

Brussels, 11 April 2002

## Joint Press Statement on the BENES Decree

***Meeting this morning in Prague, EU-Commissioner for Enlargement Günter Verheugen and Czech Prime Minister Milos Zeman issued the following Press Statement on the BENES Decree:***

We, the Prime Minister of the Czech Republic and the Member of the European Commission in charge of Enlargement, jointly stress that European integration has always primarily been a political process. Since its very beginning, the key objective has been to overcome old divisions, enmities and prejudices, and to strengthen peace, justice, freedom and security. We must never forget the pain and the suffering caused by the horrors of the Second World War. But the very essence of European integration has been to move forward from there – not to look back in acrimony and continue fighting old battles. In Western Europe this reconciliation has been achieved decades ago. In central Europe, due to the intervening communist period, we suffered a delay but our chance is now.

As we face up to the challenges of the twenty-first century, we need to guard against awakening the demons of nationalism. Elsewhere in Europe we have seen only recently what disasters can happen otherwise.

The Czech-German Declaration of 1997 represents a decisive and historical step in the process of creating close and friendly relations and partnership between the Czech Republic and the Federal Republic of Germany.

The accession of the candidate countries to the European Union is an inseparable part of the overall process of European integration. The basic political objectives of this process can only be fully achieved when the current candidate countries become full member states. We therefore assume our common responsibility for a firm continuation of the European integration process.

Recently there has been much public discussion on some of the Czechoslovak Presidential Decrees of 1945, and on some of the ensuing Czechoslovak legislation of the immediate post-war period. As was the case with measures taken by other European countries at that time, some of these Acts would not pass muster today if judged by current standards – but they belong to history.

The EU Treaty requires Member States and EU institutions to judge applicant states on their present, not their past performance. Any part of a candidate country's legal order that is still capable of producing legal effects cannot escape the scrutiny of EU/EC law.

We are carefully assessing the above-mentioned Acts in this light. So far, the result is that those on citizenship and those on property, by their very nature and content, no longer produce legal effects. We thus maintain our position that these Czechoslovak Presidential Decrees are not part of the Accession Negotiations and should have no bearing on them. With regard to some other Acts further clarifications are being conducted.

There has also been some public discussion on the separate issue of the Czechoslovak restitution legislation and practice since the early 1990s. We are aware that within the scope of application of the EC-Treaty (which contains a concept of European citizenship) discrimination on grounds of nationality is prohibited. Respecting the date of 25 February 1948 set down as legal limit in Czechoslovak restitution legislation, the Czech authorities are conducting a review of their legislation in this light with the aim to put it in line with the EU acquis, if necessary, by the time of the Czech Republic's accession to the EU.