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**Slovakia's Response on the  
Regular report from the  
European Commission on  
Progress towards Accession**

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*Eva Slivkova*

## **Slovakia's Response on the Regular Report from the European Commission on Progress towards Accession**

### ***Introduction***

Looking at today's Slovakia one can get the feeling of being in the Phoenix fairy-tale. It seems as if Slovakia needed to go through a purifying fire in order to shine in the full beauty of the Phoenix. The result of the last four years is a country, where the lie was a working method, human dignity was trampled, and citizens played only a minor role in issues that influenced their lives. Constantly-repeated statements about freedom, human rights, democracy and a flourishing economy became untrustworthy and empty phrases.

Nevertheless, it was the voter who drew up a bill to such an administration of public issues in the last Parliamentary elections in September 1998. Change was the decisive factor in the elections. Slovakia at that time found hope again. Slogans from November 1989 became again relevant. An over 84 % turnout speaks very clear about a desire for change in policy orientation and style among the citizens of Slovakia. The high turnout in these elections showed a clear commitment of the Slovak electorate to the democratic process. The electorate ended Slovakia's way into isolation and unambiguously decided in favour of democracy and EU-integration. Since the time of the elections in September 1998, the situation in Slovakia has developed very quickly. Changes implemented since this time

could not be considered in the Regular Report from the Commission on Slovakia's progress towards accession due to objective reasons.<sup>1</sup>

The new Slovak government is very much interested in a positive quotation in the conclusions from the coming Cologne European Council meeting, which could facilitate the shift of Slovakia into the first group of applicant countries. The government's plan is to present a new image of Slovakia at the European Council summit in Cologne in June 1999.

These thoughts are an endeavour to outline an actual picture of Slovakia, which is more positive than the one offered in the Regular Report of the Commission, and it is an attempt to contribute to the information campaign about recent steps in internal reforms and progress in the adoption of European legislature. Every day, every week means further steps for Slovakia in fulfilling the conditions for launching the negotiations between Slovakia and the European Union. As these lines were written, the government of the Prime Minister Mikuláš Dzurinda was balancing its first hundred days in office.

### ***Starting points...***

„It is night and day. The atmosphere has really changed. The country may have to wait a while to get back among EU frontrunners. But what a difference“. These and similar quotations could be read at the address of Slovakia in the international press<sup>2</sup>.

Through the fall of the "iron curtain" ten years ago, an opportunity to give a new face to the European continent occurred. The Slovak Republic, at that time still part of Czecho-Slovakia, committed itself to values that have determined the development in the Western part of Europe after

- 1 Its publication (November 4, 1998) coincided with the forming of the new Slovak government, that was appointed in October 30, 1988
- 2 The Slovak daily SME carried a monitor of international press on 100 days of the new Slovak government on February 15, 1999

the Second World War right after the change of the political system at the beginning of the 1990's. Leafing through the inaugural speeches of the governments of CSFR and later of the Slovak Republic, one can follow a continuity in the orientation of the foreign policy on integration into the European and Trans-Atlantic structures – NATO and EU, that represent the basic pillars in foreign policy.<sup>3</sup>

This is not different in the last inaugural speech of government of Prime Minister Mikuláš Dzurinda from November 1998:

We (the government – note of the author) consider it to be natural to keep the continuity in the priorities of the foreign policy since the establishment of the independent Slovak Republic. (...) The government will stress mainly the process of Euro-Atlantic integration, in which in recent time Slovakia has held a position that does not correspond to its potential. The Slovak foreign and security policy starts from the fact, that keeping its own identity, sovereignty, external security and favourable conditions for economic development of the Slovak Republic is only possible within the European and Trans-Atlantic integrating organisations. The strategic goal and one of the most important political and economic priorities of the Slovak Republic is the membership in the European Union (EU). In order to achieve this, the government will fulfil political criteria in the shortest possible time and undertakes to fulfil also other criteria stated at the Copenhagen European Council summit and the conclusions of the

- 3 In November 1994, when the new coalition government took up its office, the ratification process of the European Agreement between EC and Slovakia was coming to an end. In January 1995 the inaugural speech of the government of Vladimir Meciar reflected this process and the government defined its approach as following: „In the sphere of international policy the government of the Slovak Republic will unambiguously keep the continuity of its orientation. We want to carry on the hitherto existing policy of integrating Slovakia into European and Trans-Atlantic political, security, and economical structures; to intensify it and we want to underline our resolution to become a fully-fledged member of these organisations. Thus our effort means an orientation on an economic area, which we are connected through historic traditions and natural relations with, which creates conditions for closeness in aims of parliamentary parties on foreign policy of the Slovak Republic. (...) The government is convinced, that the EU-Enlargement of reforming countries of central and eastern Europe will be advantageous for the whole European continent, because it brings an enlargement of the area of stability and will have a positive effect also on its economic development in future. „

joint bodies between the EU and Slovakia in order to join the best prepared countries.„

As the Minister of Foreign Affairs Eduard Kukan expressed it: "When we were defining our strategy, we started at the message, which the electorate of Slovakia expressed in last year's Parliamentary elections. The message is an unequivocal interest of the citizens of Slovakia to put Slovakia back on track of integration into Western structures, from which the country was deprived by the previous government. „<sup>4</sup>

The relations between the European Union and Slovakia are based on a contractual and institutional base and are intensively developing in every aspect of political, economic and social life. This frame went through rationalisation in the last months, because „the number of EU integration and accession-related structures in the Slovak administration has multiplied since the Opinion statement. Some rationalisation is necessary“.<sup>5</sup> The basis constitutes the European Agreement that was signed in October 1993 and came into force in February 1995. On this ground, the Association Council, EU-Slovak Republic Joint Parliamentary Committee and an intensive structural dialogue were developed. In 1996 the Committee of the National Council of SR for European Integration was established in the Parliament. During the last week a clear institutional frame has been finalised and it is comprised of<sup>6</sup>: the Ministerial Council of the government of the Slovak Republic for European integration, divisions of European integration at every ministry and other central authorities of the state administration that are directly subordinated to the respective minister or state secretary. A division of European integration represents an umbrella for the following: European integration, legislature approximation and PHARE - technical assistance. The Ministerial Council for European integration plays the key role within the institutional frame of structures re-

4 In the daily SME, 15 February 1999

5 In Regular report from the Commission on Slovakia's progress towards accession

6 According to the Action plan of the government, that the government adopted in January 14, 1999

sponsible for European integration. The main task of the Council is to prepare solutions for politically relevant problems in the integration process.<sup>7</sup> The aim of the new structure is an attempt to make the bodies responsible for the European integration more effective and to improve co-ordination and communication among these bodies.

On June 27, 1995 Slovakia applied officially for membership in the European Union. Two years later, the Council of Ministers decided to apply via the approach according to the Article O of the Treaty of Maastricht on European Union, which anchors consultation with the European Commission. Based on this, the European Commission prepared an Opinion on Slovakia's application for Membership of the European Union. The Commission prepared similar Opinions for nine other associated countries. For this purpose, the Commission used the conclusions from the European Council in Copenhagen in June 1993, known as the Copenhagen criteria. It was stated there, that every associated country can become a EU-member, as soon as it is able to assume obligations of membership in the Union on the basis of fulfilled political and economic conditions.

„The criteria for gaining membership are:

- that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for the protection of minorities;
- the existence of a functioning market economy, and ability to stand up to competitive pressure and market forces in the framework of the Union;

7 Ministerial Council is headed by the Deputy Prime Minister for European Integration and its members are the Minister of Foreign Affairs, Minister of Economy, Minister of Finance, Minister of Agriculture, Minister of Home Affairs, and the State Secretary of the Ministry of Foreign Affairs as the Chief Negotiator. The Working Committee for the integration of Slovakia into the EU is body of the Council that deals with expert and technical questions of the preparation of Slovakia for membership in the EU.

- ability to accept responsibilities connected with membership, including acceptance of the aims of creating political, economic, and monetary union“<sup>8</sup>

In order to draw a complete picture it is necessary to mention negative moments in relations between the EU and Slovakia. This concerns a negative home development in Slovakia in the period between the parliamentary elections from September 1994 until the next elections in 1998. In particular the EU-demarches are meant from the end of 1994, autumn 1995, EP-resolutions from November 1995 and December 1996, or the Presidency declaration from March 1998<sup>9</sup>.

The Opinion of the European Commission on Slovakia's application for Membership in the European Union, that the Commission published in July 16, 1997, stated very clearly the deficits in the fulfilment of political criteria<sup>10</sup>. That meant for Slovakia, that it was not invited to start accessi-

8 In: Conclusions of the Copenhagen European Council meeting in June 1993

9 Content of the Demarche and Resolutions were remarks on the concentration of political power exclusively in the hands of the ruling coalition at that time, on the antagonistic character of relations between the coalition and opposition, inadequate interference into the public media, purges in the state administration, campaign of the government against the democratically-elected President of the Republic with the aim of depriving him of his office and appealing to respect the principles of democracy and human rights. Unfortunately, the government at that time considered the demarche to be an interference into the internal affairs of the country, while the President and the opposition considered it to be an appropriate answer to the policy of the government and warned of isolation of Slovakia.

10 „In the light of these considerations, the Commission concludes that Slovakia does not fulfil in a satisfying manner the political conditions set out by the European Council in Copenhagen, because of the instability of Slovakia's institutions, their lack of rootedness in political life and the shortcomings in the functioning of its democracy. This situation is so much more regrettable since Slovakia could satisfy the economic criteria in the medium term and is firmly committed to take on the *acquis*, particularly concerning the internal market even if further progress is still required to ensure the effective application of the *acquis*. In the light of these considerations, the Commission considers that negotiations for accession to the European Union should be opened with Slovakia as soon as it has made sufficient progress in satisfying the conditions of membership defined by the European



on negotiations at the Luxembourg Summit of the European Council in December 1997. This was also made clear in the statements of politicians. The European Council President at that time, Luxembourg Prime Minister Jean-Claude Juncker, said that no accession negotiations between EU and Slovakia would start until Slovakia accepts democratic principles, that are applied within the EU.<sup>11</sup> Similar, the Commissioner Hans van den Broek said, that "concerning Slovakia, it is clear that more work is necessary in the political sphere and what other candidate countries are concerned, more work needs to be done in the economic sphere, where Slovakia is more forward."<sup>12</sup> It was decided to start negotiations with the Czech Republic, Poland, Hungary, Slovenia, Estonia, and Cyprus. The Luxembourg summit as such meant an advancement of the whole integration process into another stage. Decisions were adopted at the meeting of the European Council, which were important for the beginning of the whole enlargement process. In the conclusion of the European Council meeting in Luxembourg it was said, that "this enlargement is a comprehensive, inclusive and ongoing process, which will take place in stages; each of the applicant states will proceed at its own rate, depending on its degree of preparedness". It follows from these, that Slovakia, at present in the slower group, has a good chance with its own initiative to get into the first group of candidate countries.

On March 25, 1998, the European Commission approved country-specific Accession Partnerships for the 10 applicant countries of Central and Eastern Europe. The accession process on its own was launched on 30 March 1998 by a meeting of the Ministers for Foreign Affairs of the fifteen Member States of the EU, the ten Central and East European applicant countries and Cyprus. At its meeting in Luxembourg, the European

Council in Copenhagen." In: Commission Opinion on Slovakia's Application for Membership of the European Union, published on July 16, 1997 by the European Commission

11 News of the Press Agency of the Slovak Republic (TASR) from December 13, 1997

Council endorsed the Accession Partnership as a new instrument which would be the key feature of the enhanced pre-accession strategy.<sup>13</sup> The Accession Partnerships are designed to help to prepare the Central European applicant countries to meet fully the criteria set by the Copenhagen European Council for membership. Accession Partnerships' starting point is the Commission's Opinion from July 1997. The first part of the document identifies general objectives and principles as well as the last part, which defines the main instruments for Community technical and financial assistance and details of programming of financial resources that are common for every Accession Partnership. They differ in priorities and intermediate objectives, which have been divided into two groups - short and medium term. Those under the short term were expected to be completed or taken substantially forward by the end of 1998; and those under the medium term are expected to take more than one year to complete, although work may and should have begun on them in 1998.

On 24 March 1998 the Slovak government adopted the first version of the National Programme for the Adoption of the Acquis Communautaire (NPAA) which describes in greater detail the actions needed to reach the objectives set out in the Accession Partnership. An analytical examination of the acquis - „screening“ - started on 3 April 1998. The NPAA was met with criticism by some Slovak politicians<sup>14</sup>. The NPAA was criticised in

12 TASR-news from December 14, 1997

13 As the Commission indicated in Agenda 2000: „The reinforced pre-accession strategy has two main objectives. First, to bring together the different forms of support provided by the Union within a single framework, the Accession Partnership, and to work together with the applicants, within this framework, on the basis of a clearly defined programme to prepare for membership, involving commitments by the applicants to particular priorities and to a calendar for carrying them out. Secondly, to familiarise the applicants with Union policies and procedures through the possibility of their participation in Community programmes.“

14 „The National programme for integration can be national only if it has ”a national spirit”. This means, that most of the people identified with it, and those who are in front, carry the whole process and do not behave as if they would do it.” Jan

the Report from the Commission as well, because it does not adequately cover the whole acquis, and it is not consistent in quality between chapters, with some sections not reflecting a full understanding of the acquis. One of the tasks of the government is to revise the whole NPAA. The plan is to define priorities by the end of April 1999, and the updated National Programme for the Adoption of the Acquis will be presented by the end of June 1999.

Part of the accession process is the elaboration of regular evaluations of the progress of all the candidate countries towards accession by the European Commission on the basis of fulfilment of the Accession Partnership. The European Council in Luxembourg in December 1997 decided that „from the end of 1998, the Commission will make regular reports to the Council, together with any necessary recommendations for opening bilateral intergovernmental conferences, reviewing the progress of each Central and East European applicant State towards accession in the light of the Copenhagen criteria, in particular the rate at which it is adopting the Union acquis. Prior to those reports, implementation of the accession partnerships and progress in adopting the acquis will be examined with each applicant State in the European Agreement bodies. The Commission's reports will serve as a basis for taking, in the Council context, the necessary decisions on the conduct of the accession negotiations or their extension to other applicants. In that context, the commission will continue to follow the method adopted by Agenda 2000 in evaluating each applicant State's ability to meet the economic criteria and fulfil the obligations deriving from accession. A dynamic approach should be maintained in assessing the progress made by applicant States in the regular reports which the Commission will submit to the Council.“<sup>15</sup> The first Regular Report from the Commission on Slovakia's progress towards accession was pub-

Figel, present State Secretary at the Ministry of Foreign Affairs of Slovakia and Chief Negotiator in an interview for the Slovak daily paper PRACA, 18 July 1998

15 In: Luxembourg European Council, 12 and 13 December 1997, Presidency conclusions, points: 29 and 30

lished November 4, 1998, just few weeks after the parliamentary elections and four days before the new Slovak government of Prime Minister Mikuláš Dzurinda was appointed. It is only natural that the report could only in conclusions and general evaluations reflect changes, that happened in Slovakia after the parliamentary elections:

„During the period from July 1997 to the end of September 1998 there has been a lack of stability in the institutions guaranteeing democracy, the rule of law and protection of human rights, as reflected by the inability to elect a President, the controversial use of the transferred presidential powers, the unsatisfactory functioning of parliamentary committees and the disregard for Constitutional Court rulings. There have been problems in the treatment of minorities and a lack of progress concerning the adoption of legislation on minority languages.

Against this background, parliamentary elections took place in Slovakia in September 1998, which, in spite of concerns about the newly adopted electoral law and the behaviour of the state television, were evaluated by the OSCE as free, fair and efficiently conducted. Moreover, the high level of participation of the electorate reflected a high degree of democratic maturity amongst the population.

The acceptance of the results by all parties and the constructive attitude of the former opposition parties in preparing to form a new government indicate that a different political climate is emerging and that a window of opportunity exists for a new government majority to address the above mentioned shortcomings.

A new government is in place. As soon as it has had sufficient time to put its programme into practise the Commission will be able to assess its ability to overcome the weaknesses identified in the Opinion. The new government now has an opportunity to demonstrate Slovakia's commitment to democratic principles, respect for human rights and the rule of law.“<sup>16</sup>

The Report conclusions<sup>17</sup> show very clear places and issues, that the Slovak government must address very fast.

16 Regular report from the Commission on Slovakia's progress towards accession; General evaluation

17 „The recent elections offer an important opportunity for Slovakia to address the political weaknesses outlined in the Opinion and to take steps to ensure that it will in future meet the Copenhagen political criteria. (...) Slovakia should be able to cope with competitive pressure and market forces within the Union in the medium

The public but also the government expected a lot from the Vienna European Council Conclusions. In spite of optimistic statements on Slovakia and the country's development in the weeks just before the December summit (e. g. see annex No. 5), many were disappointed in Slovakia. The Summit recognised the achieved progress in the preparation for accession negotiations and asked the Commission to prepare the next reports for the European Council meeting in December 1999 in Helsinki<sup>18</sup>. Towards Slovakia the Council identified with the reserved position of the European Commission in the regular report on Slovakia.

The new elected Slovak government is aware of losses which the country has suffered because of not being in the group of candidate countries, that has already started the accession negotiations. To put it more simply, Slovakia missed the most suitable moment for starting negotiations. The government and the parliament (see Annex No. 2) started repairing everything immediately after their appointment, to correct the mistakes made during the last four years. The first visit of the Prime Minister Mikuláš Dzurinda was Brussels. One of the very concrete results of this visit to Brussels was the proposal of commissioner Hans van den Broek to establish a bi-lateral High Level Working Group, which would co-ordinate the process between the European Commission and Slovakia; and then to speed up the works necessary for the elimination of existing problems on the Slovak side. First meeting was in November 20, 1998 in Brussels, the next was in January 20, 1999 in Bratislava. Next meeting will be in March and the last one will be in April, where the work of the group will be evaluated and a report will be presented.

term, provided that the marked economy is allowed to function. Slovakia needs to accelerate the pace of approximation particularly in the area of internal market, environment and justice and home affairs. A concerted effort is needed to set up and strengthen the corresponding institutional and administrative capacity.“

18 Vienna European Council 11 and 12 December 1998; Presidency Conclusions; points: 58 - 65

The new Slovak government succeeded within its first 100 days in office to change the attitude towards Slovakia of the international community. After years of isolation, Slovakia became after years of isolation a country that is accepted as standard democracy by the international community; a country that can be counted on and co-operate with, and which again gains trust among the EU member states. However, Slovakia is back on track in fulfilling the political criteria in order to start accession negotiations with the EU, but the Commission wants to be convinced that the new situation in Slovakia is a stable one. The time until the Helsinki summit is just right to show not only good will but also results.

### ***Tasks for Slovakia and its Fulfilment***

Necessary integration assumption is a trustworthy policy as well as politicians. The government of Prime Minister Mikuláš Dzurinda is trying to gain trust anew with its programme and every-day practical steps.

Recommendations of the report, priorities and aims defined in the Accession Partnership represent a clear schedule for the Slovak government for the period ahead. On January 20, 1999, the Slovak government adopted a Schedule of tasks that follow from the Regular Report from the Commission on Slovakia's progress towards accession from November 4, 1998. This document represents an action plan for the government in the field of European integration and consists of 90 tasks for this year. The Slovak government and also the Slovak society expect that the successful fulfilment of this plan would shift Slovakia not later than at the Helsinki European Council summit in December 1999 into the group of countries which have already started accession negotiations with the European Union.

#### ***1. Political criteria***

Failing in the political criteria was the reason, why Slovakia was not included in the same group as the Czech Republic, Poland, Hungary, Slovenia, Estonia, and Cyprus in 1997. When the new government started

its work in November 1998, the first steps were oriented on removing political objections for EU-accession. Nevertheless, Slovakia needs – regardless of its orientation in foreign policy – to get back to principles and values, that can bring a better perspective for its citizens at home and on which the European Union is based.

Accession Partnership: a) free and fair Presidential, national and local elections in 1998;  
b) ensuring effective opposition participation in parliamentary oversight committees and supervisory boards;  
c) the adoption of legislative provisions on minority language use and related implementation measures;  
d) to guarantee the independence of the judiciary

#### *1.a Free and fair elections*

*Report of the Commission:* „During the period from July 1997 to the end of September 1998, there has been a lack of stability in the institutions guaranteeing democracy, the rule of law and protection of human rights, as reflected by the inability to elect a President, the controversial use of the transferred presidential powers, the unsatisfactory functioning of parliamentary committees and the disregard for Constitutional Court rulings.“

National elections took place on 25 - 26 September 1998. The Report of the Commission stated that the elections were conducted in a free and fair manner. On 30 October 1998 a new four-party coalition government was formed (see annex No. 2). The high level of participation (84.2 %) in the elections showed a clear commitment of the Slovak electorate to the democratic process. The Commission Report continues stating that according to the assessment of the OSCE observation mission, the elections took place in a correct and acceptable manner.

The situation regarding the local elections was slightly complicated when the Slovak Constitutional Court concluded that certain provision of the law on local government elections are contrary to the Constitution. With a view to this ruling by the Constitutional Court, local elections could not be held on 13-14 November 1998 as originally planned. The National Council of the Slovak Republic (Parliament) adopted on 4 November 1998, the Act on Local Elections in harmonisation with the Ruling of the Constitutional Court. Constitutional Act No. 3327/98 prolonged the term of the self-government bodies. So it was possible to properly prepare the municipal elections on 18-19 December 1998, for which voter turnout was about 54%. There were no problems with the conduct and course of the 1998 local elections in Slovakia.

As far as Presidential elections are concerned, on 14 January 1999, the Slovak Parliament adopted an amendment to the Slovak Constitution stipulating Presidential elections by universal suffrage. The law on the conduct of presidential election will be adopted by Parliament in March 1999. It is expected that the first round of the Presidential elections in Slovakia will take place around 15 May 1999 and will last one day.

*1.b Effective opposition participation in the oversight committees and supervisory boards*

*Report of the Commission:* „The government exercised a high degree of control over the public radio and television networks, as has been confirmed during the recent election campaign. Some disturbing cases of intimidation of journalists and media have also been reported.“

The new government coalition has a constitutional majority of 93 seats in Parliament. Parliament has a speaker, four vice-speakers and eighteen committees. At the inauguration session the seats of the parliamentary representatives were divided in such a way as to guarantee opposition parties participation based on the proceedings of the Parliament. The Speaker of the Parliament and three vice-speakers have been elected for the new governing coalition. HZDS (former governing party) refused the offered



position of a vice-speaker and chairmanship of four parliamentary committees (including the one that supervises the secret service) arguing that, as a winner in the latest general elections, it was entitled to the position of speaker. Thus, the position of a fourth vice-speaker was filled by the second opposition party - the Slovak National Party (SNS). SNS representatives were also elected to chair two (including the one that supervises the secret service) parliamentary committees. The question of the remaining three chairs offered to HZDS were solved in such a way that the agenda of the committees is organised by the vice-chairmen. „Effective and proportional opposition participation in both parliamentary oversight committees has been ensured - 4 out of 11 members in committee overseeing the Military Intelligence Service and 3 (including chairman) out of 10 members overseeing the Slovak Intelligence Service.“<sup>19</sup>

The Council for Radio and TV Broadcasting respectively oversee the objectivity and independence in broadcasting of the Slovak Radio and Slovak Television. Two out of 9 members of the Council board were nominated by the opposition. The Supervisory Board of the National Property Fund consists of 7 members. Two positions were offered to the opposition, but the offer has not been accepted yet. However, the offer still remains available.

### *1.c Adoption of legislative provisions on minority language use and related implementing measures*

*Report of the Commission:* „There has been no progress on the adoption of minority language legislation and no significant change in the protection of minorities.“

Slovakia has about 5.3 Million inhabitants. According to the last census from March 1991, there are 567,296 of Magyar (Hungarian) ethnicity, 75,802 of Roma ethnicity, 52,884 of Czech ethnicity, 17,197 of Ruthe-

19 Accession Partnership Follow-up matrix done by the High Level Working Group after its meeting on 20 January 1999 in Bratislava

nian ethnicity, 13,281 Ukrainian, 6,037 Moravian, 5,629 German, 2,969 Polish, 1,624 Russian, 1,085 Bulgarian ethnicity etc. The question of minorities in Slovakia, especially the Hungarian minority, its position, rights, and relations between the majority and minority populations has always played an important role in the Slovak society. There is no recipe or unified pattern on how to organise the lives of minorities in a country. Slovakia has done very well in several aspects and less well in others.

There is a well-developed education system. Hungarians in Slovakia have their own newspapers, theatres, publishing houses, their own programmes on TV and radio, and representation on the local and parliamentary level. After the last parliamentary elections the Party of Hungarian Coalition is part of the ruling coalition. It is already the second time since the first free parliamentary elections in 1990 that there are Hungarians in the Slovak government. However, the last four years were marked by the participation of the Slovak nationalist in the government and by a misunderstanding of the needs of minorities in Slovakia. This became obvious through the failure in fulfilling the promise of adopting a law on minority language use, despite promises over several years. The abolishment of the more than 70-years old tradition of issuing bi-lingual school certificates by the Meciar government was another unfortunate and in a way absurd measure. In January 1999, the new government applies a more realistic approach towards minority issues, approved the necessary legislation, which included bi-lingual school certificates and keeping pedagogic documentation bi-lingual, i. e. in the state language and in the language of the ethnic minority in primary and secondary schools. These changes in the legislation made it possible to deliver terminal school certificates by the end of January in approximately 400 schools with Hungarian or Ukrainian as teaching language.

For the adoption of legislative provisions on minority language use, preparatory work on the law has been in progress since November 1998. Adoption in Parliament is expected in May 1999.

The government Council on Ethnic Minorities restored its activities as an advisory body of the government on ethnic minority issues.

The new government is very much interested in removing tensions between Slovakia and Hungary regarding the situation of the Hungarian minority in Slovakia. In February 1999 an interstate Hungarian-Slovak committee for ethnic minorities started to work. It is one of eleven committees created on the base of the Basic Treaty between Hungary and Slovakia. From the agenda of the committee follows that besides other issues it wants to deal with education of pedagogues and theologians in Hungarian language, and Hungarian universities could establish its bodies in regions where the Hungarian minority lives.<sup>20</sup>

#### *1.d Independence of the judiciary*

*Report of the Commission:* „There have been no major changes in this area since the opinion.“

The Minister of Justice fulfilled the requirement of decentralisation of the appointment of the judicial officials through his decision from last December to shift the responsibility to propose candidates for judges of district and regional courts to the Association of Judges of the Slovak Republic, the Board of Judges, and the Collegium of Judges.

Judges in Slovakia are appointed by the Parliament acting on a proposal from the government, initially for a four-year term and then for an unlimited period. In the Opinion of the Commission, the independence of judges particularly during their early years in office may be restricted by this two-round system of appointing judges. The plan of the government, in this case the Minister of Justice, is to strengthen the independence of

20 Finally, this are the intentions of the Policy Programme of the government, according to which the government wants to solve the preparation of pedagogues for schools with the teaching language of the minorities, theologians, staff for the work in the field of culture in their language through establishing an appropriate institutional frame within the existing universities.

the judges by developing an adequate legal framework, and to prepare a draft law on judicial clerks according to the NPAA. Taken from the Schedule of tasks that follows from the Commission's Regular Report on Slovakia from 4 November 1998 (Action plan of the government), that the Slovak government adopted in January 20, 1999, the deadline for the draft of the law on judicial clerks is the first quarter of 2000 and in 2001 the law on judicial clerks should be adopted by Parliament.

The independence of judiciary was strengthened when an agreement between the Ministry of Justice and Association of Judges of Slovakia was signed in January 1999. The Association unites two thirds of judges of Slovakia. The Ministry of Justice is obliged to invite representatives of the Association to all works on drafts of legislature.

## ***2. Economic criteria***

In its Opinion on Slovakia's application for EU membership in 1997, the Commission concluded that: "Slovakia has introduced most of the reforms necessary to establish a market economy"; it "should be able to cope with competitive pressure and market forces within the Union in the medium term, but this would require more transparent and market-based policies". The Commission's Report on Slovakia from November 1998 stated, that "Slovakia has implemented most of the reforms to establish a functioning market economy, but that there is still a lack of transparency due to government interference. Between publication of the Opinion and the recent elections, Slovakia made very little progress on the problems identified in the Opinion. To guarantee the consistency of macroeconomic and structural policies, Slovakia needs to establish its medium-term economic policy priorities."

Just before last Christmas, the Vice-Prime Minister for the Economy presented a document on the Slovak Economy Today - situation and its reasons. To say briefly and clearly: Unless immediate reform measures are taken - retrenchment of public funding, strengthening of the stability

of the legal framework and the law-enforcement system, plus structural reforms including price deregulation and accelerated privatisation of financial and enterprise sectors - it is probable that an economic crisis combined with strong social upheavals will develop in 1999.

Citing the Slovak Prime Minister Mikuláš Dzurinda, „the economic situation in Slovakia is complicated. But Slovakia still has a good economic potential, comparable to the Czech Republic, Hungary and Poland. Decisive is, that we know the ways out of the difficult situation.”<sup>21</sup>

With the beginning of the new year the government started economic reforms. As of January 1, 1999 the government adjusted some fixed prices.<sup>22</sup> More important is the whole complex of measures in the macroeconomic field. It is described in the document as "Intended measures designed to solve the macroeconomic imbalance and improve the competitiveness of the Slovak economy" (package of economic measures), and was adopted by the government on 7 January 1999. This 75-point document was balanced with the adoption of the so-called "social package", i. e. tasks in the social sphere important for the implementation of the "package of economic measures", on 20 January 1999. At the same time the government adopted a document on Implementation of the package of economic measures. The aim of the government is to introduce clear rules and in this way to gain the trust of foreign investors.

The Slovak government's two packages of measures are designed to rehabilitate the Slovak economy. The economic package involves two types of measures that need to be implemented or initiated during 1999:

- measures aimed at restoring financial discipline, reducing fiscal expenditures and stimulating fiscal revenues, and

21 Taken from the interview of the Slovak Prime Minister Mikuláš Dzurinda for the German paper DIE WELT, February 4, 1999

22 The government divided the increase of prices into the whole first half of 1999. In particular, the public will be affected by higher prices of electricity, heating, drinking and utility water, sewage and others. The prices of gas, rent, and again electricity will rise again later.

- measures aimed at accelerating the processes of adaptation and restructuring.<sup>23</sup>

The second package deals with ways to compensate the most disadvantaged social groups (persons with the income less than 7,000 SK).

The Economic Subcommittee of EU and Slovakia expressed its support for the package of economic measures. Slovakia was asked to implement these measures as soon as possible. The results of the package will also influence the Evaluation Report of the Commission on Slovakia's progress towards accession for the Helsinki summit.<sup>24</sup>

Comparing the Commission's Report on Slovakia (from the Meciar era) with the government's Task-Schedule and the Document on Implementation of the package of economic measures, it is clear and evident that now there is a completely different approach, one that is realistic and business-like from the new government towards the requirements for EU-accession; some examples:

- *Report of the Commission:* „lack of a long-term consistent economic reform.“

By the end of March 1999, the Deputy Prime Minister for Economic issues will present medium-term economic policy priorities for the years 1999 and 2000. On December 2, 1999, the government had already agreed on the establishment of the Task Force for medium-term policy priorities and joint assessment. The Task Force will be chaired by the Deputy Prime Minister of Economic issues and will consist of representatives from the Ministry of Finance, Ministry of Economy, Ministry of Social Affairs, Ministry of Agriculture and Ministry of Transport. Taken from the report of the HLWG, during the meeting of the Subcommittee on Economic and Monetary Affairs, it was agreed, that the first joint as-

23 Intended measures designed to solve macroeconomic imbalance and improve the competitiveness of the Slovak Economy

24 In the Slovak daily SME, January 19, 1999

assessment would be prepared by the end of September 1999. It is expected, that the Commission will appoint a short-term expert to launch the work on a joint assessment and prepare the content and structure of the document.

- *Report of the Commission:* „there is a need to prepare a rapid sale of the banks to strategic, most probably foreign, investors.“

The government plans to sell the Investment and Development Bank (IRB) and the General Credit Bank (VÚB) to foreign investors. Concerning the schedule on the privatisation of the IRB, which was adopted by the government on 23 December 1998, a detailed plan will be prepared by the end of April 1999. The Ministry of Finance will prepare the strategy for restructuring the banking sector, by the end of April 1999, and the strategy for the privatisation of the Banking sector, by the end of November 1999.

*Report of the Commission:* „privatisation has continued through direct sales, often at preferential rates.“

By the end of March 1999 the Ministry of Administration and Privatisation of National Property should prepare measures for the increase of transparency in privatisation through the establishment of a public register of privatised property. The government announced its intention to examine the privatisation contracts. The plan of the government in this field is to support transparency in the whole privatisation process using competitive methods and also introducing equal treatment between foreign and domestic investors.

Altogether the 75-point strategy on implementation of the package of economic measures addresses every point of the package of economic measures, stating an exact time, responsible authorities and measures for task concerned:

In the case of reduction in expenditures, „it is necessary to reassess the structure of the agencies of state administration, such as organisations

funded either entirely or partially by the state budget, in order to reduce their number, rationalise their internal structure...“<sup>25</sup>; „a new Act on Public Procurement of Goods, Services and Public-Welfare Works (including implementing regulations thereto) will be prepared in order to improve the transparency of procurement, specify the method for tender publication in a separate periodical and foster the independence of control mechanisms (including institutional arrangements)“; the deadline is March 1999.<sup>26</sup>

In the field of financial discipline, tax and customs administration, in order to rectify the deficiencies in this area, it will be necessary: „to prepare an amendment to the Code of Civil Judicial Procedures, the Bankruptcy and Composition Act and the Distraint Rules, which will simplify and accelerate the due process of law in commercial matters, expedite the adjudication of bankruptcies and increase procedural responsibilities of Courts in issuing distraint orders and, particularly, registering notarial records of distraint titles“<sup>27</sup>; deadlines for draft acts are June 1999

Measures aimed at facilitating economic restructuring and enhancing the competitiveness of the Slovak economy include measures for the support of businesses and the restructuring processes: through changes in legislation, particularly in the field of law enforcement - June 1999; simplification of tax laws, to bring clarity to them - April/May 1999; which increased attention being paid to the acute problem of company insolvency; preparing a needed programme that will facilitate the inflow of foreign direct investments in Slovakia - June 1999 etc.; then to restructure the banks; to stimulate the capital market etc.

The government adopted a draft law on state budget for 1999 at its meeting on 22 February 1999. The budget risks were also discussed. The go-

25 Intended measures designed to solve macroeconomic imbalance and improve competitiveness of the Slovak economy and Implementation strategy for the package of economic measures

26 ibidem

27 ibidem



vernment delegated the Deputy Prime Minister for Economy to prepare analytical material on budget risks. Besides the exact definition of fields where it could come to breaking the intentions, the analyses should name concrete proposals for solutions. The Deadline is March 15, 1999. The plan of the government is to adopt a complex of measures aimed at reaching the critical macroeconomic goals for 1999, namely: to keep the deficit of public finance (fiscal deficit) under 2 % of GDP and the deficit in the balance-of-payments current account within 5-6 % of GDP. The adopted measures will decelerate the dynamics of economic growth to around 3% year-on-year; the rate of inflation should reach about 10%, and the unemployment rate should not exceed 15%.

The government defined difficult aims for this year and the economic problems need a strong government, however the Slovak Prime Minister is optimistic: "Slovakia has a great potential and if we are able to find the right medicine just now, in the first half of 1999, then everything is real and possible to fulfil."<sup>28</sup>

### ***3. Other pending short-term priorities***

Following the HLWG-results, Slovakia has made a great effort for a successful meeting of the pre-accession strategy and step-by-step fulfilment of all criteria necessary for becoming members of the EU. To present all steps undertaken by the government and Parliament to implement the values of the Union into the Slovak society would demand deeper analyses. In the following few lines I want to underline the orientation and demonstrate the direction of Slovakia after the last elections and provide examples to clarify my point.

28 In the Slovak daily SME, February 5, 1999

*Reinforcement of institutional and administrative capacity*

Concerning the adoption of a civil service law, it is expected that the draft of a civil service law will be submitted to the Slovak government in the second half of 1999. The same will happen in the case of a public service law. Further steps are planned in the sphere of public administration reform. At the beginning of February 1999, the government adopted the proposal to sign the European Charter of Local Self-government. On 3 February 1999, the government adopted the Draft on institutional preparation for the implementation of the project strategy of the reform and decentralisation of the public administration in Slovakia. By the end of May 1999, a draft on further decentralisation of competencies from local state administration bodies to territorial self-government should be prepared.<sup>29</sup> Submission of the draft of further steps of public administration reform in Slovakia to the parliament is expected by 30 June 1999.

The issue of strengthening the administration dealing with EU-accession was discussed in the introduction of this paper. To be complete, the Ministerial Council for European Integration commenced its activities on 13 January 1999. At its first meeting the Ministerial Council established a Working Committee as an advisory body composed of the heads of the European Integration Units, and working group heads of the Negotiation Team. It is chaired by the chief-negotiator, the State Secretary of the Ministry of Foreign Affairs of the Slovak Republic.

Concerning strengthening institutions in the area of the environment, veterinary and phytosanitary administrations, and external borders, important support is provided through three twinning projects at the Ministry of Environment. Within the Ministry of Environment, the European Integration Unit was established on 1 November 1998. The Unit coordinates the implementation of requirements set up in NPAA and the Accession Partnership. The Act on Veterinary Care came into force on 1

29 Prime Minister Mikuláš Dzurinda in the TV-programme Pressclub on 11 February 1999

January 1999, which lays down provisions on the position and responsibilities of veterinary services in Slovakia in line with those in the EU. Implementing rules of the Act will be prepared during 1999. Works on developing personnel and technical conditions for the strengthening of veterinary and phytosanitary control at the borders are underway. First interim report will be done by the end of September 1999.

In the field of regional and structural policy, the Slovak government agreed in December 1998 on restructuring the Office for Strategic Development, which is responsible for the regional policy co-ordination. By the end of May 1999, the National Agency for Regional Development should be established.

As far as the environment as such is concerned, an Act on Water and an Act on Waste are under preparation. The deadline for Waste Management is the end of December 1999, and for Water it is 2001. A National Action Plan in the environmental sector will be prepared by the end of March 1999

### *Internal Market*

According to the Commission's Report state aid is not transparent and there is no independent body monitoring the provision of state aid. By the end of April 1999, the Ministry of Finance should prepare an Act on State Aid that should guarantee transparency, and by the end of June 1999, should establish a monitoring body over the provision of state aid.

Concerning public procurement, the Ministry of Construction and Public Works is preparing a new draft of the Public Procurement Law. The timetable for the approval of the draft is as follows: by 31 March 1999, it should be submitted to the government and by October 1999 adopted in Parliament.

## **Conclusions**

In its 1998 Regular Report on Slovakia's progress towards accession, the Commission concluded that:

„The recent elections offer an important opportunity for Slovakia to address the political weaknesses outlined in the Opinion and to take steps to ensure that it will in future meet the Copenhagen criteria.“

In the light of these considerations, it is necessary to underline the different approach of the new government towards the Commission's Report on Slovakia. This different approach and the entire policy style is evident when looking at the measures that the Slovak government of Prime Minister Mikuláš Dzurinda have taken - put down in the Action plan, package of economic measures and implementation strategy for the package of economic measures.

Thus, the Slovak government has managed to remove most of the obstacles that hampered Slovakia from being among the first applicant countries in its first 100 days in office, which the previous government did not manage in four years time. The goal of the Slovak government is to place Slovakia into the main integration stream, i. e. there, where its neighbours are and where Slovakia naturally belongs.

It is also important to keep in mind that the aim is for Slovakia to become EU member at the same time as the Czech Republic, Poland, and Hungary. The territorial integrity of the V4-countries is important when looking at the Schengen measures and the length of the borders between Slovakia and the Czech Republic, along with Poland and Hungary.

Furthermore, it would be a confirmation for the Meciar-regime, if the new course of Slovakia would not soon find concrete recognition in Europe, and if the country is not allowed to shift into the first group of candidates. The Helsinki European Council meeting in December 1999, could also be the first formal international success for Slovakia - in the form of shifting Slovakia into the first group of candidate countries. And it is a

matter of EU-trustworthiness to give a clear signal to Slovakia at the Cologne European Council meeting in June 1999.

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