

T.M.C. ASSER INSTITUUT

THE IMPACT OF EU ACCESSION ON THE  
LEGAL ORDERS OF NEW EU MEMBER  
STATES AND (PRE-)CANDIDATE COUNTRIES

HOPES AND FEARS

*Edited by*

Alfred E. Kellermann

Jenő Czuczai

Steven Blockmans

Anneli Albi

Wybe Th. Douma

T·M·C·ASSER PRESS

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The Hague

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**T.M.C. Asser Instituut - Institute for Private and Public International Law,  
International Commercial Arbitration and European Law**

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Over forty years, the T.M.C. Asser Institute has developed into a leading scientific research institute in the field of international law. It covers private international law, public international law, including international humanitarian law, the law of the European Union, the law of international commercial arbitration and increasingly, also, international economic law, the law of international commerce and international sports law. Conducting scientific research either fundamental or applied, in the aforementioned domains, is the main activity of the Institute. In addition, the Institute organizes congresses and postgraduate courses, undertakes contract-research and operates its own publishing house, T.M.C. ASSER PRESS. Because of its inter-university background, the Institute often cooperates with Dutch law faculties as well as with various national and foreign institutions. The Institute organizes Asser College Europe, a project in cooperation with East and Central European countries whereby research and educational projects are organized and implemented.

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## FOREWORD

This book deals with important issues related to the process of enlargement of the European Union. The publication is the result of a Matra Multi Country Project, which was implemented under the guidance of Alfred E. Kellermann and Steven Blockmans since 2002 and was concluded with a Final Conference held on 13 October 2004 in The Hague (Scheveningen).

The book focuses on the necessary adaptations of the law and policies of the new and (pre-)candidate Member States in view of their (future) membership of the EU. More particularly the compatibility of national constitutional texts and the preparedness of public authorities (the executive, the judiciary and national parliaments) for full membership will be discussed.

A group of distinguished experts has analyzed the legal situation in their respective states with regard to issues like:

- The compatibility of national constitutional texts with fundamental principles of EU law, such as the principle of supremacy and direct effect;
- The preparedness of the judiciary to guarantee the effectiveness of EU law;
- The existence of coordination mechanisms for the preparation of the national position in EU negotiations as well as for the implementation of EU law in the national legal order;
- The existence of controlling mechanisms enabling national parliaments to control the functioning of national politicians in the EU negotiating framework.

The question has also been raised whether the new European constitutional treaty, which was signed in Rome on 29 October 2004, may give rise to amendments of the national Constitutions. Of course, in view of the recent developments, most notably in France and The Netherlands, it remains to be seen whether this new European treaty will actually enter into force.

The interaction between national and European law and policies is thus the central theme of this book. A smooth organization of this interaction is of the utmost importance, not only for the Member States in view of their obligations following from Article 10 of the EC Treaty – the obligation to cooperate – but also in order to ensure the effectiveness of the EU legal system in the interest of the ordinary citizen.

The contributions by the different authors and the discussions during the Final Conference on 13 October 2004 offered a multitude of interesting insights, views and experiences. These views and experiences have now been laid down in this book, and so become accessible to a wider public.

The important results of the Matra Multi Country Project lend themselves for a repetition of a similar comparative analysis in a couple of years from now. By that time the European Union most probably will have welcomed Bulgaria and Romania as new Member States; negotiations will be underway with a number of candidate countries; and possibly new applications for membership will have been tabled.

All in all this book can be regarded as an important contribution to the ongoing process of European integration guaranteeing fundamental values such as peace, stability and prosperity to its Member States and citizens.

JAAP W. DE ZWAAN\*

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WYBE TH. DOUMA  
*The Hague, 30 November 2005*

## ABBREVIATIONS

AKP	Justice and Development Party
Berkeley J. Int'l L.	Berkeley Journal of International Law
Bull. EU	Bulletin of the European Union
BVerfGE	Entscheidungen des Bundesverfassungsgerichts
Cardozo L. Rev.	Cardozo Law Review
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CC	Constitutional Court
CCBE	Council of the Bars and Law Societies of the EU
CEEC	Central and Eastern European Countries
CFI	Court of First Instance
CFSP	Common Foreign and Security Policy
Chi. J. Int'l L.	Chicago Journal of International Law
CIG	Conférence intergouvernementale
CLR	Cyprus Law Reports
CMLR	Common Market Law Reports
CNB	Česká národní banka [Czech National Bank]
Coll.	Collection of laws
COM	European Commission document
Const.	Constitution
CONV	Convention
Coreper	Comité des Représentants Permanents (EU)
COSAC	Conference of Community and European Affairs Committees
DEI	Department for European Integration
DEP	Democracy Party
DG	Directorate General
DGM	State Security Court
EA	Europe Agreement
EAEC	European Atomic Energy Community
EC	European Community
ECA	European Communities Act
ECB	European Central Bank
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECR	European Court Reports
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
EEC	European Economic Community
EFA Rev.	European Foreign Affairs Review
EFTA	European Free Trade Association

EJN	European Judicial Network in civil and commercial matters
ELR	European Law Review
EMU	Economic and Monetary Union
ENIC	European Network of Information Centres
EP	European Parliament
EPD	Enhanced Permanent Dialogue
ESDP	European Security and Defence Policy
EU	European Union
EUI	European University Institute, Florence
Euratom	European Atomic Energy Community
Eurojust	European Judicial Cooperation Unit
Fidesz	Fiatal Demokraták Szövetsége [Alliance of Young Democrats]
FRY	Federal Republic of Yugoslavia
GD	Government Decisions
GEO	Government Emergency Ordinance
GNA	Grand National Assembly
GoS	Government of Serbia
GRECO	Group of States against Corruption
HR	Republike Hrvatske
HSS	Hrvatska Seljacka Stranka [Croatian Farmers' Party]
ICC	International Criminal Court
ICTY	International Criminal Tribunal for the former Yugoslavia
IGC	Intergovernmental Conference
ILM	International Legal Materials
ILO	International Labor Organization
INTERREG	Interregional Cooperation
Int'l J. Legal Info	International Journal of Legal Information
IPR	intellectual property rights
ISPA	Instrument for Structural Policies for Pre-Accession
IT	Information Technology
JHA	Justice and Home Affairs (EU)
LL.B.	Bachelor of Laws
LL.M.	Legum Magister, Master of Laws
Matra	Maatschappelijke Transformatie
MEI	Ministry of European Integration
MEP	Member of the European Parliament
MEUSAC	Malta-EU Steering and Action Committee
MFA	Ministry of Foreign Affairs
MGIMO	Moscow State Institute of International Relations
MHP	Nationalist Movement Party
MIEREI	Ministry for International Economic Relations and European Integration
MP	Member of Parliament



MZZ	Ministrstvo za zunanje zadeve [Ministry of Foreign Affairs]
NA	National Assembly
NAPO	National Anti-corruption Prosecution Office
NARIC	National Academic Recognition Information Centres
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NPAA	National Programme for the Adoption of the Acquis
NPAR	National Programme for the Accession of Romania to the EU
NPIEU	National Programme for the Integration of the Republic of Croatia into the European Union
N.Y. Int'l L. Rev.	New York International Law Review
OECD	Organisation for Economic Co-operation and Development
OHIM	Office for Harmonisation in the Internal Market
OJ	Official Journal of the European Communities/Union
OLAF	European Anti-Fraud Office
OSCE	Organization for Security and Co-operation in Europe
PHARE	originally: Poland Hungary Assistance for the Reconstruction of the Economy
PM	Prime Minister
PSC	Political and Security Committee
RS	Republic of Slovenia
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SAPARD	Special Accession Programme for Agriculture and Rural Development
SCM	Supreme Council of Magistrates
SC Res.	Security Council Resolution
SEIO	Serbian European Integration Office
SIGMA	Support for Improvement in Governance and Management in Central and Eastern European Countries
SME	small and medium-sized enterprises
SS	(Nazi) Schutzstaffel
SVEZ	Služba Vlade RS za evropske zadeve [Government Office for European Affairs]
TCE	Treaty establishing a Constitution for Europe
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
TGNA	Turkish Grand National Assembly
TRIPS	WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights
UCLAF	Anti-Fraud Coordination Unit
UK	United Kingdom
UN	United Nations

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UNMIK	United Nations Interim Administration Mission in Kosovo
UNTS	United Nations Treaty Series
USSR	Union of Soviet Socialist Republics
UYAP	Ulusal Yargı Ağı Projesi
VAT	value-added tax
VSRH	Vrhovni sud Republike Hrvatske [Supreme Court of the Republic of Croatia]
WTO	World Trade Organization
YOK	Yüksek Öğretim Kurulu Başkanlığı [The Council of Higher Education]
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
ZSE	Zeitschrift für Staats- und Europawissenschaften

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