the right to vote in the EP elections is also granted to '*Citizens of Member States ..., who attained at least 18 years of age on the day of elections and are allowed to be resident in the Slovak Republic on the basis of permanent residence*' [emphasis added]. As the word 'permanent' is not a part of the original text of the Article 19 (2) of the EC Treaty, it can be argued that it represents one of the shortcomings of the Slovak EP election Act.

To understand why this requirement is a shortcoming, one needs to read 'behind' the lines of the Act itself and examine the understanding of the term 'permanent residence' in a way it is understood by the Slovak legal system. The Act concerning the

Stay of foreigners<sup>9</sup> explains the term of permanent residence in a way which basically makes it very difficult for any foreigner who lives in Slovakia or who will move to Slovakia after the accession, to exercise his voting rights and to understand the true conditions which apply to his/her case, should he decided to use his right to vote.

First of all, the requirement of 'previous uninterrupted temporary residence' (moreover specified as residence for only two possible specified purposes) lasting 'more than ten years' or a marriage seem to be the only possible way of getting a status of permanent resident, and second, even if these conditions would not apply in the case of Community voters (as the requirement of 'permanent residence in Slovakia should be over-ruled by the mentioned Article 5 of the Council Directive 93/109/EC stating that it can be fulfilled in any of the EU MS), the ordinary EU citizen, especially one that is not familiar with the Slovak law, might find it very difficult to find his orientation in all these Acts and Directives that apply for his specific situation, as their text is not a part of the law itself. The same kind of obstacle applies to the right to stand as a candidate.

This completely contradicts the statement of the European Commission that Member States cannot limit themselves to simply putting the rules concerning the right of EU nationals to vote and stand in the EP elections onto the statute book, but they have to make sure people are [also] aware of these rights. In other words, they 'have got to do more to make sure that citizens' rights within the EU can be enjoyed by people in practice as well as in theory.'<sup>10</sup> After all, it is estimated that there will be a total of almost 1 million new citizens with the right to vote and stand as candidates in their State of residence (not their state of citizenship) in the 2004 EP elections, out of which approximately 3500 will be in Slovakia<sup>11</sup>. The proper correction in the Slovak law could therefore be done by either replacing the term 'permanent residence' with a simpler requirement of just 'residence' or, by including the wording of Article 5 of the mentioned Council Directive in the Slovak EP election Act.

When confronted with the intention of the European Commission to make the upcoming elections as accessible to all Community voters as possible, it seems that the conditions laid down in the Slovak law are very complicated ones and are definitely not very 'European' in nature. They create a situation whereby only a very limited number of non-Slovak EU nationals will be able to understand the rules for participation in the EP elections in Slovakia and, as it will be explained later, produce a complicated electoral environment for even those few that will.

Another shortcoming of the Act adopted by the Slovak Parliament is also connected to the right to vote, but this time it is with regard to the **electoral rights of one specific group of Slovak nationals**. While the Act gives the right to vote to those Slovak citizens that are domiciled on the basis of permanent residence in the Slovak Republic, as well as to those that are not domiciled on the basis of permanent residence in the Slovak Republic nor in any other Member State of the EU (therefore those Slovak Citizens that have permanent residence outside the EU) provided they are present in the Slovak Republic on the day of elections; it forgets about a third, and quite numerous category - Slovak citizens who have permanent residence in the Slovak Republic but are not present on the territory of SR during the time of EP elections. Voting by post, by proxy or at embassies is not permitted and, therefore, all the Slovak citizens who are just temporarily outside their country and are not citizens or residents of other EU countries (usually students, tourists, or people participating in various professional, exchange or work-abroad trips and programmes) are deprived of their basic political right – to elect their representatives to the European Parliament.

In a comparative perspective, all Acts concerning the European Parliamentary Elections in the current MSs of the EU except for Ireland (where only certain categories of electors such as diplomats, disabled etc. – but still more than in Slovakia - may vote by post) are more generous in terms of granting their citizens who are temporarily unable to participate in the EP elections in their constituency, their right to elect the representatives.

A third shortcoming of the Act adopted in Slovakia concerns **the use of languages**. While the EP Election Act adopted in the *Czech Republic* specifies Czech, English, French and German as working languages for the purpose of the EP elections in their country, and requires the use of all of these languages for certain actions<sup>12</sup> performed during both the pre-election period as well as during the electoral act itself; *Slovakia* (but also other candidate countries such as Estonia and Slovenia) don't specify any language as official, implying that only the use of official language of their country will be accepted. In Slovakia's case, this is even made worse through § 13 of the Slovak European Parliament Election Act, according to which all non-Slovak EU nationals intending to stand as candidates for the EP elections in Slovakia are obliged to submit a Certificate issued by the competent authority of their country of citizenship (confirming that they don't have their election right suspended and are eligible to stand for elections) 'in [the] Slovak Language'. I argue that the fact that such a certificate is supposed to be issued by authorities of another EU country and will only be accepted in the Slovak language, is a restriction not appropriate for the 'European' character of these elections. The same applies to the obligation of municipalities to inform every elector about the time and the place of Elections as well as to the obligation to publish information about how to cast a ballot correctly. The EP elections represent a tool by which a supranational institution is given an international soul, and since they are trans-national in nature it seems very inappropriate to restrict the information given to eligible candidates or voters about their rights and duties to a single language.

Obstacles of this sort might cause even more confusion and chaos and could be seen as definitely contradicting Article 12 of the above-mentioned Directive, which states that the Member States of residence should inform Community voters 'in an appropriate manner' of the conditions and detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections in that State. As the European Commission in its Communication to the European Parliament and the Council further explains

*'... a considerable effort will be needed if the rights conferred by Union citizenship are to be exercised, as these citizens are unfamiliar not only with their rights but also with how to go about availing themselves of these rights in their Member State of residence. Moreover, the relevant procedures might well differ from those in their home Member State. ... [Therefore] full realisation of requirements of Article 12 of the Directive is of the utmost importance and the States must specifically inform Community voters of the detailed arrangements and conditions for exercising their electoral rights. ... A State cannot fulfil its obligation under Article 12 merely by providing the information it normally provides for its own nationals. The information must be tailored to meet the specific information requirements of Community voters.'* [emphasis added]<sup>13</sup>

Almost hilariously ironic in this sense is the already mentioned 'Table of similarities' which took the right to interpret the mentioned Article 12 in a way that it dared to conclude that the information about the right to vote and stand in the EP elections in Slovakia will be given to Community nationals by simply publishing the Electoral Act in the Collection of Laws of the Slovak Republic because, (as it further explains) 'according to the Article 2 of the Act 1/1993 on the Collection of Laws of the Slovak Republic, all that was published in the Coll. is considered as being known to everybody and the assumption of the awareness of this knowledge is undisputable.'<sup>14</sup>

No word is mentioned about how the condition of informing Community nationals about their electoral rights 'in an appropriate manner' is compatible with this (for Slovak authorities convenient) statement and how much it actually differs from the obligations stated by the European Commission. Needless to mention that the Collection of Laws is published in the Slovak language only.

Also problematic is the issue of **deadline for registration of non-national EU citizens to electoral rolls**. According to Article 8 of the described Council Directive, Community voters exercise their right to vote in the Member State of residence if they have expressed their wish to do so. In most cases, this wish can in practise be fulfilled by applying to be entered on the electoral roll of the State of residence. The European Commission therefore urged the Member States and acceding states to take specific measures to ensure that all Community voters, including those becoming citizens of the Union on 1 May 2004, are able to apply for entry on the electoral rolls even before official accession. This request was also confirmed by Article 9 of the Directive, which provides that the Member States shall take the necessary measures to enable a Community voter who has expressed the wish to be entered on the electoral roll to be entered sufficiently in advance of polling day<sup>15</sup>.

Concerning this issue, Article 7 of the Slovak European Parliament Election Act laid down that the application submitted by citizens of the EU permanently resident in the Slovak Republic will only be accepted by the municipality provided that the following two conditions are fulfilled: First, that such EU citizens are resident in the municipality in which they apply and second, that their application is delivered to the municipality authority *at least 40 days prior to elections*. That means – no later than May 3, 2004. Otherwise their right for the registration to the list of electors lapses.

However, the final article of this act (Article 47 – which lays down the provisions concerning the entry of the Act into force) stipulates that the mentioned provisions of the Article 7 will enter into force only after the entry into force of the Accession Treaty, which will happen on May 1, 2004<sup>16</sup>. This practically means that the EU citizens resident in Slovakia will not be able to apply to be entered on the electoral roll before May 1<sup>st</sup> but also won't be able to apply later than May 3<sup>rd</sup>.

This is an extreme situation, which gives (quite possibly poorly informed) Community voters only two days to apply, otherwise they lose their chance to exercise their right to vote granted to them by the provisions of the Maastricht Treaty and by the Charter of Fundamental Rights<sup>17</sup>. How contradictory this is to the Commission's request for acceding states to ensure that all Community voters are able to apply for entry on the electoral roll '*sufficiently in advance of polling day*', one does not even need to explain.

Finally, other issues representing shortcomings of the Slovak European Parliament Election Act, though not shortcomings caused by improper wording but rather those resulting from the fact that the Slovak law-makers forgot to include them (despite of their importance for the course of the elections) in the text of the European Parliament Election Act at all, are very much adding dark clouds over the use of this Act in practise during the 2004 EP elections.

These concern the unresolved **problem of the immunities of MEPs** under the national legislation; the lack of possibility of judicial review and authority that is competent to deal with the complaints against the course and the result of elections; the lack of provisions which would enable certain authority to impose fines upon those that violate provisions laid down in the adopted Act as well as the unsolved issue of holding a dual mandate.

As far as the issue of dual mandate is concerned, Slovakia is in fact obliged to incorporate its solution into its legal order, though it has not done so. According to provision 7(b) of the Council Decision of 25 June 2002 and 23 September 2002<sup>18</sup>, Article 6 of the original Decision should be amended by a provision stating that the office of a member of the EP shall be incompatible with that of member of a national parliament from the European Parliament Elections in 2004.<sup>19</sup>

And though the information about recent developments happening in Slovakia at the time of writing this article indicated that at least the issue of dual mandate should be further discussed and subsequently resolved (along with expected amendments in the Slovak Constitution<sup>20</sup>, which would state the incompatibility of holding a post of MP with holding an office of MEP<sup>21</sup>); as well as hinted that the issue of immunities will most probably be solved by a special separate Act (which, however, had not yet been even prepared)<sup>22</sup>, the issues described in this article as well as a number of shortcomings of a minor technical character not discussed (usually represented by the ambiguity of wording), remain unresolved.

### Conclusion

As it has been stressed, all the controversies arise from the fact that, despite of the original plan, one single uniform electoral procedure

governing the European elections is still missing. As a consequence, the elections are administered by as many different electoral laws, as there are EU member states, with a set of 'common principles' of a limited nature standing above them.

With ten new member states joining the European family in May 2004, this situation will get even more complicated. Instead of fifteen, there will be twenty-five different electoral laws governing the same European elections, and over 337 million Community citizens in voting age, trying to understand the complicated rules in order to exercise their electoral rights<sup>23</sup>.

In order for these citizens to be able to exercise their electoral rights in the new member states in reality, two basic conditions will have to be fulfilled – first, the accession countries will have to adopt the relevant legislation setting out the rules according to which the European Parliament elections will be held on their respective territories; and second, the Community voters will have to be well informed about how to exercise their electoral rights, this happening preferably well in advance of the actual date of the elections.

Once the EP election results are announced and mandates allocated, another issue – the issue of a common statute for MEPs -will have to be tackled on the European level, otherwise the confusion caused by differences between twenty-five different national sets of rules governing the job of MEPs from different member states will be even more apparent and the exercise of MEPs' mandate even more unfair. In order for this to become a reality, both 'actors' of this story – the new member states and the European Parliament - will have to do their job and, they will have to do it well.

As for the new member states, I think that it is vital for their law-makers (which are still in the process of adopting their national legislation governing the EP elections) to learn lessons from the all previous EP elections held in the current EU member states, and based on these lessons, produce an electoral environment oriented towards a 'European character' of these elections as much as possible. The fact that they are obliged to follow only a few common rules while forming a new law, should not prevent them from creating a law which would be 'European' in nature (suitable for European elections, for European voters, for creating European Parliament), but on the contrary, should encourage them to do so.

Examining the Act governing the European Parliament Elections adopted in the Slovak Republic, it was found that, in many aspects, it doesn't correspond with the aim to make the EP elections truly 'European', even though it was adopted on the basis of the mentioned common rules. This proves that the uniform electoral procedure giving no space to ambiguities, would be much more desirable, as the EU member states would have a set of fixed rules to follow.

Due to many weaknesses that the Slovak EP election Act has, it will probably have to be amended in the future, otherwise a lot of problems might arise when the elections actually take place. The detailed study of the electoral law adopted in Slovakia pointed at three basic lessons that any country adopting the new legislation in this area should pay attention to:

First of all, it should have a sufficient number of qualified experts who are capable of monitoring relevant developments in the area at stake and understand the legal system at the European level properly; second, it should pay special attention to a proper knowledge and use of languages (especially by the people ensuring that the wording of adopted legislation is identical with original documents); third, it should not prefer designing a law that would ease the workload of authorities to designing a law which, even though requiring much more effort, would help voters to exercise their electoral rights (e.g. concerning the issue of languages) and finally, it should respect all obligations resulting from the fulfilment of the EU membership while taking the task of law-making more seriously.

1. European Association Agreement is an agreement that was signed by the Slovak Republic together with partners from the European Union (EU) on October 4, 1993. The Agreement was then ratified by the European Parliament (EP) on October 27, 1993, and by the National Council of the SR (NC SR) on December 15, 1993. The ratification process in parliaments of EU Member States was completed by December 19, 1994, and resulting from that, the Agreement became effective since February 1, 1995.  
Source: [http://www.vlada.gov.sk/eu/Integracia/en\\_vztahy.html](http://www.vlada.gov.sk/eu/Integracia/en_vztahy.html)
2. *Negotiating positions of the Slovak Republic concerning the Acquis*  
source: Ministry of the Foreign Affairs of the Slovak Republic; <http://www.mzv.sk/En/index.html>
3. Article 19 (2) of the EC Treaty (ex Art. 8b)
4. 'Community voter' is a term describing 'any citizen of the Union who is entitled to vote in elections to the European Parliament in his or her Member State of residence.'  
Source: European Commission; Ibid, p.4
5. *Council Directive 93/109/EC* of 6 December 1993; Article V  
[http://europa.eu.int/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31993L0109&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31993L0109&model=guichett)
6. See: *Tabuľka zhody právneho predpisu s právom Európskych spoločenstiev a právom Európskej únie* (Table of similarities of the legal act with the legislation of European Communities and European Union)  
at: [http://www.rokovania.sk/appl/material.nsf/0/428F2540D7A5DE19C1256CB5003C7D24/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/428F2540D7A5DE19C1256CB5003C7D24/$FILE/Zdroj.html)
7. Done by confronting the draft Act with the wording of legal system laid down in the regulations of the EU and EC
8. Introductory note (*Predkladacia správa*) at: <http://www.rokovania.sk/appl/material.nsf/0/DD5776437AF3B62EC1256CB5003C3EDB?OpenDocument>
9. *Zákon č.48/2002 Z.z. o pobyte cudzincov a o zmene a doplnení niektorých zákonov*, Article 34 (The Act concerning the Stay of foreigners Nr. 48/2002 of 13. December 2001)

10. A comment made by Single Market Commissioner Mario Monti; mentioned in the European Commission Press release: Brussels, 15 January 1998; 15/01/1998; IP/98/40  
source: [http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/98/40/0/AGED&lg=EN&display](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/98/40/0/AGED&lg=EN&display)
11. The numbers are very rough estimates that serve to give an overall picture of new Community voters. They are based on population statistics of Eurostat, but come from different years, from different collections of population data – e.g. estimations drawn from total population/active population etc.  
It is estimated that during the 2004 EP elections in Slovakia, there will be 4 316 000 Slovak nationals in voting age; 1500 non-national current Union citizens in voting age; and 2000 non-national citizens of the acceding States able to exercise their electoral rights on the territory of the Slovak Republic.  
Source: European Commission, ‘*Communication*’, Op Cit, ‘Table of non-national citizens of the Union and citizens of acceding States (in voting age) residing in Member States and acceding States’, Annex 2, p. 10
12. This applies to the following actions: publishing information for public about the conditions that apply to the exercise of the right to vote and stand in the EP elections on the territory of the Czech Republic; submission of documents required from non-nationals who wish to stand for the EP elections; information about all matters regarding the election procedures given to voters upon request on the day of the elections or even displaying examples of voting ballots with explanation in all official EU languages.
13. European Commission, ‘*Communication*’, Op Cit, p. 5
14. Translated from the original by the author; Source: *Tabuľka zhody právneho predpisu s právom Európskych spoločností a právom Európskej únie*, Op Cit
15. European Commission, ‘*Communication*’, Op Cit, pp.6-7
16. The EP elections in Slovakia will be held on Sunday, June 13, 2004 which means that 40 days before these elections it will be May 3, 2004.
17. See: *Charter of Fundamental Rights of the European Union*, part V – Citizens’ rights, Article 39: Right to vote and stand as a candidate at elections to the EP
18. Council Decision of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom
19. See: *Council Decision of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom*
20. For reasons and details concerning the expected amendments of the Slovak Constitution see: National Council of the Slovak Republic; Department of legislation and approximation of law: *Opinion on the Government draft of the Act on the European Parliament Election*, print 145, number 248/2003; *Resolution No 96 of the Constitutional and Legal Affairs Committee of the NR SR of 15 April 2003 on the proposed Electoral law governing the elections to the European Parliament*; and Resolution of the NC SR number 216 of 6 March 2003
21. So far the Constitution of the Slovak Republic in its Article 77 only lists the incompatibility of holding a mandate of a national MP with holding an office of the President, the judge, public prosecutor, member of the police forces, member of prison or judicial guards, and career military officer, plus states that a mandate of a MP who has been appointed a member of the Government does not expire though keeps not fulfilled, but does not name an incompatibility of holding a post of MP with a post of MEP. This should change with the amendment of the Constitution planned to be done in September 2003. (This date is an unofficial information received by the author in an e-mail from the NC SR’s Parliamentary Institute under the Chancellery of the NC SR, on 7 August 2003)
22. Information about the intention to adopt such act comes from an unofficial e-mail received by the author from the European Parliament Office in Bratislava, Slovak Republic on August 13, 2003.
23. European Commission, ‘*Communication*’, Op Cit, Annex 2: Table of Community voters covered by Directive 93/109/EC at the 2004 elections

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