

LEGAL LANDSCAPE IN A “LEGISLATIVE HURRICANE:”
THE CZECH LEGISLATIVE PROCESS
FROM ASSOCIATION TO ACCESSION

A THESIS

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By

Markéta Trimble Landová

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ABSTRACT

The latest enlargement of the European Union (“EU”) has been very successful, as ten new countries joined the EU in 2004. Amid the consensus about the overall success of the enlargement, the political science literature has recently begun to examine and debate the effects that preparations for EU membership have had on the applicant countries. This thesis studies the nature of the effects that these preparations have had on the legislative process in one of the new member countries by focusing on the procedural and institutional aspects of the process in the Czech Republic. The author argues that EU membership preparations always have effects on the legislative process in applicant countries, but that the nature of the effects depends on preexisting domestic conditions; in the case of the Czech Republic, the combination of the effects and domestic conditions was detrimental to the legislative process.

The research is based on the author’s professional experience in the Czech Cabinet and the European Commission and a number of interviews conducted with Czech politicians and experts actively involved in the Czech legislative process. The author performs an extensive analysis of legislative documents and Czech and other scholarly literature and uses statistics derived from an author-compiled database of Czech draft laws submitted between 1995 and 2004.

The thesis provides an analysis of the effects of the multi-year abnormal conditions under which the Czech legislative process operated during preparations for EU membership and makes findings that can be used in designing improvements in the legislative process and improving legislative output. The thesis should also serve to alert countries applying for EU membership and countries transitioning to democracy to a problem that is likely to remain a challenge in the future.