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and Věra Řiháčková

# **The 2009 Czech EU Presidency:**

## Contested Leadership at a Time of Crisis

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## **PREFACE**

The Czech Presidency of the European Union (EU) in the first half of 2009 coincided with a number of events that posed great challenges to Czech leadership abilities. Being the second country to hold the presidency out of the three that make up the Trio, the Czech Republic had a hard act to follow after the decisively active French Presidency dominated by its determined President, Nicholas Sarkozy. If such were the concerns of the Czech Presidency when it took over at the helm of the EU in January 2009, it would soon become clear that the prevailing tension in the domestic political context in the Czech Republic would pose an even larger challenge to the presidency and eventually bring the sitting government to fall mid-way through the six month period.

As in previous presidencies, the Czech government had to face a number of external challenges. In January, the in-coming presidency had to deal with three hot dossiers: the gas crisis sparked off by a dispute between Ukraine and Russia; the flaring up of hostilities in the Gaza Strip; and the handling of the worst economic and financial crisis since the Great Depression in the 1930s. As concerns the domestic dimension of Czech EU policy, the fate of the hotly contested Lisbon Treaty and the government's inability to secure its ratification in parliament dominated the political scene and clearly weakened the Topolánek leadership. Despite the internal political difficulties, the Czech presidency still managed to push a number of policy dossiers forward, mainly in the economic domain, which speaks to the resilience of the EU political and administrative system. The Czech Presidency of the EU, however, reminds us that domestic politics are part and parcel of the EU, and create for good or bad, a direct link between policy-making on the national and European levels.

The Swedish Institute for European Policy Studies publishes twice a year a report on the incumbent national presidency of the EU focusing on the presidencies priorities and ongoing European agenda on the one hand, and on the influence of domestic politics and external event on the other.

Anna Stellingner  
Director, SIEPS

The Swedish Institute for European Policy Studies, SIEPS, conducts and promotes research and analysis of European policy issues. The results are presented in reports and at seminars. SIEPS strives to act as a link between the academic world and policy-makers at various levels.

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## **EXECUTIVE SUMMARY**

The Czech Presidency of the EU came at an incredibly difficult time for both the EU and the Czech Republic. It started with extremely low expectations and many doubts as to whether the Czechs would be able to run the EU. The Czech Republic had to cope with the legacy of a strong and determined French Presidency that also had to tackle unexpected crises, such as the economic crisis and the Russia-Georgia conflict of 2008. The French leadership, marked by the highly determined personal involvement of President Sarkozy, was thus taken by many as a benchmark, despite the fact that this style of Presidency was an exception rather than the rule. The internal political situation in the Czech Republic, with a government unsure of its parliamentary support and a president considered by many European leaders as a hardcore Eurosceptic, reinforced this scepticism about the Czech leadership capacity. Another big issue that focused attention on the Czech Presidency was the fact that the Government was unable to achieve the ratification of the Lisbon Treaty in the Czech parliament, despite the Constitutional Court's positive assessment of its compatibility with the Czech constitution.

The Presidency's term coincided with the escalation of the economic crisis, which had started under previous presidencies. The facts that the Czech Republic is not a major EU economy, is not in the Eurozone and was holding the Presidency for the first time raised some doubts as to whether it would be able to mediate an efficient response to the crisis among the EU-27, and among the other major world economies represented in the G20 group. Despite this, the Czech Prime Minister managed to bring the European heads of government to agreement on the mandate for the G20 negotiations in London in April 2009 and to endorse clearly that the current economic crisis could not serve as a pretext for introducing national protectionist measures that would undermine the European internal market. Similarly, the Presidency was instrumental in striking a deal on an additional package for the European economy amounting to EUR 130 billion and simultaneously ruling out a specific rescue package for Central and Eastern Europe, leading to both the Prime Minister Topolánek and Commission President Barroso calling the spring European Council meeting a 'summit of results'. Still, the economic crisis has substantially shifted the focus of the Presidency in the economic domain. While the Czechs were originally determined to push for more liberalisation in the internal market and decreasing the regulatory burden, in the end they found themselves having to protect the fundamentals of the EU internal market.

Furthermore, right from the start, the Presidency was faced with two addi-

tional challenges, referred to by Prime Minister Topolánek as the ‘2 Gs’, i.e. Gaza and gas. In the case of Gaza, the Presidency did not score too well and its activity did not lead to any particular solution, apart from opening humanitarian corridors in the Gaza Strip, but it remains an open question whether the EU had necessary leverage, particularly over Israel, and whether a quick ceasefire could realistically have been negotiated with EU mediation. The Presidency fared much better in the case of the gas dispute between Russia and Ukraine, and the personal involvement of key Czech politicians, including the Prime Minister, with the strong backing of the European Commission resulted in gradual resolution of the crisis, despite the previous scepticism.

The gas dispute between Russia and Ukraine also helped the Czech Presidency push for another of its main objectives: forging a more comprehensive external energy security policy and accepting commitments to further action in that regard, which were integral to the European Council conclusions in March. The Presidency won reiterated European Commission support for the Nabucco project, which many in the EU had already considered dead, including financial pledges amounting to EUR 200 million, and funds for improving interconnectivity among the Member States’ energy systems.

Despite the approaching end of term of the European Parliament, the Presidency has also promoted several legislative deals on behalf of the Council, mainly in the economic domain, for example, on road and air transport, energy liberalisation, solvency and roaming.

The political situation in the Czech Republic differed greatly from the strong backing President Sarkozy was enjoying in France, in terms of both political representation and media coverage, and this turned out to be detrimental to the Presidency’s performance. Internal squabbling among the various parliamentary factions of the coalition parties and ongoing pressure from the opposition, which did not like to see the Government winning political points due to rather positive perceptions of the EU Presidency on the part of Czech media and citizens, resulted in the Government losing a vote of confidence in the lower chamber on 24 March 2009, throwing the Presidency into political disarray. It remains to be seen how the rest of the Czech term will be handled, but there are widespread fears in Europe regarding the political leadership vacuum, the greater role of President Klaus and complications accompanying the Lisbon Treaty ratification. The risk is that the hard-won successes of the Presidency, achieved in the face of initial scepticism, will soon be forgotten and that it will be a ‘lame duck’ Presidency for the rest of its term, with ambitious projects such as the Eastern Partnership or Southern Corridor summits turning into second-class meetings.



# **1 INTRODUCTION: CZECH EURO-ATLANTIC CONSENSUS OF THE PRE-ACCESSION ERA**

Since the fall of communism and the centrally planned economy in autumn 1989, Euro-Atlantic integration has been the top priority of each successive Czech Government. ‘Back to Europe’ was one slogan of the Czechoslovak Velvet Revolution, and it was supposed to be fulfilled by securing fully-fledged membership in the European Union (EU) and North Atlantic Treaty Organization (NATO). Even the first government that emerged from Czechoslovakia’s first democratic elections undertook crucial steps towards future integration into the EU. Czechoslovakia joined the Phare programme<sup>1</sup> and started negotiations on the Association Treaty with the EU in 1990. The Czechoslovak Government succeeded the next year in concluding negotiations and in signing the Association Treaty with the European Community. This step, together with the dissolution of the Council for Mutual Economic Assistance (COMECOM) and the Warsaw Pact<sup>2</sup> in 1991, enabled Czechoslovakia to move towards integration into the EU and NATO.

The division of Czechoslovakia and creation of the independent Czech Republic in January 1993 slowed down the EU association process, as the Association Treaty with Czechoslovakia did not enter into force and the EU required its renegotiation with both successor states. The newly negotiated treaties with both countries entered into force in 1995, but the paths of both countries into the EU were already very different<sup>3</sup>. In the Czech Republic, there had been broad consensus among almost all major political actors as to the inevitability (and desirability) of EU and NATO membership. It was generally perceived that only membership in these two international organisations could bring security and prosperity to the Czech Republic. Of all the Czech Republic’s major political parties, only the Communists (KSČM)<sup>4</sup> and Republicans (SPR–RSC)<sup>5</sup> opposed membership in both organisations.

<sup>1</sup> Poland and Hungary: Action for the Restructuring of the Economy was a programme launched by the European Commission in 1989 to assist the socio-economic transition of these two countries. In following years, other countries from Central and Eastern Europe joined the programme.

<sup>2</sup> COMECOM was an economic organisation created by socialist countries in 1949 in response to the Marshall Plan. The Warsaw Pact was a military organisation of socialist states created in 1955 in direct response to West Germany’s accession to NATO.

<sup>3</sup> Slovakia was ruled by the autocratic government led by Prime Minister Vladimir Meciar in the 1994–1998 period. After several warnings criticising the country’s lack of democracy, Slovakia was practically excluded from the process of integration into the EU and NATO.

<sup>4</sup> The Communist Party of Bohemia and Moravia – direct successor of the Communist Party of Czechoslovakia.

<sup>5</sup> Extremist right-wing party, represented in the Czech Parliament until 1998.

Between 1992 and 1997, the Czech Republic was led by Prime Minister Václav Klaus, who believed that the country was more advanced than the other countries of the region and should be the first to enter the EU (see below). This conviction was strengthened by quite stable economic growth, the very good starting position of the Czech economy and by the fact that the Czech Republic was the first former-communist country from the region to join the Organisation for Economic Co-operation and Development (OECD) in 1995. However, too little was done during this period to prepare for EU accession. Moreover, regional cooperation in the framework of the Visegrad Group<sup>6</sup> was almost boycotted by Czech leadership, which did not want to ‘wait’ for the other countries in the integration process. Ironically, the Czech Government was one of the last to submit the official application for EU membership in January 1996 (followed only by Slovenia).

The process of integration into NATO took its own pace. The country quickly joined the Partnership for Peace programme and did its best to be invited to join the alliance. This happened at the Madrid NATO summit in 1997 and the country joined two years later in 1999. There was a broad consensus among the Czech political parties (except for the Communists and Republicans) on NATO membership, and the main question discussed in those days was whether to seek endorsement of membership in a referendum. The Social Democrats particularly advocated this option at the beginning of the process of ratifying the NATO accession treaty, but at a later stage they came to support ratification without referendum. Over the following ten years, the NATO membership consensus among Czech political leadership was never questioned. Nevertheless, there was some disagreement regarding involvement in NATO activities. For example, soon after joining NATO, Václav Klaus (then Speaker of the Chamber of Deputies) strongly disagreed with NATO airstrikes against Yugoslavia. A similar attitude was articulated by Foreign Minister Jan Kavan (Social Democratic member), who developed the Czech–Greek initiative intended to avert military intervention. Similarly, in early 2009 there was quite heated debate in Parliament on the level of deployment of Czech soldiers in various missions abroad, most of them under NATO command, with the Social Democrats advocating reduction of the levels of deployment proposed by the governing coalition.

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<sup>6</sup> Regional cooperation format, created in February 1991, to coordinate the EU and NATO accession processes among Czechoslovakia, Poland and Hungary in the Hungarian castle of Visegrad.

The resignation of Václav Klaus from the position of Czech Prime Minister in 1997 was an important milestone in the Czech Republic's European policy<sup>7</sup>. His resignation was followed by the split of his Civic Democratic Party (ODS). Former ODS members created a new party, Union of Freedom, which defined itself as liberal and strongly pro-European, while Klaus's ODS gradually positioned itself as a conservative 'Euro-realistic' party,<sup>8</sup> though still supporting the Czech Republic's accession to the EU.

The real effort to join the EU started only with the opening of the accession negotiations in 1998 and was strengthened with the 1999 adoption of the regatta principle in accession negotiations in 1999<sup>9</sup>. Successive governments (1998–2002, 2002–2006) led by the Social Democrats (ČSSD) guided the Czech Republic through the accession process and the referendum on EU membership in 2003. All major political forces, except the Communists (KSČM), promoted the 'yes' vote for the EU. The accession of the Czech Republic to the EU was approved by 77 per cent of those who voted (the turnout was 55 per cent) and the country joined the EU on 1 May 2004. This date can also be considered as marking the end of strong consensus among Czech political leaders on European issues. The necessity of pulling in one direction has since disappeared and individual political actors have started to promote their own opinions on the character of European integration.

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<sup>7</sup> Václav Klaus will be treated in greater detail later in this report.

<sup>8</sup> In April 2001, the party introduced the so-called Manifesto of Czech Eurorealism, which strongly advocated the intergovernmental principle in the EU.

<sup>9</sup> This principle was introduced at the Helsinki Summit in 1999, to enable the countries that started the accession negotiations later to catch up with the first group (i.e. Czech Republic, Poland, Hungary, Estonia, Slovenia and Cyprus).

## **2 THE CZECH EUROPEAN POLICY**

### **2.1 Political parties' attitudes vis-à-vis the European Union and public opinion**

The political party system of the Czech Republic, unlike that of most other countries in the Central–East European region, is relatively stable, resembling party systems elsewhere in Western Europe in terms of the cleavages separating political parties. The Czech political scene evolved over the 1990s into a system of two dominant parties, the Civic Democratic Party (ODS) being the major force on the right and the Czech Social Democratic Party (ČSSD) being the leader of the left. Thus the main cleavage typical of Western European parties, the socio–economic cleavage, has become the main determinant of the Czech political scene as well.<sup>10</sup>

Apart from the two main parties, two smaller parties have traditionally made their way into Parliament. One of them is the Communist Party of Bohemia and Moravia (KSČM) and the other the Christian Democratic Union–Czechoslovak People's Party (KDU–CSL). The former is a hardcore Communist party, claiming the legacy of the former Communist Party of Czechoslovakia and refusing to renounce the Communist era. The latter is a centrist party with huge coalition potential (it has formed coalitions with both ODS and ČSSD), basing its programme mainly on the legacy of the Christian-Democratic movement, i.e. a mixture of economic liberalism and internal political solidarity, while socially being rather conservative. Other parties have usually entered Parliament in the past – the Civic Democratic Alliance (ODA), Freedom Union (US), and more recently the Green Party (SZ) – but none has asserted itself as a stable force on the Czech political scene. This indicates that there is still scope for a liberal party in the centre of the political scene, though liberalism as a political concept does not seem to appeal strongly to Czech voters. On the other hand, the emergence of the Green Party with its emphasis on post-material values clearly indicates that Czech society is moving from a transformation to a post-modern phase, in which voters are starting to acknowledge the importance of other issues than those represented in the traditional right–left cleavage.

Another noteworthy feature is the absence of extremist parties (at least at the parliamentary level), although many political analysts consider the Communist party to be radically left wing. This observation applies mainly to right-wing parties, which in Western Europe are traditionally nationalist, xenophobic and – importantly for this study – anti-European or at least

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<sup>10</sup> Hlousek, V. and Kopecek, L., *Cleavages in Contemporary Czech and Slovak Politics: Between Persistence and Change*, Working paper (IIPS, Brno, 2005).

Eurosceptical. As they are not even present, ODS has picked up something of their rhetoric, as we will explain later.

In the following section, we will outline the Czech political parties currently represented in the Chamber of Deputies (the lower chamber of the Czech Parliament) and their attitudes towards the EU.

### Civic Democratic Party (ODS)

The Civic Democratic Party led the governing coalition until the no-confidence vote on the outgoing government on 24 March, enjoying the strongest representation in both the Chamber of Deputies and the Senate. Its attitude towards the EU is arguably the most difficult to describe of those of all Czech parliamentary parties. Two things are noteworthy in this respect. One is the internal cleavage inside the party vis-à-vis Europe, evident especially after the party assumed power in 2006 after almost ten years in opposition. The other is the discrepancy between the attitudes towards the EU of the party leadership and those of its voters. This discrepancy, however, applies to the same degree to the other major party, the Social Democrats, and will be elaborated on in the section dealing with public opinion<sup>11</sup>.

ODS has never disputed the need of the Czech Republic to be part of the EU. It was in 1996 under the premiership of Václav Klaus that the country applied for EU membership, and in 2003, ODS was the first party to start the accession referendum campaign, with its slogan ‘If Europe, then with ODS’. However, the party’s attitude towards the EU has always been cautious, to say the least, with Václav Klaus referring to Czech membership in the EU as merely a ‘marriage of convenience’. Since 1997, the party, probably due to being in opposition and thus practically excluded from any stake in the accession negotiations, adopted an increasingly Eurosceptic (or Eurorealist) discourse. Such discourse is based on the following main premises:

- European integration should remain merely an economic project and no further moves towards forming a political Europe are desirable;
- no more competences should be transferred to Brussels, unless absolutely necessary;
- there is an absolute need to keep the national veto in taxation, social policy and foreign policy;
- smaller Member States must be defended against what is perceived as an emerging ‘directoire’ of the big Member States;

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<sup>11</sup> See, for example, Drulak, P., *The Czech EU Presidency: Background and Priorities* (Notre Europe, Paris, 2008).

- linked to this, a desire to preserve the status quo in terms of Czech decision-making power, particularly in the Council;
- opposition to European emancipation in the defence field, strong belief in the relevance of NATO and in the necessity of the United States being involved in European security;
- a generally stronger inclination towards intergovernmental rather than community method, and suspicion regarding any stronger role for the European Commission and European Parliament.

Articulation of most of these points was particularly evident during the Constitutional Treaty negotiations, when ODS was represented by Jan Zahradil (representing the Chamber of Deputies). After Václav Klaus left the party ahead of his election as the country's president in 2003, it was Zahradil who became the main ODS spokesperson on European issues. In addition, Zahradil, was one of the few members of the Convention, who refused to approve the final draft produced by Convention.

Although ODS is a member of the EPP–ED Group in the European Parliament, like the British Conservatives, it has failed to align itself with the other parties in the group on many issues, the Constitutional Treaty being one such issue all its deputies voted against. The British Conservatives (Tories) are often referred to by ODS leaders as their closest allies in the EU. As early as 2007, British Conservative leader David Cameron and incumbent ODS leader and Prime Minister Mirek Topolánek presented the idea of creating a new group in the European Parliament after the 2009 elections, indicating their intention to leave the EPP–ED group.

However, when the party assumed power after the 2006 parliamentary elections, the discourse started to change and the internal divisions, latently present even before, became more obvious. Particularly striking is the difference between the attitudes of party members holding executive posts and of ODS parliamentarians, especially those in the Senate. The assumption of the Government, however, is only one explanation for the shifting attitude of ODS, the other being the upcoming Czech Presidency. Both factors were gradually leading to the 'Europeanisation' of ODS leadership, realising that the party has to play a constructive role if the Czech Republic is not to be marginalised in the EU. This also explains why the Czech Republic was not the main trouble-maker in negotiating the Lisbon Treaty. However, there is still a substantial number of party members whose attitudes can be described as hardcore Eurosceptic, making them 'Euro hawks'. The spiritual leader of this group is President Václav Klaus, who has opposed both the Constitutional and Lisbon treaties, denied that global climate change is caused by human activity, and argued that the EU should

embrace countries such as Kazakhstan and Morocco. The other stream in the party, which we refer to as ‘Euro doves’, is represented by the current Prime Minister Mirek Topolánek and Deputy Prime Minister for EU Affairs Alexandr Vondra. Despite their strong and enduring suspicions regarding the general direction in which the EU is moving, their approach is much more pragmatic, acknowledging the need for engagement and constructive dialogue inside the EU, including with countries that might have different fundamental outlooks.

The clash between the ‘Euro hawks’ and ‘Euro doves’ escalated before and during the ODS Party congress in December 2008, which was to determine ODS European policy in the near future. The resounding victory of Topolánek indicated that the ODS was most likely leaving behind Klaus’s Eurosceptic discourse, represented by Topolánek’s opponent for ODS leadership, Pavel Bem (Lord Mayor of Prague). Subsequently, some ODS members decided to form a new party, the Party of Free Citizens, backed by Klaus. However, one might argue that the fight is not yet over, and that the ratification of the Lisbon Treaty will remain the main litmus test of where ODS currently stands on European issues.

### Czech Social Democratic Party (ČSSD)

The Social Democrats were the party that led the Czech Republic through the accession negotiations with the EU. Their tenure of office in this critical period is perceived by the party as one of its major achievements while in power, contributing to its already strongly pro-European inclination.

Generally speaking, ČSSD is in many ways the antipole of ODS as far as European policies are concerned. While ODS opposes the further political integration of Europe, ČSSD is strongly in favour. While ODS is sceptical about the quick adoption of the Euro, ČSSD supports it vigorously. ČSSD generally does not have a problem with the European Commission and European Parliament playing stronger roles, prefers Community to inter-governmental methods, is not a priori opposed to giving more competences to Brussels, even in areas such as justice, home affairs and social policy, and supports robust European foreign policy and defence. The diverging views of the two main political parties explain why Czech European policy is so strongly polarised. This polarisation is quite exceptional in the context of Central and Eastern Europe, as in the other countries we instead see a strong consensus on the necessity ‘of staying within the mainstream’, European issues generally not being subject to heated domestic debate (with the exception of Poland’s Law and Justice and Slovakia’s KDH parties).

On the other hand, this polarisation does not mean that ČSSD and ODS do not agree on anything in the European agenda. We can identify several points of convergence between the two main Czech parties:

- both ČSSD and ODS claim the necessity of preserving the safeguards of smaller Member States vis-à-vis the big ones;
- both parties want to have a fully representative Commission (i.e. one national representative per Member State);
- both parties acknowledge the need to revise the European budget, making it better fit the challenges of the twenty-first century, spending more money on items such as research and development;
- both parties agree on the need to slim down the CAP and redirect the payments to other areas;
- both parties also stress the need for unanimity in taxation matters;
- both parties support further enlargement of the EU, including Turkey.

Although there are considerable differences between the two parties, one must be careful not to exaggerate them. After the 2006 shift in power, there has been surprisingly more continuity on European issues than one would have expected. This is explicable, first, by the ‘Europeanisation’ of the parties once they assume governmental responsibility and, second, by the moderating effect of coalition partners, as Czech governments are usually coalitions due to the country’s proportional representation system. The third reason is that European issues are used more often in rhetoric than in real policy as opposition tools for criticising the Government; in reality, there are more important domestic issues that divide ODS from ČSSD, such as taxes, education, health care or pensions.

### Christian Democrats (KDU–CSL)

The Christian Democrats support European integration, and in that sense represent the mainstream attitudes of other parties in the EPP–ED faction on the Czech scene. It often finds itself balancing its larger coalition partners, whether ODS or ČSSD. The party is more supportive of the EU than is ODS, though it is less enthusiastic about political integration than ČSSD. In its foreign policy, the party supports strong European foreign policy, unlike ODS but is more Atlanticist than ČSSD is, meaning that it attaches strong importance to relations with the United States and NATO. The one significant point of divergence from the other two major parties concerns EU enlargement. Although the Christian Democrats support further EU expansion as such, they are more sceptical regarding Turkey and would prefer that it be granted privileged partnership rather than fully-fledged membership in the EU. In fact, they were the only party advocating that the accession negotiations be open ended in nature.



## The Green Party (SZ)

The Green Party is a relative newcomer to the Czech Parliament. Its first six deputies were elected to the lower chamber only in the 2006 elections and it still has no representative in the Senate, though it became part of the ruling coalition after the last elections. Its influence over the European policies of the currently outgoing government is relatively strong, as the Greens held the Foreign Ministry (through Karel Schwarzenberg, who is not a party member but was nominated by the party), Ministry of Education (Ondrej Liska used to work for Daniel Cohn-Bendit in the European Parliament) and Ministry of Environment (Martin Bursik is the main party spokesperson on European issues). The Green Party is generally pro-European, although its more comprehensive visions of the future of the EU are not yet well articulated. It has pressed most strongly for European action in the areas of environment, energy, and development and humanitarian policy.

## The Communist Party (KSČM)

The Communists are the only Czech political party that opposes Czech Republic membership in the EU. In this sense, it diverges from the pre-accession consensus of the other political actors. The party called on its supporters to vote against membership in the EU accession referendum in June 2003. It also opposed both the Constitutional and Lisbon treaties. Its policies are generally based on the negation of post-1989 developments, so its opposition to the EU must be perceived in this context. The party is rather isolated and, despite the fact that it is in the long run the third strongest party on the Czech political scene, it has never been part of any government since 1990.

## Public opinion

Despite the fact that the Czech Republic is often depicted, especially in the Western European press, as a rather Eurosceptic country, this does not seem to be supported by public opinion polls. It is true that, according to the Eurobarometer 68 opinion poll,<sup>12</sup> only 45% of Czech respondents think that Czech membership in the EU is a good thing, which puts the Czechs below the EU average of 58%. However, up to 61% of respondents<sup>13</sup> in the same poll believe the Czech Republic has benefited from EU membership, which puts it slightly above the EU average of 58%. Moreover, 58% of

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<sup>12</sup> [http://ec.europa.eu/public\\_opinion/archives/eb/eb68/eb68\\_cz\\_nat.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb68/eb68_cz_nat.pdf).

<sup>13</sup> All the numerical data referred to in this section come from Eurobarometer Survey No 68 (European Commission, 2007).

Czechs are happy with how democracy works in the EU, again a higher number than the EU average (52%). This represents a higher level of trust than the Czechs have in democracy in their own country (51% in the same poll). In all, 58% of Czechs trust the EU as an entity, considerably more than the EU average of 48%.

In terms of particular EU policies, the degree of support or enthusiasm among Czechs differs from one policy area to another, though there is generally strong support for all the policies included in the Eurobarometer surveys. There is an astonishingly high degree of support for European Security and Defence Policy (ESDP), which reaches 85% and is one of the highest levels in the EU. The support for Common Foreign and Security Policy (CFSP) is also relatively high, around the EU average of 68%. This is noteworthy, as this high degree of public support does not seem to reflect the polarising debates or even outright refusal of stronger ESDP/CFSP by ODS. Another policy that enjoys very strong public support is EU enlargement. The Czech Republic, with its 62% of support of further EU expansion, is among the top supporters, the figure being far above the EU average of 46%. Likewise, Czechs are among the top supporters of the common immigration policy with 80% support. On the other hand, support for the single currency is not that high, only 53% of supporters compared with the EU average of 61%. This figure is still higher than in eight other countries, though only two of these countries (Cyprus and Greece) are in the Eurozone. The lukewarm attitude of the Czechs is probably because the Czech Republic is not in the Eurozone and because there has been neither wide debate nor an awareness-raising campaign on the costs and benefits of adopting the single currency.

One factor that has to be acknowledged and is quite striking on the Czech political scene is the strange discrepancy between the electoral preferences of voters and the European policies of the parties for which they vote. As was explained, ODS is very cautious about the EU, yet its supporters strongly support further European integration. On the other hand, ČSSD, which is enthusiastically pro-European, has much more Eurosceptic supporters. The likeliest explanation for this phenomenon is that the European agenda is not the most important factor on which the voters base their electoral choices: they care more about domestic political issues, so domestic programmes largely determine how they vote. It seems that ODS is starting to understand this discrepancy; indeed, the internal frictions in ODS during the December 2008 party congress were a clear sign of that.

## 2.2 The Phenomenon of Václav Klaus

As already mentioned, the Czech Republic is sometimes considered to be a Eurosceptic Member State. This perception might, *inter alia*, also be explained by the rather vocal opinions of current Czech President Václav Klaus, who has presented his critical remarks on European integration and other issues (notably arguing that climate change is a myth) in both domestic and international fora. Klaus's attitude towards the EU was formed in the 1990s and developed into a confirmed position in the second half of the decade.<sup>14</sup> Since this time, he has primarily spoken out against the high level of political integration and the limits to national sovereignty brought about by the EU. His stance largely determined the EU policy of the senior government party ODS before and right after the victory in the 2006 general elections. With the approaching EU Presidency and the 'socialisation through Europe' of the ODS ruling elites, the European policy of the party shifted towards a realistic pro-EU discourse. This shift is often viewed as one reason for the divorce of the President (and, until the December 2008 ODS Congress, the Honorary Chairman of the party) from the party he founded and whose chairman, Mirek Topolánek, managed his re-election for his second and final term in office in February 2008.

The debate on the Lisbon Treaty (and earlier on the Treaty Establishing a Constitution for Europe) gave him an opportunity to express his strongest criticism of the EU. Unlike during the campaign before the EU accession referendum in 2003, when he was hesitant to make a clear personal statement<sup>15</sup>, in the case of the Lisbon Treaty (and the Constitutional Treaty), he

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<sup>14</sup> As Czech PM, Václav Klaus signed the Association Agreement (1993) as well as the country's application to the EU (1996). He perceived as marginal issues both the Association Agreement (compared to the transformation efforts) and signing the EU application, which he viewed pragmatically and first and foremost through the lens of the economic benefits of integration. After the political developments in the country in 1996–1997 (the 'Sarajevo coup' against him when he was abroad, orchestrated by some ODS members due to a lack of transparency in party financing) and the ODS transition to opposition in 1998, the issue of EU accession talks became a matter of political dispute with the then senior government party, ČSSD. ODS also experienced a discourse shift from (neo)liberalism towards conservatism, slightly coloured by nationalism. In this period, Václav Klaus's views on European integration were supported by a group of young ODS politicians who got promoted to the senior party posts thanks to the 'Sarajevo coup' (e.g. Ivan Langer and Jan Zahradil). Together with philosopher Miloslav Bednar, Jan Zahradil, Petr Plecity and Petr Adrian, they wrote the *Manifesto of Czech Eurorealism*, which served as the background paper for the ODS policy conferences of April 2001 and for the party's position on the EU; see (in Czech) <http://www.ods.cz/docs/dokumenty/zahradil-manifest.pdf>.

<sup>15</sup> Unlike some ODS members (e.g. Ivan Langer and Martin Říman), Václav Klaus did not oppose EU accession but declined to endorse the 'yes' campaign. According to some, he did not vote 'yes' in the accession referendum; 'Four Years of the Non-partisan President Klaus', *Hospodarske noviny*, 28 February 2006.

openly opposed the document and its ratification. He defended his stance in a number of interviews, essays and articles and as a party to the case before the Czech Constitutional Court, which reviewed the Lisbon Treaty for compliance with the Czech Constitution on the initiative of several ODS senators in late 2008. He also supported and promoted the translation into Czech of works by famous West European Eurosceptics and openly supported Declan Ganley, the leader of the ‘no’ campaign opposing the Lisbon Treaty in Ireland, using an official state visit to Ireland (November 2008) for this purpose.

His main theses on European integration, EU development and the Lisbon Treaty can be summarised as follows:

- European integration deviated from its original goal, which is economic deregulation and liberalisation; since then (the process started roughly with the adoption of the Maastricht Treaty), the EU has been embracing harmonisation, homogenisation and political integration in all areas. European integration is undermining the competitiveness of the Member States, trying to impose an inappropriate social-market economy (or welfare state) model on them.
- Lisbon Treaty adoption would bring about further and unacceptable sovereignty pooling and further erode Member State sovereignty. The EU would become a state in all its ‘fundamental features’; the European countries would deteriorate into ‘provinces and regions’, which would lead to gradual weakening and retreat of the nation state and the simultaneous rise of the ‘post-governmental’ totalitarianism of particular elites, profiting from European integration.
- Supranational governance through the EU is not legitimate because there is no European nation or *demos*, and because democratisation of the EU through strengthening the European Parliament is impossible (the social legitimacy thesis).
- Brussels bureaucracy or Brussels dictates, red tape and restrictive regulations are generally criticised without elaborating examples or offering solutions.<sup>16</sup>

In his argumentation, Václav Klaus often formulates inaccurate dichotomies (‘there are only two ways’), for example, either the ‘market economy without attribute’ or the social-market economy allegedly followed by most Europeans. These inaccuracies often make him inconsistent in his statements, as these dichotomies do not match the real development of European integration and the EU. As such, his line of argumentation is not

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<sup>16</sup> For details, see Rihackova, V. and von Seydlitz, C., *Václav Klaus and the Constitutional Treaty: Czech Eurosceptics or Eurorealism?*, Consent Working Paper (2007).

acceptable as a common starting point for discussion with most of his European counterparts, aside from Eurosceptics.<sup>17</sup> In domestic debate, he often resorts to defaming his foes, both in public debate and in his writings, in which he often criticises the ‘Europeists’ whom he accuses of promoting ‘apolitical post-democracy’.<sup>18</sup>

In the run-up to the EU Presidency, the Czech Government expressed the view that the President should play a representative role during the Presidency; however, the scope of his involvement has not been fully clarified. It seemed he would be entrusted with chairing some of the EU summits to be held under the Czech Presidency (i.e. the EU–Canada and EU–Russia summits) or host a dinner for the foreign ministers of EU Member States and Rio Group countries. The backstage negotiations with the government and the selection of his EU agenda even took place throughout the Presidency. Following several cases of foreign policy divergence between the Czech Government (responsible for policy formulation under the leadership of Foreign Minister Karel Schwarzenberg, nominated by the Greens) and the President, one of the most striking examples being the summer crisis in Georgia when President Klaus proclaimed support for the Russian line, the government being hesitant to ascribe the President with a greater role. Serving his second term in office without the possibility of re-election, the President defined his own foreign policy agenda and stance, enlarging the scope of his competencies beyond the constitutional framework, his general shift to nationalism, pan-Slavism and pro-Russian affinities serving in some cases as a background.<sup>19</sup>

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<sup>17</sup> Like Philippe de Villiers (French MEP) or the traditionally sovereignty-based Danish Euroscepticism of Jens-Peter Bonde (former MEP).

<sup>18</sup> Part of this critique is also contained his argument about ‘NGOism’: ‘...Hence, their [i.e. the Europeists’] brazen defence of post-democracy and their complacent smile over obsolete and out-of-date advocates of good old democracy and good old political politics. Since they are far from citizens (and they like that) and with their macro-view opera glass they do not see the citizens and do not reach them directly, they need some groups and entities they can deal with on a large scale (in order to follow them blindly or complicate their life). That is why they like the corporatist concept of social dialogue, and that is why they want big business and big trade unions, that is why they want Galbraith’s model of the balance of powers (at the macro level, not the market functioning at the micro level). Since they do not want to be accountable to citizens, they like talking to various NGOs, which give them – they hope so at least – the legitimacy they lack and ‘the voice of the people’, even though such people are weird. Europeism is a categorical way of being dependent on new things – would-be progressive, neither retrograde, nor traditional nor conservative. This is why it puts up with feminism, homosexuality, multiculturalism and with other similar attitudes that dismantle the long-standing European cultural–civilisation basis’ (Klaus, 2006).

<sup>19</sup> For similar reasons, he was outspokenly critical of the recognition of Kosovo by the Czech Government in May 2008, talking about opening a Pandora’s box.

Besides foreign policy issues, Klaus diverged from the government on climate change. During the Presidency, he was criticised by the Czech Minister of the Environment in connection with his visit to the United States, where he presented his views on climate change in a conference (early March 2009). Minister of the Environment Martin Bursik<sup>20</sup> stated, “I am sorry to say that in his public appearances Václav Klaus manifests a combination of activism and amateurism. His dicta (for example, that in the past decade the planet has been cooling) are bizarre and are not founded on fact. The observation that, seen from the air, Greenland in the winter is covered in snow and that this is evidence of the spuriousness of the arguments concerning the acuteness of climate change, is now just comical. Unfortunately, Václav Klaus is often perceived as the representative of the Czech Presidency. It is clear to me that there is no way we can stop the President, but I consider it necessary to point out that he is a comic figure worldwide and is definitely damaging the Czech Republic and its international position.”<sup>21</sup>

Besides his general Euroscepticism, the main issue raised in connection with his activity in several debates with the representatives of EU institutions and Member States was the process of ratifying the Lisbon Treaty in the Czech Republic, often cited by many as a factor discrediting the Czech Presidency.<sup>22</sup> The President proclaimed the Treaty dead right after the Irish referendum and helped refer the question of ratification and the compliance of the Treaty with the Czech Constitution to the Constitutional Court in April 2008. The question was raised by the group of ODS senators loyal to the former party leader. The Court ruled unanimously in favour of the compliance of the Treaty with the Czech Constitution on 26 November 2008. Immediately afterwards, President Klaus expressed his dissatisfaction with the outcome and declared he would not sign the Treaty (and thus conclude the ratification) until the second Irish vote favoured the Treaty. As the Czech Constitution does not specify any period within which the President must conclude ratification after the parliamentary vote is taken, Václav Klaus could effectively obstruct the conclusion of the ratification process in the Czech Republic even after both chambers of Parliament have ratified the Treaty.

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<sup>20</sup> Martin Bursik is, apart from being the Minister of the Environment, also the leader of the Green Party.

<sup>21</sup> ‘Martin Bursik to go to Japan and the USA: Copenhagen agreement on climate protection and emission trading’, *Czech Presidency Press Release*, 13 March 2009.

<sup>22</sup> For example, during the visit of the MEPs, members of the Committee on Constitutional Affairs in December 2008 to Prague.

At the beginning of the Czech Presidency, President Klaus met members of the European Commission in the Prague Castle on 7 January and gave a speech in the European Parliament in February 2009. On 24 March 2009, the Czech Parliament surprisingly passed a no-confidence vote in the centre-right government, effectively ending its term in office as well as the credibility and political leverage of the Czech EU Presidency, prompting early elections in October 2009 (a caretaker government assumes office on 9 May 2009), a year ahead of those originally planned for 2010. The role of President Klaus in the process was observed and commented on by many in the Czech media and elsewhere. With the Lisbon Treaty awaiting Senate ratification after Chamber of Deputies approval, the move to remove the government was probably largely inspired by the President's intention to prevent the Lisbon Treaty from being ratified<sup>23</sup> and partly by his desire to take control of the Czech Presidency.

On one hand, by reaching agreement on the caretaker (and 'apolitical') government, part of the government in resignation and the opposition – ODS, the Greens and ČSSD – prevented President Klaus from assuming the key political role in the second half of the Czech Presidency he aspired to and which he said in the media he was ready to assume. However, given the personality of the Prime Minister designate – Mr Jan Fischer, former Head of the Czech Statistical Office – who lacks diplomatic and EU experience, as well as a clear political mandate and the support of the coalition that brought him to power, the President will most likely control the rest of the Czech Presidency and chair the remaining important summit (the EU–US Summit in June) and the summer European Council. It is expected that the important agenda items scheduled for the June European Council will be delayed until the Swedish EU Presidency, including negotiations on the Lisbon Treaty re-ratification in Ireland, and similarly, progress on the EU position on the Copenhagen Conference on climate change. According to diplomatic sources, Sweden has already agreed to call a special European Council in July to deliberate on future President of the European Commission, so new European Parliament representatives could be consulted after assuming office after the June elections. In any case, President Klaus himself is not experienced in chairing summits of

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<sup>23</sup> One ODS deputy and member of the pro-Klaus faction in the party voting against the Government, Jan Schwippel, stated to *Hospodarske noviny* that he voted for no confidence because of his disagreement with the Lisbon Treaty ('Jan Schwippel: Rozhodla Lisabonska smlouva', *Hospodarske noviny*, 25 March 2009). The Czech Senate was expected to vote on the Treaty in May 2009, and PM Topolánek seemed confident that he could convince the Eurosceptics in his party to get on board by linking approval of the Lisbon Treaty (see below) with the Missile Defence Treaty ('radar deal') supported by the whole ODS.

EU politicians and has very limited personal ties with European leaders. Most observers expect the June European Council to be an ‘empty’ summit.

### **2.3 European policy since the 2006 elections: the Lisbon Treaty as the main issue**

Of the EU issues that emerged after the 2006 elections, ratification of the Lisbon Treaty was at the heart of Czech domestic debates on the EU. The government elected in June 2006 with the ODS as a senior ruling party, replacing the ČSSD in power, was responsible for negotiating the Lisbon Treaty text under the German EU Presidency and for signing the document. Prime Minister Mirek Topolánek involved the ODS Eurosceptic wing in the process by appointing its representative, MEP Jan Zahradil, as Sherpa.<sup>24</sup> By this move, the PM prevented the ODS Eurosceptics from harshly criticising the outcome, though he could not prevent President Václav Klaus from being openly critical. Some ODS senators, considered members of the anti-PM stream of the party, in view of their status (i.e. elected for six years according to a two-round run-off electoral system) and out of the PM’s direct influence, criticised the Treaty; due to their opposition, the Senate of the Czech Republic referred the question of ratification and the compliance of the Lisbon Treaty with the Czech Constitution to the Constitutional Court on 24 April 2008. The ratification process in both chambers was stalled. The Senate had six concerns, the three most important being the interrelationship between the EU Charter of Fundamental Rights and the Czech Charter of Fundamental Rights and Basic Freedoms, the transfer of competences under the passerelle clause in the new Treaty, and the principle of sovereignty. Until the Court’s ruling, the ratification process was suspended in the Senate and in the Chamber of Deputies. The Court ruled unanimously in favour of the compliance of the Treaty with the Czech Constitution on all six points on 26 November

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<sup>24</sup> During Treaty negotiations, the Government’s own initiative was the so-called ‘either-way flexibility or bidirectional competences transfer’ (the transfer of a competence back to the Member States from the community level on the basis of unanimity in the European Council), a principle the Czech Republic wanted to have explicitly mentioned in the Treaty and succeeded in a very limited form with *Declaration No 18 in relation to the delimitation of competences*, which states that a legislative act of the Community can be repealed on the basis of Art. 241 and that the IGC can be convened to revise the Treaties and restrict Community competences. Another concern was the Charter of Fundamental Rights: the Czech Republic succeeded in incorporating a *Declaration of the Czech Republic on the Charter of Fundamental Rights* into the body of the Treaty; the declaration refers to Declaration 18 and the principle of subsidiarity. In particular, other priorities concerned the red card for the national parliaments (the final compromise was accepted) and QMV application to new areas, where the Czech Republic opposed applying the procedure, especially to taxation (however, these issues were also blocked by other Member States, such as the UK).



2008, enabling ratification to resume. For the Lisbon Treaty to be ratified according to the Czech system, the document needs to be accepted by three fifths of the members of both the Chamber of Deputies and the Senate. A 'no' vote in either of the chambers would end the ratification process. After their consent, the Treaty needs to be signed by the President.

The Chamber of Deputies postponed the vote on the Treaty until 3 February 2009, due to ODS instability a few days after the party congress convened in early December 2008 in response to the disastrous regional election results.<sup>25</sup> Prime Minister Topolánek was challenged by fellow party members (Pavel Bém and several others) who were President Klaus supporters. Even though Prime Minister Topolánek was reconfirmed as party leader, he was probably unsure of the voting behaviour of ODS deputies regarding the Lisbon Treaty right after the congress. He needed more time to stabilise the situation and negotiate tradeoffs within his own party, linking support for the Lisbon Treaty to ratification of the Missile Defence Treaty<sup>26</sup> with the United States and granting, by changing the rules of procedure and the act regulating the relationship between the two chambers, both chambers of Parliament the right to approve any further transfer of competences to the EU. The need to fulfil both conditions was embodied in the conclusions of the ODS December congress. The Treaty passed the vote in the Chamber of Deputies on 18 February 2009 with 125 deputies (only 33 of 78 ODS deputies were present) of 197 present voting for ratification.

The situation in the Senate was generally more complicated, due to the dissent concerning Treaty ratification voiced by most ODS senators. After the November 2008 elections (regional and one third of the Senate), ODS lost its majority in the Chamber but, with 36 out of 81 senators, remained the strongest party in the Chamber, followed by ČSSD with 29 senators. ODS leadership enjoyed limited influence over the discipline of its representatives in the Senate, as they are elected directly, and President Václav Klaus had traditionally had more support in the Senate. The pro-Lisbon coalition included 7 senators from KDU–CSL, 6 from the Open Democracy Club and 29 from ČSSD; to achieve the 49 votes needed for Treaty

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<sup>25</sup> The party lost almost all Governors' posts to ČSSD (13 out of 14).

<sup>26</sup> The Missile Defence Treaty was signed between the US and the Czech Republic in July 2008 and provides a basis for locating a US radar base in the Czech Republic, able to detect missiles targeted against the United States and its NATO allies. Unlike the Lisbon Treaty, the Missile Defence Treaty is strongly backed by the ODS party and strongly opposed by the Social Democrats and Communists. At the ODS party congress, Topolánek was bound by party declaration not to initiate a vote on the Lisbon Treaty in Parliament before the Missile Defence Treaty.

ratification if all senators were present, the pro-Lisbon camp needed the votes of at least 7 ODS senators. The vote was scheduled for the May meeting of the Chamber; at the time of writing (April 2009), it seems that the Treaty's chances of passing the vote increased with the fall of the Topolánek government, since some undecided ODS senators stated that a 'no' vote on the Lisbon Treaty, after the political turmoil and loss of Czech Presidency credibility, would further damage the Czech Republic. The near certainty of the Lisbon Treaty passing in the Senate was confirmed even by its staunchest ODS opponents in the Senate.

After both chambers voted in favour of the Lisbon Treaty, there was the ultimate obstacle to finalising the ratification: the signature of the President. The President has three options. First, he can sign the Treaty without any further delay. Second, he can sign the Treaty and send it to the Constitutional Court for examination again, which is improbable given the previous ruling (to initiate a new review, he would have to table new substantive reasons for one). Third, since the Czech Constitution clearly states that the President does not have the right to veto an international treaty adopted by both chambers, but does not specify a deadline for concluding the ratification process after both chambers' assent, President Klaus could postpone the signing ceremony and prolong the finalisation of the ratification. A parallel can be found in a case of the appointment of judges, where President Klaus refused to nominate any and was forced to do so only by Supreme Administrative Court ruling; the entire process took two years.

That the Lisbon Treaty was not ratified before the start of the Czech Presidency was seen by many as diminishing its credibility and legitimacy in negotiating and brokering EU deals. Czech officials considered this a utilitarian attitude and a 'virtual' problem (as one of them put it, if it was not the Lisbon Treaty it would be something else). The problem most closely linked to the issue was that the Czech Presidency would have to draft the 'necessary legal safeguards', enabling the Irish government to hold a second referendum on the Treaty in the autumn of 2009. These necessary legal safeguards were supposed to be agreed on at the June European Council. Since the fall of the government in March, the likelihood of President Klaus chairing this summit has significantly increased (see above). This creates the paradoxical situation of Klaus leading the negotiations for the repetition of the Irish vote and possible entry of the Treaty into force, while opposing it personally. The Member States would likely move the decision on legal safeguards to an extraordinary summit held at an early stage of the Swedish Presidency, probably in July 2009.

## **2.4 Internal aspects of the Czech EU Presidency: from fragile armistice to a political earthquake**

Preparations for the Czech EU Presidency started very gradually in 2005, long before the last general elections in June 2006. However, the preparation process slowed down due to the stalemate in the elections and the inability of political leaders to form a government that would gain majority support in the Chamber of Deputies of the Czech Parliament. The first minority government led by ODS, appointed by President Klaus in September 2006, did not win the confidence vote in the lower chamber in October 2008. It was clear that this government could not lead the Czech Republic's EU Presidency. The second chance to create a government was again entrusted to Mr Topolánek, who put together a coalition of three parties (ODS, KDU–CSL and SZ).<sup>27</sup> President Klaus, however, hesitated in appointing this government, which he believed lacked stable support in Parliament; he also did not approve of the designated Minister of Foreign Affairs, Karel Schwarzenberg.

The coalition controlled 100 of the 101 votes necessary in the Chamber of Deputies but, thanks to an agreement<sup>28</sup> with two deputies elected for the Social Democrats (ČSSD), the newly created government won a vote of confidence in Parliament.<sup>29</sup> The government immediately speeded up preparations for the EU Presidency, declaring it a priority. However, in doing so, the government primarily focused on necessary reforms in sectors such as taxes, health care and social services. These reforms were broadly criticised not only by the opposition (ČSSD) and KSČM but also by some of the coalition parties' representatives. A group of ODS deputies<sup>30</sup> argued that the reforms were not profound enough, while two Green Party deputies<sup>31</sup> and one Christian Democratic Party deputy considered the reforms (especially the health care system reform) too far-reaching. The stability of coalition was several times weakened by different scandals

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<sup>27</sup> ODS = Civic Democratic Party, KDU–CSL = Christian Democrats, SZ = Greens.

<sup>28</sup> These two deputies left the session of the Chamber of Deputies before the voting, thus lowering the necessary quorum.

<sup>29</sup> ČSSD leader Jiří Paroubek accused the coalition of corrupting these deputies; see <http://www.novinky.cz/domaci/106754-dohodnuto-pohanka-a-melcak-nechaji-vladu-projit.html>.

<sup>30</sup> This group formed around Deputy Vlastimil Tlustý, one of Topolánek's main rivals in the party. This group was constantly changing, though it was considered President Václav Klaus's Trojan horse in the party. Vlastimil Tlustý and Jan Schwippel voted in March 2009 against the Government during the confidence vote. Vlastimil Tlustý was later excluded from the party while Jan Schwippel resigned from the membership.

<sup>31</sup> These were Olga Zubová and Vera Jakubková; in March 2009, they were excluded from the Green Party.

(KDU–CSL leader Jiri Cunek’s accusation of corruption, interference with court independence, collection of compromising materials on several deputies, etc.) and by constant threats from the Green Party that it would leave the coalition.<sup>32</sup> The position of the Government, which never completely secured the support of Parliament, was therefore very unstable from the outset.

The Social Democrats together with the Communists initiated a confidence vote in Parliament four times before the start of the Presidency. In October 2008, two months before the start of the Czech EU Presidency, ČSSD massively won the regional and Senate elections and argued that this was a kind of a referendum on support for the incumbent government. Although the Government survived the vote of confidence initiated by ČSSD in November, arguing that a loss would endanger the Czech EU Presidency, it was already clear that it did not have support for further reforms.<sup>33</sup> The regional and Senate elections and the promise of the Prime Minister to restructure the Government also accelerated diverging tendencies in all three coalition parties.

In this situation, ODS tried to negotiate with the Social Democrats for tolerance of the Government during the EU Presidency. ODS asked ČSSD to refrain from initiating another confidence vote and to ‘pair’ themselves<sup>34</sup> with ministers who are members of the Chamber of Deputies while officially committed to the EU Presidency. The Social Democrats presented several conditions under which it was willing to tolerate the Government. These conditions included early elections in the autumn of 2009, ratification of the Lisbon Treaty in both chambers of Parliament by the end of February and initiation of discussion about when to introduce the Euro.<sup>35</sup> Coalition party representatives immediately refused these conditions, citing early elections as the main obstacle.

The Czech Government took over the EU Presidency in January 2009 at a time when its existence was anything but guaranteed. Several days after assuming the Presidency, the Prime Minister announced a government

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<sup>32</sup> Several times, SZ threatened to withdraw from the coalition if their requests were not met (e.g. regulation of truck transport, hospital reform and their amendment to the Environmental Impact Assessment Law accepted by the government but subsequently rejected by the Chamber of Deputies).

<sup>33</sup> The Government survived the vote when the ‘rebels’ from ODS and SZ abstained or did not participate in the voting.

<sup>34</sup> This means that, for each minister not present in Parliament due to serving on the EU Presidency, one deputy from ČSSD would abstain from voting.

<sup>35</sup> [http://www.tyden.cz/rubriky/domaci/politika/paroubek-dame-vlade-toleranci-kdyz-pak-zmizi\\_96872.html](http://www.tyden.cz/rubriky/domaci/politika/paroubek-dame-vlade-toleranci-kdyz-pak-zmizi_96872.html).

restructuring but, because only four ministers<sup>36</sup> were changed, this was perceived as cosmetic change.<sup>37</sup> Even this change, however, almost resulted in another crisis over who from the junior coalition partner, the Christian Democrats, was going to leave the Government.<sup>38</sup>

After the restructuring, it seemed that the Government would be able to survive at least the EU Presidency. ČSSD temporarily reduced its attacks on the Government and let it focus on managing the EU Presidency. However, in March 2009, ČSSD decided to again initiate a vote of confidence in Parliament, arguing that the Prime Minister was involved in the ‘deputy Wolf case’.<sup>39</sup> On the other hand, this move by ČSSD might have been prompted by the results of opinion polls published in early March, confirming that the popularity of ODS and Prime Minister Topolánek had risen significantly, thanks to their successful management of the EU Presidency.<sup>40</sup> The confidence vote took place on 24 March 2009, and it was the first time in Czech history that a standing government was brought down. The Socialists and Communists were backed by former Green Party deputies Olga Zubova and Vera Jakubkova<sup>41</sup> and by ODS rebels Vlastimil Tlustý and Jan Schwippel. Prime Minister Topolánek, who was constitutio-

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<sup>36</sup> Jiri Cunek – Deputy Prime Minister (leader of KDU–CSL), Džamila Stehlikova – Minister for Human Rights (SZ), Ales Rebecek – Minister of Transport (ODS) and Tomas Julinek – Minister of Health Care (ODS).

<sup>37</sup> Even Prime Minister Topolánek said, several days before announcing his decision, that the change of ministers was no longer crucial ([http://www.ceskenoviny.cz/domov/zpravy/zeleni-trvaji-na-obmene-vlady/354170&id\\_seznam=](http://www.ceskenoviny.cz/domov/zpravy/zeleni-trvaji-na-obmene-vlady/354170&id_seznam=)).

<sup>38</sup> Prime Minister Topolánek was backing Jan Kalousek, Minister of Finance, to stay in the Government, and was in favour of Christian Democrat Chair Jiri Cunek leaving the Government. Cunek originally threatened that, if he were pushed to leave, the Christian Democrats would abandon the Government altogether. The issue was finally decided by the general conference of the party, which recommended that Cunek leave the Government; he respected this recommendation.

<sup>39</sup> Deputy Petr Wolf was elected for ČSSD; he left the party in the summer of 2008, arguing that he was blackmailed by Party Leader Jiří Paroubek during the presidential election and that he was receiving threatening messages because of his support for locating US radar installations in the Czech Republic (<http://domaci.ihned.cz/c1-25741720-wolf-paroubek-me-vydiral-pri-prezidentske-volbe>). This deputy was also investigated by the police on suspicion of fraud. After leaving ČSSD, he usually voted together with the coalition. In March, when Czech Television was preparing coverage of Wolf, the Prime Minister’s close friend Marek Dalik tried to convince the reporter not to cover the topic.

<sup>40</sup> According to the Median polling company, ČSSD would gain 38 per cent and ODS 36.4 per cent; another polling company, CVVM, predicted 36 per cent for ČSSD and 31.5 for ODS (<http://www.ceskenoviny.cz/zpravy/ods-dohani-cssd-zeleni-pod-carou/364848> and [http://www.cvvm.cas.cz/upl/zpravy/100882s\\_pv90318.pdf](http://www.cvvm.cas.cz/upl/zpravy/100882s_pv90318.pdf)).

<sup>41</sup> These two deputies left the party in November 2008, because of conflict with party leadership. Together with other party members, these two deputies were excluded at the beginning of March 2009.

nally required to submit his resignation, accused President Václav Klaus of being the *éminence grise* of the Government's failure.

The fact that the Government lost the confidence of Parliament suggests an interesting observation. The democratic opposition, i.e. the Social Democrats, sacrificed the credibility and reputation of the Czech Republic in the EU for short-term, domestic political gain. It is unclear whether ČSSD really intended to bring down the Government during the EU Presidency, as the party leadership was surely aware of possible negative consequences of doing so; in any case, the risk was too great. The fall of the Government caused the political death of the Presidency and demonstrated that the opposition in fact did not have any 'Plan B'. Furthermore, the absence of an exit strategy opened a window of opportunity for President Klaus to step in and play a more proactive role on the Czech domestic scene and possibly also in the Presidency.

### **3 PREPARATION FOR THE PRESIDENCY**

#### **3.1 The Presidency priorities and their evolution**

The preparation of the Czech Presidency's priorities started immediately after the general elections in the summer of 2006. As early as December 2006 the first internal document, 'Starting points for the priorities of the Czech Presidency in the Council of the EU in the first half of 2009', was presented to the governmental Committee for the EU. After the internal interdepartmental review coordinated by the Ministry of Foreign Affairs, the Committee for the European Union adopted the aforementioned document in February 2007. The document was later presented to the EU and Foreign committees of the Chamber of Deputies and of the Senate, to the social partners represented in the Council of Economic and Social Agreement, to the Association of Regions and Union of Towns and Municipalities and to a limited selection of experts from Czech think-tanks.

This very first version established 'competitiveness, the four freedoms and liberal trade policy' as the main priority areas of the Czech EU Presidency, completing it with the following important sub-areas:

- Secure and sustainable energy
- Budget reform and Common Agricultural Policy Health Check
- Transatlantic relations, and neighbouring countries in the Western Balkans and Eastern Europe
- Further development of the area of freedom, security and justice
- Institutions and their reform, appointment of the European Commission President and new High Representative for the CFSP.

The document was, however, very general at this stage, as the different priorities were not interconnected and it did not accurately reflect the external factors under which the Presidency would be executed. The priorities had domestic political motives in some instances, such as the final clause underlining the promotion of national interests during the Presidency.

After input from the aforementioned stakeholders, another round of internal review and fine tuning, the document was presented to the public under the new title 'Priority Areas of the Czech Republic's Presidency in the Council of the EU in first half of 2009' in October 2007.

This first public version of the Czech Presidency's priorities was a much more developed and coherent document, better reflecting the EU reality. However, it was still too general and contained too many priorities instead of focusing on the issues where the Czech 'added value' would be most germane. The document identified five priority areas:

- A Competitive and Open Europe (still set as the main priority)
- Sustainable and Secure Energy
- A Budget for the Future of Europe
- Europe as a Global Partner
- A Secure and Free Europe

In February 2008, the sectoral priorities of the Czech EU Presidency were presented. These were prepared on the basis of input from the ministries responsible for individual Council formations. The Government approved the sectoral and general priorities in July 2008, and they served as a basis for the preparation of the final work programme of the Czech EU Presidency.<sup>42</sup>

The second version of the document containing the general priorities, entitled ‘The Main Priorities of the Czech EU Presidency, 2009’, was substantively updated from the first draft and its focus reduced to three priorities:

- A Competitive Europe
- Energy and Climate Change
- A Secure and Open Europe

The Czech Government had already anticipated that two of the original five priorities would not be tackled. These priorities – Budget Reform and post-Hague programme – were dependent on documents published by the Commission, which would not be presented before or during the initial stage of the Czech Presidency. The document also reflected the Irish ‘no’ to the Lisbon Treaty, so one of the Government’s main concerns – the different scenarios for Lisbon Treaty implementation – had disappeared.

From the end of 2007 and through the first half of 2008, the Government was negotiating with the French and Swedish Governments regarding the 18-month programme<sup>43</sup> of the team presidency. In many issues, such as enlargement, Eastern Partnership, better regulation, a liberal internal market and trade agenda, the Czech and Swedish positions were converging, but it was very difficult to achieve agreement on many issues with the French Presidency, which chose ‘Protecting Europe’ as its overarching motto. The role of the Council Secretariat in finding compromise solutions was thus crucial. This 18-month programme was approved by the General Affairs and External Relations Council on 16 June 2008 as the lowest common denominator that satisfied the three upcoming presidencies.

<sup>42</sup> <http://www.euroskop.cz/332/9471/clanek/hlavni-prioritni-oblasti-ceskeho-predsednictvi-eu---aktualni-informace>.

<sup>43</sup> <http://www.eu2009.cz/en/czech-presidency/presidency-trio/presidency-trio-776/>.



However, the second half of 2008 became lethal for many of the Czech plans for two main reasons: first, an ‘excessively’ productive and successful French Presidency (see section 3.3) and, second, the ongoing financial and economic crisis. The final document, entitled ‘Work Programme of the Czech Presidency: Europe without Barriers’,<sup>44</sup> was presented on 6 January 2009, a few days after the start of Czech EU Presidency. This document already reflected the ongoing economic crisis, the fight against which has become the first priority of the Presidency, and the fact that the French Presidency had already finished negotiating the energy–climate package and the CAP Health Check. The work programme now had three priorities, the ‘3 Es’, i.e. the Economy, Energy and Europe in the World.

Understandably, particularly given economic conditions, the originally complex and ambitious programme calling for more trade liberalisation and consistent promotion of the liberal market economy, was essentially reduced to two points: first, fighting the global financial and economic crisis and, second, fighting the ‘new protectionism’ represented by French President Nicolas Sarkozy and, to some extent, also by the new US administration. Although at this stage the Czechs already understood that the economic crisis would be issue number one, in this respect the preparations were insufficient, as none of the ideas was on the table and the presidency was pushed towards taking more active approach by other member states, particularly Germany and France.

In the energy area, the priorities had to be tailored to the new situation, as the energy–climate package had already been approved during the French Presidency. The gas crisis at the beginning of the Czech Presidency further reshuffled the priorities. The external dimension of energy security (including the Southern Corridor Summit), together with EU preparation for the Copenhagen Climate Summit, became the most important issues.

In the area of external relations, the Eastern Partnership has gradually become the focal point, with the Government determined to turn the inauguration summit into a visible footprint of the Czech Presidency. The start of relations with the new US administration also stayed high on the agenda, and the informal EU summit with President Obama was supposed to mark a new era of transatlantic cooperation. On the other hand, the enlargement process and especially the Western Balkans dropped in importance to the Presidency, as many objective factors hampered Czech efforts in the area (see section 4.3.2).

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<sup>44</sup> <http://www.eu2009.cz/en/czech-presidency/programme-and-priorities/programme-and-priorities-479/>.

However, in the context of the turbulence on the Czech political scene and the fall of the Government in March 2009, it seems that the main focus of the Czech Presidency for the rest of this term could well be to ‘minimise’ the damage caused by these unfavourable developments and to keep a very low profile.

### **3.2 Administrative preparations and coordination framework<sup>45</sup>**

The presiding countries differ in the extent to which they involve different intra-state actors dealing with European issues in the Presidency organisation and management. Two different approaches can be distinguished. The first one focuses on the division of powers within a Member State and can be further divided into three models, centralised, decentralised and a combination of the two.<sup>46</sup> The second approach concentrates on the role of the central institutions and the Permanent Representation to the EU in managing the Presidency. In the capital-based model, the main responsibility rests with the nation-state centre, while a Brussels-based model stipulates that the Permanent Representation plays a key role.<sup>47</sup> Initially, it was not clear which model the Czech Republic would choose.

In the first phase of preparations in 2005, the Ministry of Foreign Affairs became the main coordination body, but the role of the Permanent Representation was not explicitly defined. The situation did not become much clearer after the 2006 general elections. In November 2006, the minority government approved the establishment of a new post: govern-

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<sup>45</sup> The section draws on Rihackova, V. and Kasakova, Z., *The Czech 2009 EU Council Presidency: A Starting Point Assessment* (Friedrich-Ebert-Stiftung, Prague, 2008).

<sup>46</sup> In the centralised model, the centre, usually the Office of the Government or the Ministry of Foreign Affairs, is entrusted with powers to coordinate and manage the EU Presidency; the other actors have to follow their decisions in all aspects of the Presidency’s administration. In the decentralised model, ministries and Permanent Representation to the EU possess great autonomy in managing the Presidency, in which representatives of regions, other institutions and authorities of state administration are involved as well. The model combining both centralised and decentralised models almost puts the other actors on the same footing as the centre. The central coordination unit coordinates the preparations for and execution of the Presidency, while individual ministries bear responsibility for organising meetings within their scope. Permanent Representation also plays a significant role in the coordination mechanism, carrying out functions such as chairing EU Council meetings; see Rihackova and Kasakova (2008).

<sup>47</sup> See Tomalova, E., ‘Koordinacni mechanismus predsednictvi CR v Rade EU’ [Coordination mechanism of the Czech EU Presidency], in: Karlas, J et al., *Jak predsedat Evropske unii? Navrh priorit predsednictvi CR v Rade EU v roce 2009* (Institute of International Relations, Prague 2008), pp. 121–135.

ment secretary for the coordination of the Czech Presidency.<sup>48</sup> The coordination mechanism changed significantly at the beginning of 2007 when the new coalition government of ODS, KDU–CSL and the Greens was established, including the new post of Deputy Prime Minister for European Affairs. Alexandr Vondra, who filled this post, was put in charge of EU matters in general, specifically responsible for preparing for and managing the Presidency. The Office of the Government of the Czech Republic thus took responsibility for the Czech Presidency from the Ministry of Foreign Affairs (MFA) and became the central coordination unit. The position of the government secretary for the coordination of the Czech Presidency was abolished. In 2007, the process of transferring powers for coordinating the EU agenda from MFA to the Office of the Deputy Prime Minister for European Affairs proceeded, including changes at the Permanent Representation of the Czech Republic to the EU. The Government decided to change the Ambassador of the Permanent Representation and appointed Milena Vicenová to this post in September 2007 (in office since January 2008).<sup>49</sup>

In relation to these changes, a management model based on a combination of centralised and decentralised models was adopted. This ensured central management of the Presidency while leaving a certain degree of autonomy to the ministries in terms of organisation and preparations for the Presidency. It also involved the regions and the Permanent Representation, the main responsibility resting with the Office of the Deputy Prime Minister for European Affairs. The chosen model sought to combine the advantages of both the centralised and decentralised models. In reality, however, some tensions between the Office of the Government and the Ministry of Foreign Affairs, and in relation to individual ministries, occurred in the course of Presidency preparations. In addition to the ensuring organisational and logistical part of the Presidency, the Deputy Prime Minister

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<sup>48</sup> Zdenek Hruby should have assumed this post in January 2007 and concurrently held the function of Minister without Portfolio in the Government; the Czech EU Presidency should have been closely connected to the Office of the Government.

<sup>49</sup> Government of the Czech Republic Resolution No 1238 on the coordination mechanism for the preparations and execution of the Czech EU Presidency, 25 October 2006; Government of the Czech Republic Resolution No 1239 on the change of the Statute of the Committee for the EU, 25 October 2006; Government of the Czech Republic Resolution No 273 on the activities of the Government Secretary for the Coordination of the Czech Presidency and Executive Secretariat, 3 January 2007; Government of the Czech Republic Resolution No 39 on the Appointment of the Deputy Prime Minister on European Affairs, 9 January 2007; Government of the Czech Republic Resolution No 58 on the activities of the Office of the Deputy Prime Minister on the European Affairs, 17 January 2007; Government of the Czech Republic Resolution No 1061 to the motion to change the head of the Permanent Representation of the Czech Republic to the EU, 12 September 2007.

for European Affairs was responsible for publicity and communication with the media and the Council.<sup>50</sup> The Concept for Communication and Presentation of the Czech EU Presidency was approved in July 2007.

The changes in the management of the Czech EU Presidency influenced the role and structure of the Committee for the EU. This governmental working body, which became the main unit charged with formulating political and strategic priorities of the Presidency, was divided into two levels. The Committee at the *governmental level* consisted of ministers and was chaired by the Prime Minister or by the Deputy Prime Minister for European Affairs and also involved associate members, such as the Chancellor of the Office of the President<sup>51</sup> or the Governor of the Czech National Bank (in an advisory role). The head of the Permanent Representation of the Czech Republic in Brussels participated in the meetings as well via videoconference. The task of the Committee was to adopt basic strategic materials and formulate political priorities. It also approved instructions and mandates for the Prime Minister and his European Council delegations. The Committee at the working level was chaired by the Deputy Prime Minister for European Affairs or by one of his deputies and comprised the deputy ministers and the Permanent Representation head. It was responsible for coordination and agenda setting for the various compositions of the Council, and adopted the instructions for COREPER.<sup>52</sup> The Office of the Government did not coordinate organisational arrangements for the Czech Presidency at the individual ministries responsible for the individual Councils' agenda formation, expert meetings, preparation of the accompanying delegation programmes, delegation monitoring, updating of the Presidency website and employee training in issues concerning the EU and the Presidency. Each ministry established a ministerial coordination group. The Czech Permanent Representation was also affected by the changes in the EU affairs management: it remained institutionally sub-

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<sup>50</sup> There are two sections and one department at the Office of the Deputy Prime Minister for European Affairs: the Czech EU Presidency Section managed by Jana Hendrichova, the European Affairs Section managed by Marek Mora and the European Affairs Information Department. The Czech EU Presidency Section deals with logistics and coordination of the Presidency. The Czech Republic hosted 11 informal meetings of the Council, two thirds of which were held outside Prague, and approximately 160 meetings at lower political and expert levels. The European Affairs Section has been engaged in setting the agenda and formulating Presidency priorities.

<sup>51</sup> The advisory role of President's Chancellor in the Committee was the only official channel through which President Klaus was involved in preparing for and coordinating the Presidency.

<sup>52</sup> Government of the Czech Republic Resolution No 1239 amending the Statute of the Committee for the EU, 25 October 2006; Government of the Czech Republic Resolution No 148 on the Statute of the Committee for the EU, 25 February 2008.

ordinated to the MFA, but managed both by MFA and the Office of the Deputy Prime Minister.

Another actor involved in preparing for and executing the Presidency was the Czech Parliament. Each chamber of Parliament – the Chamber of Deputies and the Senate – has its own EU committee, and these cooperate with each other only in coordination meetings. No common body was established in relation to the Czech Presidency. Cooperation at the political level was not initially very good, but improved as preparations for the Presidency intensified. The Government regularly updated the EU committees on the progress of the Presidency preparations and consulted them on Presidency priorities and setting the calendar of activities. In relation to the Presidency, Parliament did not possess any special powers.<sup>53</sup>

Because of the Presidency, the public administration was temporarily reinforced by 365 employees. The staff of the Permanent Representation of the Czech Republic in Brussels increased by 110 people to 220.<sup>54</sup> Civil servants involved in preparing for and executing the Presidency had to demonstrate a certain level of knowledge of English, French and EU issues (e.g. decision-making process and legislative procedures).<sup>55</sup> The Institute of State Administration at the Ministry of Interior was responsible for educating and training civil servants in all aspects of the EU Presidency via a national educational programme in force since January 2006. The Institute closely cooperated with various foreign organisations, such as the Institute of Public Administration in Ireland and the Centre for European Negotiation and Decision-making in Brussels.

As far as financial matters go, the Government allocated CZK 1.9 billion (approximately EUR 71.5 million) for managing the Czech Presidency in the 2007–2009 period (i.e. CZK 200 million for 2007, CZK 700 million for 2008 and CZK 1 billion for 2009). These resources were primarily allocated for coordination, security, civil servant training and strengthening

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<sup>53</sup> During the Presidency, Parliament was responsible for organising the Conference of Community and European Affairs Committees of the Parliaments of the EU (COSAC), joint meetings of parliamentary committees in Prague, the Joint Parliamentary Meeting in Brussels and other accompanying events.

<sup>54</sup> In the Czech Republic, the biggest increase was recorded at the ministries of Foreign Affairs and of Agriculture. These posts and positions were to terminate by the end of 2009, but some suggest that there is pressure to keep some of these employees in service, especially in the MFA.

<sup>55</sup> Initially, in January 2006, the Government proposed that all civil servants involved should speak fluent French; the initiative of the then Minister of Foreign Affairs, Cyril Svoboda, caused negative reactions at some ministries; it was then left with the individual ministries to decide.

state administration. Other resources amounting to CZK 1.4 billion (approximately EUR 52.5 million) were set aside for the individual ministries. The Czech regions involved in cultural or other accompanying events financed these activities from their own resources. The Ministry of Finance was directly responsible for the distribution and control of funds allocated for the Presidency.

### **3.3 Context of the Czech EU Presidency: External Factors**

Apart from rather complicated internal variables, the performance of the Czech Presidency has been largely influenced by the external factors in the EU and on the world scene generally. In the EU, the three most important factors affecting the Czech leadership have been the ending of the European Commission term, upcoming elections to the European Parliament and the strong role of the preceding French Presidency.

The current Barroso Commission's term of office is about to terminate on 31 October 2009 under the Swedish Presidency. It is quite typical for the Commission to take a much lower profile towards the end of its term, and this has been the case with the current college. Three commissioners – Franco Frattini, Markos Kyprianou and Peter Mandelson – have already left the college to take government posts back in their Member States. The European press often refers to the Barroso Commission at this stage as a 'lame duck'.

The relationship between the Czech Presidency and the European Commission, particularly President Barroso, has been also strained on several fronts. First, some controversies had already appeared in the run-up to the Czech Presidency in 2008, when the Czech Government embarked on bilateral negotiations with the United States on joining the Visa Waiver Program (VWP), guaranteeing the visa-free regime for Czech citizens visiting the United States. The Commission argued strongly that it should play a leading role in the negotiations, claiming that the same conditions have to be negotiated for the other new Member States of the EU currently not in the programme (i.e. all the countries that joined in 2004 and 2007 except Slovenia and Greece). This was despite the fact that the United States signalled quite openly that they would deal with the EU countries case by case and not collectively. The impact on the Czech Presidency was that the Commission decided not to table the proposal to follow up the Hague Programme under the Czech Presidency, which was originally expected to be one of the Presidency's priorities, and instead leave it until the Swedish Presidency. Many officials in Prague believe that the Commis-

sion did this to ‘punish’ the Czech Republic for pursuing unilateral negotiations with the United States on visa waiver provisions.

The other factor is the careful approach of Commission President Barroso on issues pertinent to the economic crisis. Normally, the Commission (especially given its current political profile) would strongly back the Czech Presidency in its attempts to fight protectionism and achieve further liberalisation in the internal market. However, as this issue has become highly politicised and controversial in the EU due to poor economic performance, particularly in the major EU economies, the Commission is unwilling to antagonise those big players, particularly France, by too strong pro-liberal rhetoric, let alone policy initiatives. This can also be explained by the fact that Barroso will likely seek reappointment as the President of the next Commission, and will need the support of the biggest EU countries.

However, the European Commission’s lack of activity is also evident on other fronts where the Czech Presidency expected to make progress. For example, the Czechs were hoping to launch negotiations on the post-2013 budgetary framework on the basis of the mid-term budgetary review published by the Commission at the beginning of 2009. By now, however, it is clear that the document will appear in the second half of 2009 at the earliest, so the Council will start discussing budgetary reform no earlier than under the Swedish Presidency.

On the other hand, the alignment between the Presidency and the Commission has been better on other fronts, particularly in the area of energy security. During the Russia–Ukraine gas dispute in January 2009, the Presidency and the Commission acted in tandem and spoke with one voice, the Czech Presidency actually leaving quite a strong role to Energy Commissioner Piebalgs.

As for the role of the European Parliament, the Europe-wide election to this body during the term of the Presidency means that legislative activity draws to a close around April 2009. This implies that there will be significantly less legislation than under a normal Presidency, which has to do with both the final term of the European Commission and the involvement of MEPs in the upcoming election campaigns. The impact on the execution of the Presidency in this case is arguably less important, as the European legislative process is quite protracted, from Commission proposal to the adoption of legislation via the co-decision procedure, and is rarely completed in a single Presidency term. Contrary to these expectations, legislative activity was still quite vibrant in the first months of the Presidency, the

Council and Parliament having reached a compromise on several important pieces of legislation (see section 3.1). In light of the government crisis in Prague, both institutions have also made a political deal that the nomination procedure for the next Commission President will start at an extraordinary European Council convened early under the Swedish Presidency, as the caretaker government in Prague will not have the necessary political leverage to negotiate compromise over the future boss of the Commission.<sup>56</sup> The Parliament accepted this solution, as its bodies (factions and committees) will be still in a process of formation and it would be easier to involve them in the negotiations at a later stage.

The third and perhaps most important variable for the Czech Presidency is the legacy of its predecessor, France, and particularly of its president, Nicolas Sarkozy. The tensions appeared early on when preparing for the joint team presidency programme. This is clear even from the choice of motto: while the French singled out ‘Protecting Europe’ as their overarching priority, the Czechs opted for ‘Europe without barriers’, the two seemingly in direct contradiction. The preparation of the joint programme has thus been handed over to the Secretariat General of the Council and can be largely seen as the lowest common denominator.

It is beyond doubt that French President Sarkozy has turned out to be a highly determined leader, and he demonstrated that to some extent he would like to continue ‘running the show’ even during the Czech term. Several things illustrate this. First, Sarkozy was quite eager to finish negotiations on the big issues on the EU agenda, such as the CAP Health Check or the energy–climate package during the French term, not leaving these issues to the Czechs. It remains questionable whether this was due to his determination to show off his negotiation and leadership capacities, or whether it was rather due to a certain uncertainty that the Czech leaders would be able to broker a Europe-wide deal. He also signalled that he would not like to give up on the idea of retaining informal leadership of the Union for the Mediterranean, considered his brainchild.<sup>57</sup> Sarkozy also strongly advocated coordinating the response of the Eurozone countries to

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<sup>56</sup> Another justification is that President Klaus might be in charge of chairing the June European Council, which might be even a worse scenario in terms of the desired outcome.

<sup>57</sup> The Czech weekly *Reflex* published the transcript of a meeting between Nicolas Sarkozy and Mirek Topolánek where Sarkozy pleads with Topolánek to leave him an informal EU leadership role (jointly with Egypt) for the Union for the Mediterranean in exchange for an informal role for the Czech Republic in the Eastern Partnership. The information ‘leaked out’ from the Ministry of Foreign Affairs, which was penalised for this by the National Security Authority ([http://zpravny.idnes.cz/diplomacie-dostala-pokutu-za-unik-hovoru-sarkozyho-s-topolankem-pyc-domaci.asp?c=A090126\\_142552\\_krimi\\_lf](http://zpravny.idnes.cz/diplomacie-dostala-pokutu-za-unik-hovoru-sarkozyho-s-topolankem-pyc-domaci.asp?c=A090126_142552_krimi_lf)).



the global economic crisis, including organising informal Eurozone summits, which would probably leave him with additional leverage during the team presidency, as both the Czech Republic and Sweden are outside the Euro area. Similarly, there was a clash over the invitation of President Obama: while the Czechs signalled their intention to organise an informal EU-27 summit with President Obama in early April 2009, the French invited the US President to Paris for the G20 meeting scheduled for 15 February 2009,<sup>58</sup> after the official invitation was discussed between Sarkozy and Topolánek. Prague regarded all these moves as attempts to undermine Czech Presidency leadership in various policy areas, and were reflected on quite negatively by many Czech politicians and the Czech press.

Much scepticism about the Czech Presidency has also been articulated by the French press, both at the ending of the French term and in the course of the Czech Presidency. The two major French dailies, *Le Monde* and *Le Figaro*, have criticised the Czech Presidency (and the European Commission) for lack of action, especially regarding the economic crisis, essentially advocating the need for informal leadership in that area from the biggest European economies, i.e. Germany, France and Britain. *Le Figaro* also made comparisons with the visibility of the EU during the French Presidency, claiming that Europe was ‘mute’ under the Czech Presidency.<sup>59</sup>

The row between Paris and Prague escalated at the end of February 2009, when Nicolas Sarkozy, in an interview on French television, attacked the delocalisation of French companies to lower-cost countries, specifically referring to the Toyota–Peugeot–Citroën (TPCA) joint venture in the Czech Republic.<sup>60</sup> Although not directly linked to the Presidency agenda, the Czech press and Czech politicians have interpreted this comment as a desire to resort to protectionism.<sup>61</sup> Prime Minister Topolánek also put Sarkozy’s remarks in the context of the ratification of the Lisbon Treaty in the Czech Republic, warning that such statements could jeopardise the ratification process.<sup>62</sup>

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<sup>58</sup> This point was raised during a trilateral meeting between J.-P. Joyuet, A. Vondra and K. Schwarzenberg in Paris on 8 November 2008: [http://zpravy.idnes.cz/nekdo-se-nas-snazi-skrtat-stezoval-si-vondra-na-obchazeni-ceska-pvn-/domaci.asp?c=A090109\\_174305\\_domaci\\_adb](http://zpravy.idnes.cz/nekdo-se-nas-snazi-skrtat-stezoval-si-vondra-na-obchazeni-ceska-pvn-/domaci.asp?c=A090109_174305_domaci_adb)

<sup>59</sup> [http://www.rozhlas.cz/evropskaunie/zajimavosti/\\_zprava/542309](http://www.rozhlas.cz/evropskaunie/zajimavosti/_zprava/542309).

<sup>60</sup> In the interview, Sarkozy proclaimed that it is ‘unjustifiable that a certain unnamed producer makes cars in the Czech Republic and they are then sold in France’.

<sup>61</sup> It was described as such by, for example, Minister of Industry and Trade Martin Říman and Deputy Prime Minister for EU Affairs Alexandr Vondra.

<sup>62</sup> [http://www.tyden.cz/rubriky/domaci/politika/topolanek-sarkozy-promluvil-o-autech-a-ohrozil-lisabon\\_104486.html](http://www.tyden.cz/rubriky/domaci/politika/topolanek-sarkozy-promluvil-o-autech-a-ohrozil-lisabon_104486.html).

The clashes between France and the Czech Republic, which escalated to almost open animosity in February 2009, of course did not go unnoticed across Europe. Although both Sarkozy and Topolánek were trying to play them down, the foreign ministers of both countries, Bernard Kouchner and Karel Schwarzenberg, agreed to meet twice weekly to coordinate their positions and prevent any clashes being taken up by the media.<sup>63</sup> The fact of this agreement, however, simply indicates the extent to which France had still kept its clout over Presidency business during the Czech term.

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<sup>63</sup> <http://www.loh.cz/ceske-predsednictvi/46528-kouchner-a-schwarzenberg-se-budou-pravidelne-schazet/>.

## **4 PRIORITIES OF THE PRESIDENCY**

### **4.1 Economy**

Economic issues were top Czech EU Presidency priorities from the very beginning. The Czech Government had an ambitious plan to promote further liberalisation via the Common Trade Policy (liberalisation of international trade in the WTO framework) and competitiveness (e.g. mainly by further strengthening of the Lisbon Strategy and the four freedoms, including the further deregulation of services and eliminating transitional periods for the free movement of workers in all EU Member States).

First, the financial and later the economic crisis completely reshuffled these priorities, and the Czech EU Presidency suddenly found itself in the leading position to tackle the consequences of both crises. From its anticipated role, in which the Presidency mainly expected to manage discussions of the future development of the EU single market, the Lisbon Strategy, better regulation, the EU budget and other economic issues, the Presidency had become the crisis manager of the whole EU and, through formulating the common European position for the G20 summit, in the global environment as well.

Already during the French Presidency, when it was mainly the financial crisis that resonated in the vocabulary of world leaders, the Czech Government had decided to focus on fighting plans for very strong regulation of financial institutions and markets. The Czech Government negotiated a place in the French delegation during the G20 summit in New York at the end of 2008, to gain firsthand experience of such an event. Together with the deepening of the financial crisis and its gradual conversion into an economic crisis, several voices in the EU (i.e. France and Great Britain) and outside (the US) started to call for protectionism. That was the moment when the Czech EU Presidency shifted its focus to fight to preserve the status quo related to the EU's single barrier-free market, liberal trade policy and level of regulation, instead of trying to promote a more liberal and free environment in these areas. Alongside this, Czech Prime Minister Mirek Topolánek strongly criticised the statement of French President Nicolas Sarkozy, that car producers should repatriate investments and jobs to France (specifically citing an automotive company in the Czech Republic). Topolánek strictly opposed this call, warning that the words of President Sarkozy could have consequences for Czech ratification of the Lisbon Treaty. This criticism set the tone for the ensuing actions of the Czech Presidency during negotiations at the informal European Council meeting in Prague and the European Council regular meeting in March 2009.

The Czech Presidency also decided to immediately organise two extraordinary European Council meetings: one in March to discuss the way out of the economic crisis and to end the pledges for more protectionism, and a second one in May to find solutions to increasing unemployment throughout the EU.<sup>64</sup> The decision to organise an extraordinary economic summit was also made in response to requests from French President Nicolas Sarkozy and German Chancellor Angela Merkel.

The summit itself can be considered the greatest success of the Czech Presidency. Prime Minister Topolánek obtained a promise from the leaders of the biggest EU Member States to refrain from measures that could undermine the European single market or harm other EU countries. The European Council also stressed that ‘protectionism is not an answer to the current crisis’ and accepted the request of the new EU Member States to be considered separately.<sup>65</sup> European leaders also reiterated their intention to coordinate all measures (such as car-scrapping schemes and banking system recovery measures) at the European level. The summit also seems to have shown the French President that his term as President of the European Council had well and truly ended in December 2008.

Even greater success came with the regular spring summit of the European Council, focusing mainly on economic issues, especially on implementing the European Recovery Plan adopted in December 2008 under the French Presidency (this Plan allocated EUR 400 billion for the recovery of the EU economy in 2009–2010), and on preparing the EU position for the G20 summit in London in April. The heads of states confirmed that all the measures were temporary and that after the crisis, the usual Growth and Stability Pact mechanisms would again apply. They also reiterated that any national-level measures could not in any case infringe on the single market rules.

Concerning the strengthening of financial market regulation and of institutions such as rating agencies, the European Council decided that only regulation, which is anti-cyclic, should be introduced. This decision was further elaborated on during the informal ECOFIN meeting at the beginning of April 2009 in Prague, where ministers accompanied by central

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<sup>64</sup> The ‘unemployment summit’ has been downgraded to a Troika meeting with social partners later on; <http://www.epc.eu/en/pub.asp?TYP=TEWN&LV=187&see=y&t=&PG=TEWN/EN/detailpub&l=12&AI=957>.

<sup>65</sup> This call came mainly from the Czech Republic, Poland and Slovakia, which were not facing problems of fiscal stability, as were Hungary and the Baltic states, and would be automatically labelled as ‘problematic’ Central and Eastern European states should the package be adopted.

bank governors ‘singled out the excessive focus on the supervision of individual financial market institutions and the related neglect of systemic risks as shortcomings of the current system’.<sup>66</sup> To cope with systematic risks, they agreed to create the European Systemic Risk Council (ESRC), a new body in charge of supervising the macro-financial stability of the EU single market. The ESRC will collect and analyse information and issue risk warnings and recommendations at the macro-finance level. On the other hand, the supervision of individual institutions operating in financial markets should remain mainly the responsibility of Member States and should be complemented by the European System of Financial Supervision (ESFS)<sup>67</sup> with rather limited powers.

The Czech Government considers the spring European Council meeting to have been a ‘summit of results’,<sup>68</sup> and Jose Manuel Barroso sees it as a ‘summit of delivery’.<sup>69</sup> Altogether, the summit distributed more than EUR 130 billion, including:

- EUR 5 billion for individual infrastructure development projects to increase energy security (including EUR 200 million for the Nabucco project) and support IT-related innovations
- EUR 50 billion to increase the guarantee to help countries facing payment balance problems
- EUR 75 billion as a voluntary loan to the International Monetary Fund
- EUR 600 million to finance projects conducted in the Eastern Partnership framework.

The European leaders also rejected the American call to take ‘permanent action’ and pump hundreds of billions more euros into the world economy. Czech Prime Minister Mirek Topolánek even called these American government initiatives a ‘road to hell’ in his speech in the European Parliament on 25 March 25, 2009.<sup>70</sup>

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<sup>66</sup> <http://www.eu2009.cz/en/news-and-documents/news/ministers-and-governors-agree-on-principles-for-financial-supervision-reform-15504/>.

<sup>67</sup> The European System of Financial Supervision will be created by transforming the existing Committee of European Banking Supervisors (CEBS), Committee of European Securities Regulators (CESR) and Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS) into new European bodies and granting them additional powers.

<sup>68</sup> <http://www.eu2009.cz/en/news-and-documents/news/mid-term--14981/>.

<sup>69</sup> <http://www.epc.eu/en/pub.asp?TYP=TEWN&LV=187&see=y&t=&PG=TEWN/EN/detailpub&l=12&AI=957>.

<sup>70</sup> <http://www.eu2009.cz/en/news-and-documents/news/mirek-topolaneck:-european-union-takes-unprecedented-steps-to-combat-the-crisis-13468/>.

Without much publicity, another major proposal calling for EUR 190 billion of aid to the financial sector in Central and Eastern Europe and for relaxed Euro adoption criteria, proposed by Hungarian Prime Minister Ferenc Gyurcsány, was strictly refused, not only by the Czech Presidency, but also by the other Visegrad states, Poland and Slovakia<sup>71</sup>; surprisingly, however, it was supported by Germany.<sup>72</sup>

The summit also agreed on a common position for the G20 summit in London at the beginning of April; this position, however, was quite general and cited few concrete figures. The measures to be supported were actually all headed in the same direction: more regulation and stimulus to the global economy. The G20 summit itself was more influenced by Great Britain, France and Germany than by the Czech EU Presidency, however, which underlined the need to resist the ‘new protectionism’ and intended new barriers to international trade. On the other hand, the summit agreed to invest USD 1.1 trillion in the global economy and to foster the supervision of financial institutions and markets through establishing a new Financial Stability Board (FSB) with a strengthened mandate.<sup>73</sup>

The Czech EU Presidency also facilitated compromise on the amended list of items (mainly highly labour-intensive, locally provided services) that could benefit from the reduced value-added tax. This list was approved at the ECOFIN Council meeting on 10 March 2009 after years of discussion. The list includes a highly controversial reduced VAT rate on dining services, which is supposed to have a positive effect on employment.

So far, the Czech Presidency has also managed to negotiate several major legislative proposal compromises with the European Parliament:

- **The Third Energy Package**, which regulates the rules for the functioning of the energy market, creates clearer conditions for investment in the energy sector, the interconnectivity of networks and improves the position of consumers;
- **The Aviation Package**, which will tear down the existing barriers in air traffic in the EU, reduce flight distance and duration, reduce fuel consumption and carbon dioxide emissions, remove one of the causes of flight delays and create room for fare reductions;

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<sup>71</sup> [http://domaci.ihned.cz/c3-34987930-002G00\\_d-madarsko-znovu-zada-o-pomoc-pro-12-zemi-az-190-miliard](http://domaci.ihned.cz/c3-34987930-002G00_d-madarsko-znovu-zada-o-pomoc-pro-12-zemi-az-190-miliard).

<sup>72</sup> <http://www.epc.eu/en/pub.asp?TYP=TEWN&LV=187&see=y&t=&PG=TEWN/EN/detailpub&l=12&AI=957>

<sup>73</sup> <https://londonsummit-stage.londonsummit.gov.uk/en/summit-aims/summit-communique/>.

- **The Road Package**, which will simplify access to the road transport (passenger and freight) market and remove the administrative burden put on carriers and unjustified barriers to entering the international market;
- **The Social Security Coordination Package**, which will facilitate citizens' mobility throughout the EU, speed up the processing of applications by people who live abroad, remove certain barriers and modernise the exchange of information among authorities in 27 Member States;
- **The Eco-label, Eco-design and EMAS**, which will lead to a further expansion of energy-efficient products and services that are friendlier to the environment and remove administrative burdens and facilitate trade inside the EU;
- **The GSM Directive**, which will remove futile legislation and facilitate the development of the most modern information and communication technologies;
- **The Solvency II Directive**, which replaces legislation that is three decades old and that will significantly change the form of the insurance sector. It had been discussed for several years. Its main contribution is that it increases requirements as to the capital adequacy of insurance companies and introduces an early warning system with regard to a lack of capital that could harm insured clients.
- **The Roaming Regulation**, thanks to which the rates for voice roaming, SMS to and from EU countries and data roaming will be reduced by 2012.<sup>74</sup>

As the legislative activity of the European Parliament will wind down in April 2009, it is unrealistic to expect further achievements in this area.

## 4.2 Energy and climate change

The ODS-led government identified energy and climate change as among the top priorities of the Czech EU Presidency, energy being one of the 'three Es' (Economy, Energy and Europe in the World) defining the Presidency programme. Emphasis on the issue was somewhat determined by the general context: energy and climate change has become a looming issue with two major components – the post-Kyoto negotiations (the Copenhagen Conference in December 2009 and the EU mandate) and the energy–climate package – and final negotiations on the EU third energy

<sup>74</sup> 'The Czech Presidency at Mid-Term' (self-evaluation of the Czech Presidency)  
<http://www.eu2009.cz/en/news-and-documents/news/mid-term--14981/>.

liberalisation package. The Czech Government itself particularly emphasised external energy security, believing that ‘a genuine external energy policy is not thinkable without a strong single energy market. The two complement each other and cannot be separated’.<sup>75</sup> The importance of the climate change agenda, however, declined slightly before the Czech Presidency started, since the major deal was done at the end of the French Presidency.<sup>76</sup> The gas crisis between Russia and Ukraine in January 2009 then raised the profile external energy security, a number one Czech priority, to the detriment of other issues.

### *External energy security*

The Czech Republic chaired and concluded discussions of the second Strategic Energy Review (19 February 2009) and launched discussion of positions on the 2010–2014 Energy Action Plan, focusing mainly on the external dimension of energy security. In reaction to the January 2009 Russia–Ukraine gas crisis, the Czech Presidency pushed for a review of strategic energy infrastructure and of the networks of major producing and transit countries, advocated review of the rules for creating oil contingency stocks and raised the issue of energy solidarity. The Czech Presidency strongly supported these ideas as applicable to all energy commodities – gas, oil and electricity.

The spring European Council (19–20 March 2009) Conclusions<sup>77</sup> approved the initiatives mentioned in the Strategic Energy Review, explicitly underlining the energy infrastructure development and calling on the Commission to table draft measures for achieving the priority goals of the review and to propose a new EU tool for energy security and infrastructure at the

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<sup>75</sup> Statement by Deputy Prime Minister Alexandr Vondra, ‘Energy Security as a Priority of the EU Presidencies’, at ANO pro Evropu — Energy Forum (international conference), November 2007.

<sup>76</sup> The so-called energy–climate package was assumed to be one of the most important issues the Czech Republic would deal with during its EU Presidency. The revised ETS was being negotiated under the French Presidency and the final deal was hammered out at the December 2008 European Council. The generally accepted compromise was ideal for the Czechs and their interests (including energy producers and other business stakeholders). Many observers claim that the deal was a relief for the Czech Government, due to its lack of internal consensus on the issue, i.e. conflict both within the Government (the Green Party vs. ODS and/or the Ministry of Environment vs. Ministry of Industry and Trade) and between Czech interest groups (i.e. energy companies and industrial sector unions vs. environmental groups). During the negotiations for the package, the Czech Republic also allied itself with ‘trouble makers’ such as Poland and Italy, which would not add credibility to its position of honest broker on the issue. The views of Czech President Václav Klaus on climate change would have called the Presidency’s credibility in the field of climate change further into question on the international scene.

<sup>77</sup> Council of the EU, *Presidency Conclusions*, 7880/09, 20 March 2009.



beginning of 2010. In addition, the European Council underlined the need for new EU crisis mechanisms and for securing supply guarantees from supplying and transit countries. It was decided that the Commission would table and the Council would review the legislative proposals regarding gas supplies, including the crisis mechanism and regional plans for securing supplies (including solidarity among Member States) by the end of 2009. The European Council also emphasised the diversification of energy supplies and corridors and stressed the growing importance of energy issues in EU's external relations, while the Commission was called on to table draft measures for developing the Southern Corridor, including a mechanism for accessing Caspian gas by the end of 2009. The European Council also redefined situations and issues to be tackled at the Community level in relation to energy security, though no legal specifications were suggested.

During the spring European Council meeting, a package of EUR 5 billion was approved to support European economic recovery, energy infrastructure projects being at the heart of the plan. The Czech Presidency, supported by the Member States from Central and Eastern Europe, reached a deal that restored the Nabucco project to the list of explicitly mentioned items for financial investment (Germany being a major opponent) and allocated EUR 1.5 billion to improve the interconnectivity of Member State gas pipelines. The total amount allocated to energy infrastructure projects reached EUR 4 billion. 'It is a clear reaction of the EU, the Presidency and the Commission to the gas crisis,' stated Deputy Prime Minister Alexander Vondra after the summit, which was an overall success for the Czech Presidency.<sup>78</sup>

The Czech Republic was also planning an informal Energy Council, gathering EU ministers and representatives of the supply countries, and advocating the need to strengthen energy relations with the Caucasus and Central Asia in order to enhance Europe's negotiation clout with energy suppliers. The meeting was scheduled for 8 May and was officially named the Southern Corridor Summit. As the Summit was to be a highlight of the Czech Presidency and required some political capital, it was part of the Czech interinstitutional deal that it would take place just after the end of Topolánek's government-in-resignation term before a caretaker government assumed office.

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<sup>78</sup> The package will be financed from the EU budget reserves. It has to be approved by the European Parliament, which can modify its content. The European Council urged the Presidency to embark on fast-track negotiations with the Parliament.

The external dimension of energy security is closely linked to the negotiation of a new Partnership and Cooperation Agreement with Russia, which was renewed during the French Presidency in November 2008. The Czech Presidency advocated including the Energy Charter (or a supplier code of conduct) into the agreement. The EU–Russia summit scheduled for 21–22 May 2009 was envisaged as a potential field for discussions of the Charter. With EU representation likely headed by Czech President Václav Klaus, any expectations of a substantial shift dropped.

### *The Third Energy Package (electricity and gas liberalisation)*

The Czech Presidency reached a compromise on the final shape of energy market liberalisation and finalised the Third Energy Package (inherited agenda). A trilogue including the expert team of the Presidency and European Parliament and Commission representatives was launched in February 2009 and concluded with the compromise reached at the end of March 2009, building on the generally accepted compromise in the Council. On 31 March, the European Parliament's ITRE committee formally approved the final compromise. At the time of writing, the legislative process was still not concluded, though the Czech Presidency has in a sense successfully achieved one of its major priorities. The European Parliament dropped the condition for the full ownership unbundling of producers and distributors in the electricity sector; it accepted three options (as in the gas sector),<sup>79</sup> from which the Member States can choose, in return for strengthened consumer protection and increased transparency of market oversight.

### *Preparation of the EU position for the Copenhagen Conference*

The participation of the Green Party in the Czech Government prompted more environmentally friendly policies, and the post-Kyoto regime became an important issue that was even promoted by the Government,<sup>80</sup> although the major coalition party's (ODS) former chairman Václav Klaus is perhaps the world's best-known global warming denier, questioning any

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<sup>79</sup> The Commission earlier proposed, as an alternative to complete unbundling, the establishment of an Independent System Operator that would effectively run the transmission networks, which could be owned by the producer, and a third option, proposed by France and Germany, allowing part of the decision-making competences in the distribution field to remain in the hands of energy producers (i.e. the owners of the transmission networks).

<sup>80</sup> The Czech Government's main counter-argument concerned other major players/polluters, stressing that unless China, India, the US and other major economies are on board, the European pioneering effort is useless. Worse still, it could even be self-defeating because European measures, if too ambitious and not followed by the rest of the world, could reduce greenhouse gas emissions by only 1% of total world emissions, simultaneously lowering the competitiveness of the European economy.

efforts to reduce greenhouse gas emissions. Due to the poor credibility of the Czech Presidency in the field, arising from several factors,<sup>81</sup> and despite the fact that the Green Minister of the Environment Martin Bursík played an active role in pre-negotiating the Copenhagen deal, the Czech Presidency was keeping a low profile in the whole climate change agenda, envisioning Sweden playing the major role. However, at the EU Environment Council on 2 March 2009, very detailed conclusions describing the EU's vision for the future agreement on Copenhagen Climate Summit mandate were adopted, and the first draft of the position is expected to be on the table during the Czech Presidency. During the informal summit of environmental ministers held in Prague on 14–15 April, the mandate was not finalised. To underline the consensus, the spring ECOFIN meeting concurred with the environment ministers regarding two and a half pages of conclusions. It was the first time that finance ministers had adopted specific conclusions on climate change.

At the March European Council, the strong mandate for further discussions on the Copenhagen mandate was confirmed, and there was discussion of how to support developing countries by helping them adapt to climate change and develop green technologies (Minister of the Environment Martin Bursík's priority). According to the Presidency, it was too early to determine specific sums of money. The Presidency Conclusions stated: 'Future discussions on generating financial support should focus on, *inter alia*, different approaches, including a contributory approach based on an agreed scale, market-based approaches based on auctioning arrangements or a combination of these and other options.'<sup>82</sup> It was agreed that the specifics of the international financing mechanism would be discussed during the June European Council in order to determine the financing mechanism well in advance of the Copenhagen Conference. With questions arising regarding the summer summit, in view of the failure of the ODS-led government, it is hard to estimate the agenda development at the time of writing.

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<sup>81</sup> These include the President's position and incoherent domestic positions in the past, caused by internal clashes within the ODS-led government (e.g. the Green Party vs. ODS over nuclear energy, ETS and renewable resources), within the public administration (e.g. the Ministry of the Environment vs. the Ministry of Industry and Trade) and also among Czech interest groups (e.g. energy companies and industrial sector unions vs. environmental groups); the Government, however, managed to reach a compromise position on the ost-Kyoto proposals. Finally, the Czech Republic is also not a major proponent of reducing greenhouse emissions. It has always been highly industrialised and produced considerable emissions, relying on coal as a stable source of electricity and heat. The Czech Republic is the biggest per capita EU polluter in general terms.

<sup>82</sup> Council of the European Union, *Presidency Conclusions*, 7880/09, 20 March 2009, p. 11.

## 4.3 Europe in the World

### 4.3.1 Eastern Partnership and Relations with Russia

Relations between the EU and its Eastern neighbours, including Russia, resonated strongly in the foreign policy priorities of the Czech Presidency from the moment when the first strategic documents were being drafted. These relations were moving up the priority list as the Presidency was approaching, because the Vice-Prime Minister's office realised that this could be a real flagship for the Czech Presidency in external relations and an area where the Czech Republic could clearly show its added value.

Czech diplomatic activism vis-à-vis Eastern Europe started well before the Presidency. Czech experts identify four junctures that were instrumental in shaping Czech interest in the region: the Non-Paper of the Czech Ministry of Foreign Affairs from 2007, the French Union for the Mediterranean proposals, the Polish–Swedish initiative for the Eastern Partnership and finally the war between Russia and Georgia in August 2008.<sup>83</sup>

The first idea of enforcing the Eastern dimension of the European Neighbourhood Policy came about during the Czech Presidency of the Visegrad group in 2007–2008. The aim was to mobilise the support of the Visegrad partners for the upcoming Czech EU Presidency. The Czech Non-Paper was aiming to develop the multilateral dimension of the Eastern part of the European Neighbourhood Policy (ENP), in addition to the current largely bilateral approach pursued by the European Commission (through individual action plans negotiated and signed with the countries included), which would be project based and enhance the regional approach. Although the document had formerly served as a basis for discussions among the Visegrad countries, Czech diplomacy engaged in consulting other key partners deemed important actors, to ensure wide support for the initiative, particularly from Germany, Sweden and the three Baltic countries. As a result, the Non-Paper essentially paved the way for the subsequent Polish–Swedish initiative, when a more detailed proposal building on the previous Czech initiative was tabled before the Council and finally approved at the June 2008 European Council meeting.

The instrumental incentive for the Czech initiative to shape the Eastern Partnership was the strong French push to develop the southern (Mediterranean) dimension of the European Neighbourhood Policy. The French proposal, already accepted at the EU level in March 2008 and launched officially at the Euro–Mediterranean summit in July 2008, gave a

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<sup>83</sup> Tulmets, E., 'Preparing the EU Presidency: the Czech Contribution to the Project of Eastern Partnership'. *Polish Quarterly of International Relations* (2009).

clear incentive to the Czech Presidency to start working, formally and informally, on the eastern dimension of the ENP, as the conclusions of the December 2007 European Council mandated the Commission and the Member States to develop both the eastern and southern dimensions of the ENP.<sup>84</sup> Moreover, the Czechs were very careful not to attempt to undermine the community nature of the Eastern Partnership. This was in contrast to the original French proposal for the Mediterranean Union, in which case it was not clear what the relationship with current community policies (e.g. the Barcelona Process and the ENP) would be. As well, Sarkozy had originally proposed including only EU Mediterranean littoral countries, which alienated many Member States, notably Germany. All the Czech Government's strategic documents conceive of the Eastern Partnership remaining firmly part of the ENP, focusing on six eastern neighbours (i.e. Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan) and developing the Partnership's multilateral dimension.

The incoming Czech Presidency has thus, along with Sweden and Poland, contributed to the Commission's communication on the Eastern Partnership, published in December 2008.<sup>85</sup> Looking at the contents of the communication, many of its elements actually overlap the general Czech priorities for the EU. For example, the approach leading to gradual integration of the Eastern neighbours into the European economy, through deep and comprehensive free trade agreements, is aligned with the Czech idea of a liberal, economically open Europe. Another policy explicitly mentioned in the communication is energy security, which certainly has become a top priority of the Czech Presidency, as the Czechs recognise the key strategic importance of Ukraine and Caucasus as the key energy corridors for Europe. Another important element of the communication is the facilitation of people-to-people contacts between the Eastern neighbours and the EU. It is recognised that a long-term goal should be the establishment of visa-free regimes with all the countries involved, following on the visa facilitation agreements some of the countries have already reached.<sup>86</sup> Again, this goes along with the Czech idea of Europe without barriers, including, by extension, barriers between the EU and neighbouring countries, as opposed to the idea of 'Fortress Europe'.

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<sup>84</sup> European Council, *Conclusions*, 14 December 2007.

<sup>85</sup> European Commission, *Communication from the Commission to the European Parliament and the Council: Eastern Partnership*, SEC(2008) 2974 (Brussels, 3 December 2008).

<sup>86</sup> For example, Ukraine, Moldova and Russia (although Russia is not included in either the ENP or the Eastern Partnership) have such agreements with the EU. The Ukrainian and Moldovan agreements have been in force since January 2008, the Russian agreement since July 2007.

There are still, however, many question marks concerning the initiatives the Czech Presidency has to tackle before the inaugural summit in Prague on 7 May 2009. The first task, already accomplished, was to persuade those Member States that were not overly enthusiastic about strengthening the eastern dimension of the ENP to endorse the project as such. In this respect, the Czech Presidency, in negotiation with the other EU partners, especially highlighted the following factors: the Eastern Partnership is not anti-Russian; it does not aim at a fundamental reallocation of funds between the East and the South (in favour of the East); it does not oppose other policies and does not (at least for the time being) give the countries concerned an accession perspective. Direct opposition was expected, especially from those countries favouring the southern dimension. However, after the Union for the Mediterranean project was endorsed by the Council, it was easier to reduce such opposition. This was largely achieved at the European Council on 19–20 March 2009, which in its conclusions endorses the Eastern Partnership as a concept, endorses the first summit of the Eastern Partnership to be held on 7 May 2009 and contains a declaration specifying the nature of the overall framework, including EU financial commitments of EUR 600 million up to 2013, the relationship to the Black Sea Synergy initiative, the main areas of cooperation (i.e. democracy and good governance, economic integration, energy security and people-to-people contacts) as well as regular biannual meetings of heads of governments of participating countries and annual meetings at the foreign minister levels.<sup>87</sup>

However, it seems that the concept (based on the aforementioned communication) still lacks substance, in terms of concrete deliverables and tools that would go beyond the framework of current ENP instruments, and lacks concrete examples of how multilateral cooperation will be achieved and managed. This is rather a long-term task for the next Commission, which can hardly be tackled by the Presidency, although it can provide some ideas and guidance. An equally challenging task is persuading the partner countries to sign onto the project and give them the sense of co-ownership of the initiative, which is already reflected in its name – ‘Partnership’. Clearly, the EU cannot use the same ‘carrot and stick’ strategy it used in the case of EU enlargement, and simply put on the table things the European countries are interested in, without consulting the target countries. For this reason, the Czech Presidency has initiated two rounds of multilateral negotiations with the six target countries at the supreme director and deputy minister levels, in February and April 2009, respectively,

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<sup>87</sup> Council of the EU, *Presidency Conclusions*, 7880/09, 20 March 2009, pp. 11 and 19.

to explain the background of the whole initiative and clarify ideas and intentions ahead of the first formal summit in May.

Some doubts and criticism have also been raised about the format of the initiative and the six countries it should cover, which led to a certain tension between the Prime Minister's Office and the Ministry of Foreign Affairs, particularly in relation to Belarus. While the Czech Government as a whole is determined to make the Eastern Partnership summit a success and a 'showcase' achievement of the Czech Presidency, the Ministry of Foreign Affairs is more concerned that inviting President Lukashenko to the summit might undermine the credibility of Czech foreign policy, which is renowned in the EU for being value-driven and emphasising democracy and human rights.<sup>88</sup> This approach is also shared by many democracy and human rights NGOs, which have tabled a petition opposing the invitation of Lukashenko to the summit. Thus the question emerges again whether the six countries should be put in 'one basket' and whether the EU should engage with all of them in the same way, regardless of their internal conditions and progress towards meeting EU standards, including democracy and human rights.

In relation to the Eastern Partnership, one must certainly mention EU–Russia relations. The Czech Republic has striven for a balanced position between the 'Russo hawks', such as Poland or Lithuania and 'Russo doves', such as Germany, Italy or France. The Czech Government acknowledges the necessity of pragmatic cooperation in different areas, such as energy, climate change, security and migration management. At the same time, it is very cautious about Russian intentions in the EU neighbourhood, especially after the Russian–Georgian war in August 2008. The Russian aggression against Georgian territory earned very harsh condemnation of the Czech Prime Minister, and it was Mirek Topolánek who first called for a donors' conference to help reconstruct Georgia and offered to host it. Czech policy makers also generally recognise the reality of EU–Russia relations, where, in the absence of a single European voice, Russian leaders tend to deal individually with EU Member States. For this reason, the Czech Presidency intended to take a lower profile vis-à-vis Russia during its term. The Czech Government holds that, as it is so difficult to articulate a common European position on Russia, more attention must be devoted to analysing and understanding Russia's motives underpinning its

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<sup>88</sup> Foreign Minister Schwarzenberg finally tackled the issue quite diplomatically, not issuing the summit invitation to Lukashenko personally but to Belarus as a country. Through diplomatic channels, it was indicated to Lukashenko that he would not be received by President Klaus.

policies towards the EU. Only once such analysis is shared at the EU level, can a long-term strategy towards Russia can be developed. The Czech Presidency is very supportive of developing such dialogue on Russia, not only at the political or official levels, but also among experts, academics and think-tank members across the EU. However, no concrete measures or platform structures were proposed during the Presidency.

The Czech Presidency was confronted with some pressing questions regarding EU–Russia relations. The first, rather unexpected issue was the need to negotiate with Prime Minister Putin during the January gas dispute (see section 5.2). Another important point was the negotiation of the strategic partnership agreement, a document to replace the outdated Partnership and Cooperation Agreement (PCA). However, the Presidency’s leverage is limited, as such negotiations are pursued by the Commission and the resumption of talks after the Russian–Georgian conflict had already been achieved under the French Presidency, but at a cost of very legalistic interpretation of the European Council conclusions of 2 September 2008.<sup>89</sup> The Russian attitude towards the Eastern Partnership is also worth examining. Some Czech officials believe that the gas dispute between Russia and Ukraine was intentionally escalated by Russia to undermine the credibility of Ukraine as a transit country, and to undermine the whole emerging ‘Eastern Partnership’ concept, which Moscow views as an anti-Russian initiative. Similarly, Czech officials interpret Russia’s desire to be invited as an observer to the Eastern Partnership Summit on 7 May as an attempt to protect its interest since this summit takes place simultaneously to the Southern Corridor Summit which brings together Caspian region suppliers, Azerbaijan, Turkmenistan and Kazakhstan, and the transit countries. Both summits are seen by Russia as part of a deliberate attempt to exclude the country from potential talks on alternate energy routes to Europe.<sup>90</sup>

Finally, the April 2009 developments in Moldova, following the outcome of the parliamentary elections won by the Communists but disputed by the opposition, clearly called for political involvement from the Czech Presidency. The lack of a strong reaction to the crisis could potentially undermine the Eastern Partnership. Unfortunately, the crisis in Moldova happened just around the Easter holidays, with EU High Representative

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<sup>89</sup> The dispute concerned whether unanimity or a qualified majority was needed to resume EU–Russia talks on the new agreement, which were being blocked by Lithuania. The argument of the Council Secretariat, the French Presidency and the Commission was that the talks had not been suspended (in which case unanimity would be required to resume them) but only postponed (in which case a qualified majority was sufficient).

<sup>90</sup> Russian participation in the summit has not been confirmed; this information is based only on consultations with diplomats based in Prague.



Javier Solana not wanting to become involved and, moreover, with the Prague Government already in resignation, it was not in a particularly good position to mediate a political solution. Presidency action was thus limited to issuing a statement calling for an end to hostilities<sup>91</sup> and respect for the rule of law, and to including the Moldovan situation on the agenda of GAERC to be convened on 27 April in Luxembourg. The lack of Czech activism arguably raised some doubt as to how serious the Czech Presidency is about the Eastern Partnership, particularly in Russian eyes. According to Deputy Prime Minister Vondra, the developments in Moldova justify the Eastern Partnership concept as a way of anchoring these countries more firmly in the West.

#### 4.3.2 The Western Balkans and EU enlargement

Support for the continuation of the enlargement process has been among the top foreign policy priorities of the Czech EU Presidency from the very first moment. The Czech Government planned to focus on the Western Balkans and their integration into the EU. The main emphasis was on the accession talks with Croatia, implementation of the Stabilisation and Association Agreements (SAA) with the Western Balkan countries, Kosovo, and visa liberalisation process. The Presidency also wanted to open two new negotiation chapters with Turkey.

However, factors such as the economic crisis and Lisbon Treaty ratification problems left the Czech Republic with very little leverage over possible progress in this area. Some of the old EU Member States, especially France, the Netherlands and Germany, were doing all they could to halt the enlargement process until the Lisbon Treaty is ratified and the new institutional framework established. Similarly, the economic crisis is exhausting the Member States, leaving them no energy with which to focus on other issues. This further increases the ‘enlargement fatigue’, observable in the EU after the 2004 and particularly after the 2007 enlargements. On the other hand, the accession of Croatia and Albania to NATO could send a positive signal to the Western Balkan region, as NATO membership is sometimes considered a ‘waiting room’ for EU membership.

The Gymnich<sup>92</sup> meeting at Hluboká nad Vltavou château on 28 March 2009, which, besides other matters, was also dedicated to enlargement (with a special focus on the Western Balkan countries, thus setting aside

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<sup>91</sup> <http://www.eu2009.cz/en/news-and-documents/cfsp-statements/eu-presidency-statement-on-the-developments-in-the-republic-of-moldova-16391/>.

<sup>92</sup> Informal meeting of the ministers of foreign affairs of the EU Member States, usually held twice a year.

Turkey), brought nothing new but the usual mandatory reiteration that EU doors are still open to the Western Balkans. The conclusions of the meeting, also attended by the ministers of foreign affairs of candidate countries (i.e. Croatia, Turkey and Macedonia) and potential candidate countries (the remaining Western Balkan countries, i.e. Serbia, Montenegro, Bosnia and Herzegovina, Kosovo and Albania), however, clearly articulated EU determination to progress towards visa liberalisation in 2009,<sup>93</sup> to help the countries to tackle the effects of the economic crisis and to support Kosovo's full integration into regional cooperation bodies.<sup>94</sup>

### ***Croatia***

The Presidency has so far achieved little in concrete terms. The negotiations (meaning opening new chapters and closing old ones) have been blocked by Slovenia since December 2008. Slovenia is using its leverage in the negotiation process to solve the unsettled issue of the common border. The Czech Government has supported Enlargement Commissioner Olli Rehn who intends to facilitate the settlement of this issue. Croatia has wanted to bring the issue to the International Court of Justice (ICJ) in the Hague, while Slovenia is pushing the EU to assume the arbitration role in the conflict and rejects ICJ jurisdiction. A compromise proposed by Olli Rehn, to create an expert group led by former Finnish president Martti Ahtisaari, which would propose a solution, might be acceptable to both parties. The Czech Presidency, together with France and Sweden, support this initiative. However, it is expected that the accession talks will not progress further in the remainder of the Czech EU Presidency, even if Slovenia<sup>95</sup> immediately unblocks the negotiations. It is therefore unrealistic to expect the conclusion of negotiations according to original plan, i.e. by the end of the Swedish Presidency.

### ***Montenegro***

The Czech Presidency has so far been unable to fulfil another priority in the Balkan area, namely, processing Montenegro's membership application,<sup>96</sup> which is currently blocked by the Netherlands, Germany, Spain and

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<sup>93</sup> This applies to all the Western Balkan countries that currently have roadmaps designed by the European Commission, i.e. all the countries except for Kosovo.

<sup>94</sup> [http://www.eu2009.cz/en/news-and-documents/news/\\*kopie-1-eu-presidency-statement-14120/](http://www.eu2009.cz/en/news-and-documents/news/*kopie-1-eu-presidency-statement-14120/).

<sup>95</sup> Slovenia hesitates to promise to unblock the negotiations even if the proposed conflict resolution method is agreed to by both countries. Slovenia might block the negotiations until final settlement of the issue is reached, which could dramatically delay Croatia's accession.

<sup>96</sup> This requires an EU Council decision asking the European Commission to assess the readiness of the country to obtain candidate status.

Belgium.<sup>97</sup> However, anonymous diplomatic sources cite the fact that, especially after the Gymnich meeting in Hluboká, the opinions of Member States are converging and Montenegro's application could be processed during the Czech Presidency.

### ***Albania***

Major problems are expected with the application of Albania, which, according to the latest information,<sup>98</sup> may be tabled on 28 April. Albania ranks – along with Turkey – as a country with the lowest public support among the EU citizens for joining the EU. With European Parliament elections and the German general elections approaching fast, Albania cannot expect positive reactions from the Member States. However, it looks as though Albanian Prime Minister Sali Berisha is counting on the positive Czech attitude and on the Swedish Presidency, and does not want to miss the concurrence of two consecutive enlargement-friendly presidencies to deposit the country's formal application for membership.

### ***Macedonia***

Although the Czech EU Presidency also wanted to mediate a resolution of the name row between Macedonia and Greece, so far nothing has happened. Macedonia has been waiting for the results of presidential and local elections, and the dispute resolution is being negotiated primarily under UN auspices. A decision on the start date of the accession negotiations cannot be expected during the Czech Presidency and will most likely be only be made on the basis the progress report prepared by the European Commission in autumn 2009 during the Swedish Presidency.

### ***Bosnia and Herzegovina***

In the case of Bosnia, the Czech Presidency is focusing on increasing Bosnian 'ownership' of the Office of High Representative (OHR) and strengthening the EU Special Representative (EUSR), which is, however, conditional on achieving the objectives and conditions established by the Peace Implementation Council (PIC) in 2008.<sup>99</sup> Some objectives, such as the status of Brcko and division of state property, remain to be resolved, so OHR could not be closed as of the March meeting of the PIC Steering Committee. The EU had to deal with the resignation of Miroslav Lajcak from the post of the High Representative in January 2009 and, together

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<sup>97</sup> <http://montenegro.blogactiv.eu/2009/03/06/montenegro-filed-eu-membership-application-but-what-happens-now/>.

<sup>98</sup> <http://balkaninsight.com/en/main/news/18097/>.

<sup>99</sup> [http://www.ohr.int/pic/default.asp?content\\_id=43264](http://www.ohr.int/pic/default.asp?content_id=43264).

with the European Commission and other Member States<sup>100</sup> that are members of the PIC Steering Committee, manage the appointment of Austrian diplomat Valentin Inzko to this function.

### ***Serbia***

Efforts of the Czech EU Presidency and other Member States to unfreeze the ratification of the Stabilization and Association Agreement and allow implementation of the Interim Trade Agreement with Serbia are being blocked by the Netherlands, which requires that Serbia fully cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY). The Dutch believe this means delivering Ratko Mladić – indicted for genocide and other war crimes – to the Tribunal. It seems that no progress can be achieved in this without meeting this condition of the Netherlands. Regardless of this fact, there is still a rather limited chance that Serbia will submit an application for EU membership during the Czech Presidency.

### ***Kosovo***

Given that EU Member States cannot agree on a common position on the status of Kosovo, the Czech Presidency has a limited possibility of achieving further progress in this area. The Presidency is focusing on Kosovo's inclusion in the EU integration processes (Kosovo's Minister of Foreign Affairs Skender Hyseni has been invited to the Gymnich meeting), especially into the Stabilization and Association Process. The Presidency has also supported the European Commission in deploying the EULEX mission in Kosovo.

### ***Visa liberalisation***

No significant progress has been made with respect to visa liberalisation, and the Presidency is awaiting the results of the assessment missions sent to the Western Balkan countries between January and March of 2009. Upon receiving their reports, expected to be published by the European Commission in May 2009, the process of lifting the visa requirement for the Western Balkan countries could still start during the Czech term. This scenario is supported by a group of eight Member States,<sup>101</sup> led by Hungary, that issued a statement backing the Czech Presidency in its intentions to speed up the whole process. At least Macedonia is expected to fulfil all the necessary technical criteria, and Serbia and Montenegro

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<sup>100</sup> France, Germany, Italy and the United Kingdom.

<sup>101</sup> Estonia, Hungary, Italy, Latvia, Lithuania, Poland, Slovakia and Slovenia;  
[http://www.mfa.gov.hu/kum/en/bal/actualities/spokesman\\_statements/Western+Balkans\\_visa\\_090404.htm](http://www.mfa.gov.hu/kum/en/bal/actualities/spokesman_statements/Western+Balkans_visa_090404.htm).

might also be recommended. However, in the case of Serbia, there is the unresolved problem of issuing Serbian passports to Kosovo citizens (both Albanians and Serbs) as well as to Serbs in Bosnia and Herzegovina. The former is perceived by some of the Member States as a security risk and the latter would leave mainly the Muslim community in Bosnia and Herzegovina affected by the visa regime (similarly, Croatia has been providing Croats from BiH with dual citizenship).

### *Turkey*

Although further progress in the accession negotiations with Turkey has not been among the top priorities of the Czech EU Presidency, it did plan to open at least two new negotiating chapters, concerning taxation and employment. These chapters are ‘non-problematic’ for Cyprus as they do not concern the disputed issue of the customs union between the EU and Turkey. However, their opening is conditional on adopting new legislation, which Turkey has so far failed to do. The Czech EU Presidency is trying to facilitate the resolution of the conflict between Turkey and Cyprus and has been holding negotiations with both governments, but with no significant results so far. The Czech Presidency, however, needs to have Turkey on board for the Southern Corridor initiative, which is proving difficult given that the energy negotiations are frozen. Turkey requires that the EU re-open the negotiations in the chapter being opposed by Cyprus. On 21 April 2009, a ministerial-level Troika meeting with Turkey is planned in Prague, but again no concrete results are expected.

### 4.3.3 Transatlantic Relations

With the centre-right government in power, transatlantic relations were considered another crucial priority for the Czech Presidency’s foreign policy agenda. Generally, the Czech Republic belongs to the ‘Atlanticist’ camp in the EU and believes strongly in the value of a close relationship with the United States in an increasingly polarised world. The US election in autumn of 2008 that brought Barack Obama to power thus opened a window of opportunity for the Czech Presidency to give a fresh boost to transatlantic relations.

However, relations with the new Democratic administration are not uncontested. In bilateral relations, there was considerable nervousness, particularly in ODS, regarding the new administration’s approach to locating the missile defence system in Central Europe. While the Czech Prime Minister made ratifying the Missile Defence Treaty, signed by his government in July 2008, a priority, President Obama signalled that he might not push for its fast implementation (some analysts even suspect he might

withdraw from it altogether), and argued that the matter required broad consultation with Russia. Another issue on which Prague and Washington might not have the same views is global climate change. Although the Government finally took the issue more seriously and incorporated it into its priorities, the sceptical attitude of Václav Klaus has left some tensions with the new US administration, which will come to the fore particularly if Klaus is in charge of the EU–US Troika summit in Washington in June 2009. Similarly, the Czech Republic welcomed one of Barack Obama’s first decisions after taking the office, the decision to close the Guantanamo Bay facility. At the same time, Interior Minister Ivan Langer signalled that the Czech Republic is not considering accepting any of the prisoners detained at the Guantanamo Bay base, reiterated on other occasions by both Prime Minister Topolánek and Foreign Minister Schwarzenberg.<sup>102</sup> Finally, Topolánek referred to the US economic rescue package in his speech in the European Parliament on 25 March 2009 as a ‘road to hell’. This statement, pronounced shortly ahead of the EU–US summit in Prague, received wide coverage in the international media, including on CNN.<sup>103</sup>

Prime Minister Topolánek succeeded in convincing President Obama to hold an informal EU–US summit in Prague on 5 April, following the G20 summit in London and the NATO summit in Strasbourg and Kehl, marking the sixtieth anniversary of the alliance’s foundation. There was some squabbling with the Council Secretariat and some of the Member States about whether to hold the summit in Prague or Brussels. Having the summit hosted in Prague was an important diplomatic victory for the Czech Presidency, although some commentators admit that it was actually the request of former President Václav Havel that convinced the White House to agree. In any case, the summit was important symbolically rather than substantively. First, it was very short, amounting to a mere courtesy luncheon meeting summoning the heads of government 27 Member States to meet with the US President. Second, it largely involved President Obama informing EU leaders of the priorities of his administration, in which he emphasised the necessity of joint action against global climate change, of fighting the proliferation of nuclear weapons and of the intention to engage in dialogue with Russia on limiting nuclear arsenals and with Iran on its nuclear programme. Barack Obama also appealed to the

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<sup>102</sup> <http://domaci.ihned.cz/c1-36621900-obama-na-summitu-v-praze-unie-ma-prijmout-vezne-z-guantanama-cesko-se-zdraha>.

<sup>103</sup> CNN reported on Topolánek’s statements using titles such as: ‘American–Czech controversy’ or ‘The Czech Prime Minister Attacked the American Plans’.

EU countries to accept some of the Guantanamo detainees and to increase the European commitment in Afghanistan. Another strong message was explicit support for the membership of Turkey in the EU, which was reiterated by the fact that the last stop on his European trip was Ankara.

Under the Czech Presidency, another EU–US summit is expected in the Troika format (i.e. Presidency, Commission and High Representative Solana) at the end of June 2009. There were some doubts as to whether the summit would take place at all, because there were signals from the US administration that they might want to postpone it until the new Commission was in office,<sup>104</sup> though this would not be until late 2009. Another argument for postponing the summit was that the informal meeting with the 27 EU heads of state has already taken place in Prague. Nevertheless, the US administration finally agreed to have another summit as previously scheduled. Doubts were exacerbated with the fall of the Government in Prague, leading to a caretaker bureaucratic government without enough political clout to negotiate some of the controversial issues with the United States, such as the approach to the Copenhagen Conference on global climate change or further action on the economic crisis in the G20 format. The Commission will therefore likely assume a more active role at the summit. There is also the risk that Klaus might be representing the Czech Presidency, which could lead to mixed results at best regarding both crucial issues that will probably top the agenda.

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<sup>104</sup> The EU–US summits in the Troika format traditionally take place annually during the spring presidency, the location alternating between Europe and the United States.

## 5 EXECUTION OF THE PRESIDENCY

### 5.1 The Gaza Crisis

The start of the Czech EU Presidency was harsh and bumpy, mainly due to the two crises emerging just before or right after its launch – one linked to the Israeli attack against Hamas in the Gaza Strip, the other to interrupted gas supplies to some European countries due to the gas dispute between Russia and Ukraine.

The escalation of violence in Gaza put the Czech Government and diplomacy in a particularly precarious position. The Middle East represents one of the most sensitive regions in the world, and addressing the situation there requires balancing between many actors in the region, and between EU Member States that might be inclined to side either with Israel or the Palestinian Authority and its supporters. Czech diplomacy has actually articulated the improvement of Israel–EU relations as an external relations priority, albeit a subsidiary one. The idea was to win more credibility in Israel for the EU at a time when the United States, traditionally Israel’s main ally and supporter, was in transition to the new administration. Similar interest was also articulated on the part of Israel, particularly by the business community. The sign of this new upgraded relationship was to be the first ever EU–Israel summit and negotiation of an upgraded European Neighbourhood Policy action plan, after the expiry of the current one in the spring of 2009.

Although Czech diplomacy has tried to take a balanced approach towards the Middle East and the Israeli–Palestinian conflict, recognising the legitimate right of Israel to strike against terrorist organisations as well as the right of Palestinians to their own state, politically, the ODS-led government that emerged from the 2006 elections was generally rather pro-Israel. This was evidenced by many statements of the Prime Minister or other senior government figures.<sup>105</sup> Similarly, Israel views the Czech Republic as one of its biggest supporters inside the EU.<sup>106</sup> This somewhat complicated the desire of the Czech Presidency to assume the role of impartial mediator after the outbreak of the crisis.

The first faux pas concerning the Czech handling of the crisis came very early in the conflict, on 2 January 2009, when the Prime Minister’s spokes-

<sup>105</sup> Kral, D., Rihackova, V. and Weiss, T., *Views on American Foreign Policy. The Atlanticism of Political Parties in Central and Eastern Europe* (EUROPEUM Institute for European Policy, Prague, 2008)

<sup>106</sup> Kral et al. (2008). For example, Gerald Steinberg in the Jerusalem Post admits the growing influence of ‘New Europeans’ in the EU, explaining the new Member States’ harder-line approach to terrorism and dictatorship by the legacy of Soviet domination.



man Jiří František Potužník referred to the Israeli action as the ‘legitimate act of self-defence’. After an outburst of criticism from the foreign ministries of some EU Member States and from the Czech opposition, Potužník apologised and offered his resignation. The situation had to be remedied by Foreign Minister Karel Schwarzenberg, who admitted that such a statement was a mistake. Nevertheless, Schwarzenberg stated quite clearly that, although the proportionality of Israel’s response was disputable, the main blame for the outburst of violence lay with Hamas.<sup>107</sup>

The ambitions of the Czech Presidency related to the settlement of the crisis were thus fairly limited, which was explicitly admitted by Schwarzenberg himself in an interview with the Czech daily *Hospodarske noviny*.<sup>108</sup> Similarly, the Head of the Czech Permanent Representation to the UN Martin Palouš admitted: ‘Nobody expects us to act as big, robust players. Our approach should be a cooperative one. Coordination, mediation of information, without exaggerated ambitions to change the world’.<sup>109</sup> The principal aim was to ensure that humanitarian aid could reach Gaza, which was already agreed to at the extraordinary meeting of GAERC in Paris on 30 December 2008. Even Schwarzenberg, who led the EU mission to the Middle East on 5 January 2008, admitted that the proposals for immediate ceasefire came too early and were thus refused by Israel.

One matter that did not pass unnoticed by the Czech and the international press was Nicolas Sarkozy’s ‘parallel’ mission to the Middle East. Apart from the EU delegation,<sup>110</sup> which visited Israel, the Palestinian Authority, Egypt and Jordan, Sarkozy visited Syria as well. Although the joint Franco–Egyptian initiative for immediate ceasefire and opening up corridors to Gaza was not accepted immediately, it did lead to Egypt assuming the key role in negotiating the ceasefire between Hamas and Israel. The EU was virtually excluded from this process, its role limited to issuing statements on the current Middle East situation, but not becoming a substantive player of mediating the conflict. EU leverage, particularly over Israel, was further reduced with the outcome of the Israeli parliamentary elections, which brought to power the Likud coalition and the far-right Israel Our Home party. This has shifted the Israeli policy towards Hamas to an even more hard-line approach.

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<sup>107</sup> [http://vyhledavani.ihned.cz/109-32166780-on-p%F8edsednictv%ED-M00000\\_d-c9](http://vyhledavani.ihned.cz/109-32166780-on-p%F8edsednictv%ED-M00000_d-c9).

<sup>108</sup> [http://vyhledavani.ihned.cz/109-32198650-on-p%F8edsednictv%ED-M00000\\_d-92](http://vyhledavani.ihned.cz/109-32198650-on-p%F8edsednictv%ED-M00000_d-92).

<sup>109</sup> [http://ihned.cz/c4-10073040-32270480-000000\\_d-v-osn-bude-ceske-predsednictvi-eu-ve-vleku-gazy](http://ihned.cz/c4-10073040-32270480-000000_d-v-osn-bude-ceske-predsednictvi-eu-ve-vleku-gazy).

<sup>110</sup> Apart from Schwarzenberg, the mission also involved EU High Representative Javier Solana and External Relations Commissioner Benita Ferrero-Waldner.

Evaluating the performance of the Czech Presidency regarding the Gaza crisis is not easy. The performance was definitely not spectacular, but the question remains whether the EU as such had the necessary tools and incentives at its disposal to do anything more to bring about a quick cease-fire and play a more active mediating role. Furthermore, the extent to which the escalation of violence in Gaza strained EU–Israel relations remains to be seen. In any case, the original Czech plans for upgrading relations with Israel and organising the first ever EU–Israel summit are very much off the table three months ahead of the Czech EU Presidency. This is primarily because of the negative reactions on the part of EU Member States after Gaza. In addition, the organisation of the summit was based on the assumption that the moderate centrist Kadima party of former Foreign Minister Tsipi Livni (with whom the issue had been pre-negotiated) would form the government; the new Israeli government would probably not even be interested in such an initiative.

## **5.2 The Gas Crisis**

Another crisis that struck the Czech Presidency right at its beginning and helped make the first weeks of the Czech term solely an exercise in crisis management was the dispute between Russia and Ukraine over gas. The Czech Government was already following the row closely before the start of the Presidency. Towards the end of 2008 it was becoming clear that negotiations between Gazprom and Naftogaz on the new gas supply agreement, as well as disagreement on the alleged Ukrainian debt to Gazprom amounting to USD 600 million (according to Gazprom), could lead to the interruption of supplies to Ukraine and jeopardise gas transit to the EU. The supplies to Ukraine were actually stopped on 1 January 2009. In fact, the Czech Republic's first declaration in its capacity of EU President, issued on 1 January, expressed concerns that the Gazprom and Naftogaz disputes were not settled, and stated that the Presidency and the European Commission believed that the gas supply commitments to European countries would be met.<sup>111</sup> The Prime Minister confirmed that, at this stage, he was already in contact with both the Ukrainian and Russian parties, and with representatives of other Member States, and that he was assured that the interruption of supplies to European customers was not imminent.

It must be underlined that the Presidency did not want to get directly involved in the dispute at its inception. It was officially regarded as a

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<sup>111</sup> [http://vyhledavani.ihned.cz/109-32067180-on-p%F8edsednictv%ED-M00000\\_d-00](http://vyhledavani.ihned.cz/109-32067180-on-p%F8edsednictv%ED-M00000_d-00).

bilateral commercial dispute between Gazprom and Naftogaz,<sup>112</sup> although Czech politicians were well aware of the wider political repercussions of the crisis for relations between the two countries and between them and the EU. Alexandr Vondra, in a briefing after meeting with Gazprom representatives in Prague on 3 January 2009, explained the Presidency's standpoint: 'We refuse to be party or arbiters to the dispute, which we consider to be of a commercial nature. We don't know the contents of all the contracts and both parties consider them to be confidential'.<sup>113</sup>

Nevertheless, as early as 4 January, a significantly lower flow of gas was recorded into some EU Member States, including Poland, Romania and Hungary, which in a few days resulted in the complete cut-off of some countries that rely solely on Russian gas transported via Ukraine, such as Slovakia and Bulgaria. The Presidency reacted immediately, issuing a declaration calling for full resumption of supplies to the EU and fast settlement of dispute between the Russian Gazprom and Ukrainian Naftogaz.<sup>114</sup> Simultaneously, the Czech Presidency launched a substantial diplomatic offensive, along with the European Commission, negotiating with the Ukrainian Government, Naftogaz and Gazprom's representative office in Berlin. The Presidency also summoned an extraordinary General Affairs Council meeting on 8 January and proclaimed its determination to organise a meeting with Ukrainian and Russian political representation, should the dispute not be settled.<sup>115</sup> The conclusions of the GAERC meeting tried to put pressure on both parties to accept an independent EU monitoring mission, which would supervise the gas flow in the pipelines, particularly on the Russian–Ukrainian and the Ukrainian–EU borders. The Council also agreed on the necessity of addressing the wider repercussions of the current crisis in the long term, such as transparency of supplies and adopting a crisis mechanism based on internationally recognised principles that would avert such situations, particularly in the winter.<sup>116</sup>

The main task of the Presidency was now to convince both parties, i.e. Russia and Ukraine, to agree to the EU monitoring mission, which would

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<sup>112</sup> <http://www.ct24.cz/domaci/40602-vondra-rusko-a-ukrajina-se-musi-rychle-dohodnout-o-dodavkach-plynu/>.

<sup>113</sup> Ibid.

<sup>114</sup> <http://www.eu2009.cz/cz/news-and-documents/news/prohlaseni-jmenem-predsednictvi-o-preruzeni-dodavek-plynu-4656/>.

<sup>115</sup> There was some confusion after Minister of Industry and Trade Martin Říman called the whole situation a political dispute between Russia and Ukraine, which was inconsistent with the Czech as well as the Union's position. It was also Říman who floated the idea of a joint EU–Ukraine–Russia summit, which he apparently did without consulting the Prime Minister or the Secretariat General of the Council.

<sup>116</sup> [http://www.eu2009.cz/cz/news-and-documents/news/cs\\_prohlaseni-plyn--5292/](http://www.eu2009.cz/cz/news-and-documents/news/cs_prohlaseni-plyn--5292/).

be the main precondition for a full renewal of Russian gas transit via Ukraine. The joint plan of the Czech Presidency and European Commission was presented by Prime Minister Topolánek in Ukraine on 9 January and to Vladimir Putin in Moscow on 10 January 2009. After several hours of negotiations, both parties agreed on the conditions under which the monitoring mission would operate and signed the agreement, paving the way for the immediate restoration of supplies. Topolánek brought the agreement back to Kiev to be signed by the Ukrainian Government. The agreement was accepted by Ukrainian Prime Minister Yulia Tymoshenko the next day (11 January). On the same day, however, the validity of the agreement was disputed by the Russian President Medvedev, who claimed that Ukrainian representation had attached new clauses to the agreement that were not part of the original text. The agreement was re-signed the next day, on 12 January, in Brussels by all parties concerned and the gas supplies were supposed to be resumed on 13 January.

However, it took almost another week before the gas started to flow to Europe again. The two parties again started to squabble: while Russia was accusing Ukraine of ‘stealing’ the gas, Ukraine cited technical problems caused by low pressure in the pipelines, which meant it would need more technical gas from Russia, or to use its own contingency reserves, which Naftogaz refused to do.<sup>117</sup> Russian President Medvedev was advocating a need to summon another summit of recipient countries, Russia and Ukraine in Moscow. Although Ukraine essentially agreed with this, President Yushchenko was in favour of having the summit either in Brussels or Prague,<sup>118</sup> which would be more ‘neutral’. This clearly indicates that the dispute was becoming highly politicised. Prime Minister Topolánek also favoured hosting the meeting on the EU soil; however, President Medvedev started organising the summit in Moscow on 17 January. The negotiations were extremely complicated and long, and included conditions for supplying technical gas to Ukraine, the price of gas for Ukrainian customers and transit fees. Agreement was finally reached but, strangely, the official message that Prime Ministers Putin and Tymoshenko conveyed after the end of negotiations was that they had agreed on the *future* price Ukraine would pay for Russian gas, not mentioning the technical gas nor the alleged USD 600 million debt claimed by Russia.

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<sup>117</sup> [http://ekonomika.idnes.cz/dodavky-plynu-opet-vaznou-rusko-se-hada-s-ukrajinou-fyi-/eko-zahranicni.asp?c=A090113\\_081726\\_eko-zahranicni\\_pin](http://ekonomika.idnes.cz/dodavky-plynu-opet-vaznou-rusko-se-hada-s-ukrajinou-fyi-/eko-zahranicni.asp?c=A090113_081726_eko-zahranicni_pin).

<sup>118</sup> [http://ekonomika.idnes.cz/rusky-plyn-je-v-nedohlednu-medvedev-navrhuje-summit-f9k-/eko-zahranicni.asp?c=A090114\\_085842\\_eko-zahranicni\\_pin](http://ekonomika.idnes.cz/rusky-plyn-je-v-nedohlednu-medvedev-navrhuje-summit-f9k-/eko-zahranicni.asp?c=A090114_085842_eko-zahranicni_pin).

The Czech Presidency has drawn several lessons from the crisis. Probably the most important was that the EU can very easily be held hostage by disputes between third parties over strategic energy supplies, and that it lacks efficient leverage to exert pressure on them. In a way, this has helped the Presidency advocate one of its main aims: devising and pushing for alternate gas corridors to Europe (such as Nabucco) and for energy diversification generally, to reduce Europe's dependence on unstable and unreliable suppliers or transit countries (in the Czech case, this means opening further debate on nuclear energy). The Presidency was undoubtedly aware of the political dimensions of the whole problem. A positive sign was that the Czech Government acted as an impartial mediator and did not take sides. Internally, however, some officials admitted that the whole case was viewed inside the administration as a political game on part of Russia to undermine Ukraine's credibility in the EU and perhaps even to undermine the emerging Eastern Partnership.

The Czechs proved to be quite successful mediators, although their involvement was substantially weaker after the deal on EU expert monitoring was signed. The high diplomatic activity of the Prime Minister paid off, as many feared that he might not be taken seriously, particularly by Russian representatives, also due to the bilateral controversy over the proposed US radar installations in the Czech Republic.<sup>119</sup> This success could also have been bolstered by a strong alignment with the Commission and certain EU leaders, particularly Angela Merkel, on the whole issue. The Czech performance in the gas crisis was also an exception in that it was reported rather positively by the foreign press, including the German and French press.<sup>120</sup>

### **5.3 The Czech Presidency: Crisis Management or Management Crisis?**

The Czech Presidency's ability to carry out the day-to-day business of the Council was expected to be limited by several factors. As a rather small Member State holding the Presidency for the first time, it was assumed the Czechs would lack experienced personnel equipped with sufficient language and analytical skills to carry out the Presidency tasks, and provide background analysis and in-time service for demanding negotiations. Its generally less efficient public administration, compared with those of the old Member States, and strong inclination towards centralised decision-

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<sup>119</sup> This concern was expressed, for example, in *Frankfurter Allgemeine Zeitung*; see [http://vyhledavani.ihned.cz/109-32647600-on-p%F8edsednictv%ED-M00000\\_d-02](http://vyhledavani.ihned.cz/109-32647600-on-p%F8edsednictv%ED-M00000_d-02).

<sup>120</sup> *Ibid.*

making at the national level, emphasised by the management model chosen for Presidency operations, were thought likely to slow down Council processes. Together with unfavourable external factors (e.g. EP elections and the end of the European Commission's term), the lack of European political leadership experience on the part of Czech political elites and their lack of interest in EU issues were expected to minimise the ability to initiate new projects.

To explore the performance of the Czech Presidency's management of day-to-day operations, short questionnaires were sent to the representatives of the EU Council, European Commission and Permanent Representations of EU Member States to the EU. Unfortunately, the response rate was so low that it was impossible to draw substantiated conclusions based on a sufficient number of responses.<sup>121</sup> Some observations are, however, interesting as they suggest avenues for possible further research. Generally, the evaluations differ considerably depending on the respondent's country of origin, the representatives of new Member States generally rating the Czech Presidency performance higher evaluation,<sup>122</sup> of the Czech presidency, either being more indulgent or not having enough experience to make proper comparisons. This variable, however, needs to be dealt with and seen in the context of the dossier for which each respondent is responsible, the activity level of the Presidency in a given area, and conflict potential with the agenda/dossier.

To evaluate the findings, some Czech insiders were also asked to rate the Presidency's perceived performance. As seen and commented on from the Czech Republic, the role of the Czech Permanent Representation was emphasised and the quality of its work usually rated highly. As well, the ability to arrange successful interinstitutional negotiations, especially dialogues with the European Parliament on certain dossiers, was underlined. On the other hand, lack of analytical capacity and diplomatic resources was perceived, especially in the Office of the Government. In the area of external relations (the 'Europe in the World' priority), power shifted back to the Ministry of Foreign Affairs during the Presidency and some rivalries remained between the Office of the Government and the Minister of Foreign Affairs.

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<sup>121</sup> Of approximately 300 potential respondents, only 12 returned the questionnaires.

The deadline for delivery was before the fall of the Czech Government.

<sup>122</sup> Including respondents employed in EU institutions such as the European Commission and Council Secretariat.

Seen from the Brussels perspective, the Czech Republic's ability to carry out the Presidency's administrative functions was a little above average. The quality of coordination, scheduling and chairing of the meetings at the working level was evaluated differently in relation to the dossiers. A general observation was that the chairpersons of the working groups were usually also tasked with the organisation and secretarial management of the work (distributing agendas, for example), which often resulted in delays due to their frequent presence in meetings and the lack of informed supporting staff; in other words, secretarial tasks were poorly delegated. As well, in the Permanent Representation, the designated contact persons for administrative issues related to meetings were often missing. Rather small teams were usually responsible for each dossier, which was foreseeable; however, according to some, the communication within some of the teams was slow. The general ability of the Permanent Representation to coordinate its performance was evaluated as well above average, and in some cases was explicitly mentioned as superior to that of its imminent predecessor. However, the most problematic element observed was a lack of decision-making competence. Most of the compromises drafted had to be sent to the capital for explicit approval by a minister or deputy minister, which delayed consequent procedures in the Council. The ability to coordinate interinstitutional negotiations was rated well above average, while the rated level of procedural knowledge and cooperation with the Council Secretariat varied in relation to the dossier, as did the rated language ability (some respondents were rather critical on this count). The variable that scored the worst was the ability to conduct informal consultations and bilateral meetings; in this regard, the Czechs were criticised for lacking a proactive stance and for having a limited number of bilateral contacts.

As for the agenda-setting function, the rating was below average. There was some criticism of hasty and poorly-communicated agenda reshufflings (one relevant tool of a Presidency in reaching its goals), but the main problem seems to lie in the ability to start new projects or initiatives. Despite the limited manoeuvring room allowed by the winding down of the European Parliament and Commission mandates, the Czech Presidency was perceived as un-innovative, tending to choose non-conflicting issues (again, the rating depended largely on the respondent's dossier).<sup>123</sup>

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<sup>123</sup> With the fall of the Government, the Czech Presidency will most likely prove to be a lame duck, even in the areas where it tried to develop new initiatives.

As for the function of honest broker, the Czech Presidency's ability to mediate compromise was generally rated well above average. The Czechs were commended for their willingness to listen and for their effort to prevent the big Member States from dominating the smaller ones. The Presidency generally scored well in terms of credibility, fairness and neutrality at the working level, though its rating was substantially lower at the COREPER level. This could be linked to the observation that the level of national political influence on proposal content and Presidency behaviour was rather high. In fact, some issues unpopular with national political elites were not discussed at all, the final compromise formulations could not contain anything inconvenient to the Czech Government, and in some cases, the Presidency supported and adopted minority positions if they were in line with domestic politics. The Presidency's proposals were generally seen as good and pertinent. However, according to some, problems did appear when the Presidency did not consult sufficiently with the Council Secretariat.

As stated above, the number of survey respondents was unfortunately too low to yield representative results. Broader and more in-depth polling, including personal interviews, would be needed to gather sound data. After the unflattering depictions of the Czech Presidency in the Brussels press and elsewhere, the authors were rather surprised by the overall positive evaluation of its day-to-day performance.



## 6 CONCLUSIONS

Its early start of Presidency preparations, including drafting priorities and holding discussions with various stakeholders, indicated that the Czech Republic was taking its first EU Presidency very seriously. The centre-right government in power viewed the Presidency as an opportunity to bring fresh ideas and a reform agenda from ‘new Europe’ to what is sometimes viewed as a calcified way of thinking in the EU. This motivation was also reflected in the Presidency’s overarching motto: ‘Europe without barriers’. During preparations for the Presidency, the Czech political representation set itself extremely ambitious goals and arguably too many priorities for a mid-sized, relatively new EU Member State. The original list of priorities was gradually pared down as the Presidency approached. In the face of external developments, the Czech administration was becoming much more realistic as to what was achievable, especially given that the French Presidency had already concluded some of the dossiers the Czechs had originally hoped to tackle, such as the energy–climate package and the CAP Health Check.

The execution of the Czech Presidency was heavily influenced by two general factors. The first one was an extremely complicated external environment. The economic crisis largely shifted the focus of the Presidency from a pro-liberal, activist economic agenda to defending the basic economic principles on which the EU is founded and curbing Member States’ appetite for protectionism. The two initial crises – the outbreak of violence in Gaza and the gas dispute between Ukraine and Russia – made the first weeks of the Presidency into mere crisis management. The Presidency also had to face the substantial scepticism, sometimes bordering on hostility, of the West European (particularly French) press and of the European political leadership, and extremely low expectations connected with its assumption of office.

The second important variable was the significant internal political instability of the Czech Government. The Government was unsure of its support in Parliament, and although there were attempts to conclude an ‘armistice’ with it, the opposition finally initiated the vote of no confidence that resulted in the Government’s resignation. This effectively deprived the Presidency of the necessary political capital for the rest of its term. It turned the big showcases of the Presidency, such as the summit with President Obama or the Eastern Partnership inauguration summit, into courtesy meetings rather than high-level summits. In the remaining time, there is speculation and fear as to the role of President Klaus and whether he could worsen the already damaged reputation of the Czech Republic. In

addition, the controversies surrounding the Lisbon Treaty turned out to be very damaging for the Presidency's work, as the Government was unable to promote its ratification robustly enough and defend it, particularly in the upper chamber. Paradoxically, the fall of the Government might make it easier to complete the ratification in the Czech Republic during the Czech term. However, the legal agreements paving the way for the second Irish referendum will have to be tackled under the Swedish Presidency.

It is difficult to evaluate the Czech Presidency's midterm performance in light of the unfavourable external circumstances and the extremely agile French Presidency that preceded it. The performance that started a bit hesitantly, with dubious performance during the Gaza crisis, was gradually winning political points for tackling the gas crisis and the spring economic summits, and Czech political leadership started to win more confidence among fellow European leaders. The lethal wound came with the fall of the Government. To the detriment of the Presidency's credibility, it was a move that the country's political leadership could easily have averted. This points to a striking lack of statesmanship on the part of the Czech political representation, to thinking limited to the domestic political playground rather than the wider European arena, and to an inability to live up to certain EU expectations. What is potentially even more worrying is the precedent that the Czech Presidency, with its internal political ructions, could set for the future: other new Member States holding the Presidency could well be viewed by other EU Member States with a priori suspicions similar to those applied to the Czech Republic. It will also definitely (and this is in fact already happening) strengthen those EU voices calling for a thorough review of the institution of the Presidency, including the need for a permanent presidency of the European Council that would give this body more continuity, stability and credibility.

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## **SAMMANFATTNING PÅ SVENSKA**

Det tjeckiska ordförandeskapet i EU ägde rum under en svår tid både för EU och för Tjeckien. Från första stund omgärdades ordförandeskapet av låga förhoppningar och märkbart tvivel om tjeckernas kompetens att leda unionen. Tjeckien hade att hantera arvet av ett starkt franskt ordförandeskap som agerade beslutsamt i de oväntade kriser som uppstod under hösten 2008, främst den finansiella krisen och den ryska invasionen i Georgien. Frankrikes ledarskap med en energisk fransk president i spetsen blev därmed måttstock trots att detta ordförandeskap var mer undantag än regel. Därtill försvårades ordförandeskapet av regeringens bekymmer med att driva igenom ratificeringen av Lissabonfördraget i parlamentet trots att konstitutionsdomstolens yttrande tillstyrkte fördragets förenlighet med den tjeckiska grundlagen. Generellt bidrog den inrikespolitiska situationen med en parlamentariskt utsatt regering samt en uttalat EU-kritisk president till skepsisen kring Tjeckiens förmåga att visa ledarskap i EU.

Ordförandeskapet sammanföll med en fördjupning av den ekonomiska krisen som satte in redan under det franska ordförandeskapet. På grund av sin förhållandevis ringa ekonomi och det faktum att landet står utanför Euron höjdes kritiska röster mot ordförandeskapets förmåga att förhandla fram ett effektivt svar på krisen. Trots detta lyckades den tjeckiska regeringen samla EU:s medlemsländer kring ett gemensamt förhandlingsmandat inför G20 mötet i London i april 2009, samt ett uttalande om vikten att förhindra att den pågående ekonomiska krisen används som ursäkt för protektionistiska åtgärder på nationell nivå som undergräver EU:s inre marknad. Därtill tog ordförandeskapet initiativ till att EU beslutade om ett ytterligare stödpaket om 130 miljarder Euro riktat till hela EU. Detta resultat fick statsminister Topolanek och kommissionsordförande Barroso att utropa Europeiska rådets möte i mars till ett ”resultatens toppmöte”. Den globala krisen har tydligt bidragit till att flytta ordförandeskapets fokus till ekonomiska frågor. Paradoxalt nog såg sig tjeckerna tvungna att försvara inre marknadens grundläggande principer, trots att de hade flaggat för ytterligare marknadsliberalisering och regelförenkling som ett av tre prioriteringsområden under ordförandeskapets upptakt.

Från ordförandeskapets början uppkom ytterligare två utmaningar som statsministern Topolanek refererar till som 2G: Gaza och gas. Vad gäller kriget i Gaza var ordförandeskapet mindre lyckosamt men i dispyten mellan Ukraina och Ryssland om leverans av gas lyckades däremot ordförandeskapet desto bättre. Med statsminister Topolanek i spetsen, stöttad av Europeiska kommissionen, löste EU gradvis konflikten. Gasdispyten mellan Ukraina och Ryssland hjälpte också det tjeckiska ordförandeskapet att

driva en annan central målsättning; att utforma en fullödig extern energisäkerhetspolitik för EU. Ett åtagande i denna riktning skrevs in i Europeiska rådets slutsatser på toppmötet i mars 2009 vilket inbegriper finansiellt stöd för Nabucco gasledningsprojekt (Euro 200 miljoner) och ambitionen att förbättra uppkopplingen mellan nationella elnät. Slutligen lyckades ordförandeskapet driva på ett antal lagstiftningsärenden i ministerrådet vad gäller väg- och flygtransport, liberalisering av energisektorn, regler om banksäkerhet och roamingavgifter.

Den inrikespolitiska situationen i Tjeckien var rakt motsatt den starka uppbackning som president Sarkozy åtnjöt under det franska ordförandeskapet både vad gäller borgfred i parlamentet och positiv bevakning i media. Denna instabilitet kom att förorsaka stora svårigheter för regeringens fullföljande av ordförandeskapet. Det interna grälet mellan parlamentets olika grupperingar och oppositionens oupphörliga kritik av regeringen resulterade i en misstroendeomröstning i den lägre kammaren den 24 mars 2009 som regeringen förlorade och därmed kastades ordförandeskapet i politiskt kaos. Det återstår att se hur resten av ordförandeskapsperioden kommer att fortlöpa, men runt om i Europa finns det en utbredd oro kring det politiska ledarskapsvakuum som uppstått där president Klaus har fått en allt viktigare roll. Dessutom kvarstår problematiken kring Lissabonfördragets ratificering. Risken är uppenbar att ordförandeskapets surt förvärvade framgångar i början av perioden kommer att glömmas bort och därmed skulle betydelsen av ordförandeskapets ambitiösa projekt om det östliga partnerskapet och den Sydliga energikorridoren också förringas.

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