

## **Slovenia**

### **The EU New Member States as Agenda Setters in the Enlarged European Union**

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The publication is a product of the Open Society Institute – Sofia within the European Policies Initiative (EuPI) and the project “The EU New Member States as Agenda Setters in the Enlarged European Union”. This EuPI project has been implemented in close partnership with EUROPEUM Institute for European Policy, with funding provided by the Open Society Institute – Sofia.

**About EuPI**

The European Policy Initiative (EuPI) aims at stimulating and assisting the New Member States from CEE to develop capacity for constructive co-authorship of common European policies at both government and civil society level. As a new priority area of the European Policies and Civic Participation Program of Open Society Institute – Sofia, EuPI will contribute to improving the capacity of New Member States to effectively impact common European policies through quality research, policy recommendations, networking and advocacy. The initiative operates in the ten New Member States from CEE through a network of experts and policy institutes.

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## About the publication

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The objective has been to map the positions and level of activity of the ten new EU Member States on a number of issues on the EU agenda; identifying the factors and drives behind these positions; looking at the level of political and public consensus and the influence of major stakeholders; outlining coalition patterns within the EU and, finally, trying to provide an outlook on possible change of these positions.

The countries have been classified on each of the policy issues as “Policy Takers”, “Policy Killers” or “Policy Drivers”, depending on their particular position and level of activity. In the classification of this study, Policy Takers are those states that usually follow the mainstream in the EU and in general accept whatever is offered from the EU. The Policy Driver is a country that assertively promotes an issue at EU level. A Policy Killer is a country that actively opposes the policy in question.

The research has been carried out by individual researchers in each of the ten new members on the basis of specially designed methodology, developed by EUROPEUM and major input from EuPI/OSI-Sofia. The seven policy areas under research are: I. Internal market/Lisbon Strategy; II. Minority integration and citizenship issues; III. Energy and climate change; IV. Budget review and CAP Health Check; V. EU foreign policy and enlargement; VI. Freedom, Security and Justice; VII. Institutional issues.

The research was carried out primarily in the period September 2008 – December 2009, but there may be references beyond this period. Some positions and circumstances described in the reports may have changed since the information was last made available to the researchers or reached the stage of publication.

The researchers’ findings are published in ten country reports on each of the New Member States: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The structure of the country reports includes an overview of the country’s performance as an EU member and seven chapters following the seven broad policy areas. Each chapter contains an overview of the position of this country in the area, including the top three national priorities. Then the chapters provide in-depth analyses, information and prognoses on a set of issues (defined as general and specific) within each of the seven policy areas.

A comparative report, based on the ten country reports, was produced to highlight the project’s findings.

The views expressed in the reports are those of the authors and do not necessarily reflect the views of the Open Society Institute – Sofia.

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## **Slovenia**

**The EU New Member States as Agenda  
Setters in the Enlarged European Union**

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### **About the author**

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## **Slovenia in the EU: An overview**

Slovene policy behaviour since the accession to the EU seems to be rather passive. When Slovenia does take a more active role, the Slovene positions or initiatives are not radical and are not outside the EU mainstream. This can be explained by Slovenia's position as a small state, relative lack of political significance and power, lack of EU agenda setting experience and also Slovene constructive attitudes during the pre-accession period that earned Slovenia the nickname of 'a star pupil'. This position also continued in the post-accession period and it mirrors itself in the high degree of convergence with the (old) EU.

Slovenia took on a more active role during its Presidency in the first half of 2008. Nevertheless it can be argued that the agenda setting of Slovenia was rather limited due to the common priorities set within the framework of the 'trio Presidency' together with Germany and Portugal who held the chair in 2007. On the other hand this framework offered Slovenia the possibility to overcome its own inexperience. The main areas of activity were (and still are) therefore tied to the priorities set during the Presidency and include Lisbon Strategy, climate change and energy policies, ratification of the Lisbon Treaty and the Western Balkans. During the post-accession years the integration of Western Balkans has become the area where Slovenia has assumed the most active role — the role of the continuous Policy Driver. Here Slovenia does have an advantage over other EU countries due to the knowledge of the social, political, cultural and economic characteristics of the region. Furthermore, Slovenia has a vast economic interest in the region. Nevertheless; the latest developments with the blockage of Croatian accession negotiations show that even in the enlargement policy area Slovenia can take a role of a Policy Killer if its perceived national interests are at stake.

The future policy behaviour is not likely to change substantially regardless of the political change that happened after the September 2008 general elections which were won by the centre-left coalition led by Social Democrats (SD). It can be expected that the positions in the areas where Slovenia is defined as Policy Driver will not shift radically. The new government is namely determined to carry through the structural reforms defined within the goals of the Lisbon Strategy. It is also convinced that the ratification of the Lisbon Treaty is beneficial for the position of Slovenia in the EU. The government also emphasises the importance of the enlargement to the Western Balkans and is committed to keeping it high on the EU political agenda. The Slovene policy priorities during its Presidency automatically put Slovenia in a more active position and enabled it to have more influence over the agenda setting process. With the Presidency over, the prioritised policy areas are likely to retain high importance for Slovenia but the level of activity will inevitably be lower, making the shift from Policy Driver to Policy Taker likely.

Slovenia finds likely coalition partners in the smaller member states that can afford to be more flexible in their positions and can therefore act more as a constructive partner rather than being radically outside the EU mainstream. Furthermore, Slovenia can build coalitions with the countries where similar juridical, economic and social systems make it easier to find common interests. These are the countries of continental Europe, particularly Germany, which is Slovenia's key EU partner. Coalitions with other New Member States used to be frequent in the initial period of EU membership but, with the experience gained and the increasingly diversified interests and needs of the NMS, this association has become less of a factor in the coalition building process.

## I. Internal market and Lisbon Strategy

(Growth and jobs in EC work plan and policy strategy)

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### 1. Overview

Within the renewed Lisbon Strategy the Slovenian priorities lie in policies furthering research and development (R&D), support for small and medium-sized enterprises (SMEs) and creating more flexible labour markets. An update on the reformed Lisbon Strategy on growth and jobs has been also one of the key priorities during the Slovenian presidency of the EU Council (January to June 2008).

The government's initial promise to execute structural reforms of the social and economic environment in Slovenia after the centre-right coalition came into power in 2004 was undoubtedly a clear sign of its commitment to the goals of the Lisbon Strategy. The reforms which the government adopted in 2005 are, according to the National Coordinator of the Lisbon Strategy Dr. Žiga Turk, not an isolated project, but represent the concretisation of plans for modernisation, which the European Union expects from its members within the framework of the Lisbon Strategy. The Slovene national programme for achieving the goals of the Lisbon Strategy also coincides with the goals of Slovenia's Development Strategy, which stresses the need for a more competitive economy and faster economic growth, effective generation, two-way flow and application of the knowledge needed for economic development and quality jobs, an efficient and less costly state, a modern social state and higher employment and overall integration of these measures to achieve sustainable development.

The structural reforms adopted by the government in 2005 to address these issues were aimed at achieving 'modernisation', defined by the European Union within the framework of the Lisbon Strategy. The proposed reforms came across public opposition and discontent, and the largest demonstrations since Slovenian independence were organised by the trade unions on 26 November 2005. In response, the centre-right government could introduce only a modified set of reforms. It seems that the government's capacity to radically change the gradual reform trajectory (even in the cases where the reforms are part of the EU agenda) is limited by Slovene public opinion and other stakeholders (opposition parties, unions, civil society). These limitations are the most obvious and strong when it comes to reforms of welfare and economic policies.

The logic of the gradual approach to structural reforms adopted by previous centre-left governments could therefore not have been radically transformed by the mandate of the centre-right government. In spite of that, Slovenia did experience improvement in the economic indicators in the last 4 years, but it is hard to say whether they were a direct consequence of a new policy orientation or of a favourable international economic environment.

It is hard to assess whether the new centre-left government appointed on 21 November 2008 will follow the lead of the centre-right government in the field of the Lisbon Strategy. However, it is worth mentioning that the current ruling party, the Social Democrats, has been (while in the opposition) part of the so called *Partnership for development* signed in 2006 with aim of carrying out these reforms and achieving the Lisbon Strategy's goals. Therefore we can expect that the general position of the new government will not differ substantially although a more 'neoliberal' vocabulary of the previous government will surely be substituted with a more social-friendly one.

## Table of national positions

\*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Taker; likely to remain a Policy Taker	General Consensus, position not likely to change substantially, except in the case of 'creating more flexible labour markets'	Within the mainstream
2.1. Review of merger regulations	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.2. Free movement of workers	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.3. Strategic review of "Better Regulation"	Policy Driver; likely to become Policy Taker	Consensus on the general policy	Within the mainstream
2.4. Free movement of services	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.5. Taxation harmonisation	Policy Killer; Potential Policy Killer	Consensus on the national position	In progress
3.1. Small Business Act	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.2. Financial retail services	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

### 2.1. General issues: Review of merger regulations

**Definition: Policy Taker**

**Outlook: Policy Taker**

Slovenia supports the solutions to the cross-border merger deals. An amendment of the corporate law (in force since 31 January 2008) implemented EC Directive 2005/56 on cross-border mergers.

The amendment also introduced very strict limitations on post-acquisition mergers (both downstream and upstream). If two or more legal entities intend to merge, causing the acquiring entity to hold more than 25% of the shares in the target, and the acquiring entity has pledged the shares in the target or has otherwise given the shares as collateral for the financing (or similar transaction) of the acquisition of those shares in the target, consent is required for the merger to be legally valid.

The amendment to the Companies Act stipulates that any advanced payment or loan granted by a company to finance the acquisition of shares issued by the company is null and void, as well as any other transaction with a similar effect.

The Slovene Competition Protection Office has been subject to much criticism over the years. Dr. Jernej P. Damjan, former Minister without portfolio responsible for coordinating and monitoring the implementation of Slovenia's Development Strategy, argued that the Office has been extremely inactive in reporting the violations of antimonopoly rules, especially in regard to telecommunication services (fixed, mobile and internet providers), brewery and retail industry where the state has large shares.<sup>1</sup>

The country is a Policy Taker on this issue and is likely to follow the EU mainstream.

### 2.2. General issues: Free movement of workers across the EU and transitional periods

**Definition: Policy Taker**

**Outlook: Policy Taker**

There was a firm national consensus against the implementation by the EU-15 of the transitional period for Slovenia during the negotiation period for accession of Slovenia

<sup>1</sup> [http://www.dnevnik.si/poslovni\\_dnevnik//270469/](http://www.dnevnik.si/poslovni_dnevnik//270469/)

to EU. Slovenia argued that it does not pose a 'threat' to EU-15 labour markets because of its small labour force and no considerable migration pressures. To the disappointment of Slovene public, the 'transitional clause' was implemented as the Commission handled all candidate states in a package on this issue. Janez Potočnik, Head of the Slovenian Delegation for accession to the European Union, explained that the negotiation on the transitional period was characterised by "a firm and unavoidable political position of EU". Slovenia, together with Hungary and Poland, applied and followed the principle of reciprocity as a response. This enabled Slovenia to implement the equivalent measures regarding the free movement of workers to every EU Member State during the seven-year transitional period (in 2+3+2 year stages), which was supported by all Slovenian parliamentary parties.

After consultations with the social partners and the completion of an analysis of the labour market, in May 2006 the Slovenian Government adopted a decree abolishing the enforcement of the principle of reciprocity in the free movement of workers, meaning that the employment of EU citizens has been from then onwards completely free in Slovenia. In December 2006, the Government of the Republic of Slovenia adopted a decision not to enforce transitional measures in the field of free movement of workers in respect of Romania and Bulgaria, which joined the EU on 1 January 2007. The Slovene government's rationale behind this decision was that lifting the principle of reciprocity would not endanger the Slovene labour market and would show Slovenia's commitment to the full functioning of the internal market.

There is a national consensus on this issue in Slovenia. All Slovenian political parties formally endorse the free movement of workers, although the xenophobic and populist tones of some parties from the political right should not be ignored. Slovenia also has a stake in the issue, especially when considering the lack of certain profiles of workers on Slovenian labour market. Non-enforcement of transitional measures in the field of free movement of workers with respect to Romania and Bulgaria also shows Slovenia's commitment to further development of the internal market in the field of labour market.

### **2.3. General issues: Positions on the Strategic review of "Better Regulation" package (COM (2006)689) and ECOFIN conclusions, 22 January 2008**

#### ***Definition: Policy Driver***

#### ***Outlook: Policy Taker***

Keeping Better Regulation high on the EU agenda was one of the priorities of the Slovene national position and the Slovenian presidency of the EU Council. The 'Better Regulation' agenda coincided with the government's initial efforts to reduce the administrative burdens and simplify the legislative environment domestically. These goals were clearly stated under the third chapter of Slovenia's Development Strategy, where increasing the state's institutional competitiveness and effectiveness in its regulatory environment was put forward. Slovenia therefore supports the 'Better Regulation agenda' and its goals domestically as well as on EU level.

Within the "Better Regulation" agenda Slovene priorities lie with the drafting of better regulations, reduction of administrative burdens, developing methodology for measurement of administrative costs, and the impact assessment of legislation on citizens and economic stakeholders (RIA). Combination of effects deriving from implementation of the above mentioned fields are all aimed at raising the competitiveness of the European economy.<sup>2</sup>

At the ECOFIN on 12 February 2008, Slovenia supported the Strategic Review in Better Regulation in the EU. It stated special support for regulatory impact assessments at EU and Member State level, together with launching a regulatory impact assessment system to screen regulations for limiting their restrictive administrative and regulatory impact on competition and economic activity.

Even though Slovenia assumed a more active role on these issues during its Presidency, it can be expected that after the Presidency Slovenia will act as a Policy Taker.

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<sup>2</sup> Stressed by Dr. Gregor Virant, Minister of Public Administration, in an appearance before the European Parliament Committee on Legal Affairs (JURI) in Brussels on 21.01.2008, at [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/January/0121MJU\\_Virant.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/January/0121MJU_Virant.html)

## **2.4. General issues: General views of the free movement of services as enshrined in the current service directive**

### **Definition: Policy Taker**

### **Outlook: Policy Taker**

Slovenia in general supports the Services Directive but conditioned its support on additional changes and amendments concerning some fields of implementation of the Directive (exclusion of health services, social services, gambling and notarial services, the confirmation of the specific status of public education and the definition of non-interference of national labour law). The Slovenian position on the "country of origin" rule was that it should not be removed from the Directive as it is in the Slovenian interest.

The government's persuasion was that the Services Directive should bring tangible improvements for both providers and users of services, particularly in the field of small and medium-sized enterprises. This should raise the level of the competitiveness of Slovenian companies, and consequently the level of economic growth and new jobs. On the other hand, the Directive should not allow Member States to lose control of the market in services of public interest.

Slovenia is a Policy Taker on the issue of the Services Directive. It is unlikely that its position could change.

## **2.5 General issue: Positions on taxation harmonisation**

### **Definition: Policy Killer**

### **Outlook: Policy Killer**

Slovenia supports measures aimed at the elimination of barriers preventing effective functioning of the internal market. At the same time, the Slovenian government has argued for the autonomy of Member States in the field of taxation. Slovene Finance Minister Bajuk pointed out that to achieve harmonisation of direct taxes in the EU, the economies of the Member States would have to achieve greater convergence.<sup>3</sup>

In shaping the position regarding the harmonisation of taxation, Slovenia will primarily follow its national objectives and will make sure that the European law will not result in the overall increase of tax burden on the economy. In the debate on the use of reduced VAT rates, Slovenia supports equal treatment of Member States, while ensuring the uniformity of treatment with the new directive or other documents.

Slovenia can be considered a Policy Killer on the issue of taxation harmonisation.

## **3.1. Specific issues: Small Business Act (SBA) (COM(2007) 592)**

### **Definition: Policy Taker**

### **Outlook: Policy Taker**

The aim of the 'Small Business Act' is to improve the general attitudes of politics towards entrepreneurship. The 'Think Small First' principle should be taken seriously when initially designing policies as well as implementing them in praxis. This would encourage the growth of small businesses and prevent the problems that hinder their development.<sup>4</sup>

Reviving domestic small business and entrepreneurship was also one of the fundamental aims of domestic reforms undertaken in 2005 within the Slovenia's Development Strategy and broader goals of the Lisbon Strategy, putting the 'Small Business Act' relatively high on the political agenda. Slovenia therefore welcomed efforts by the EU in this area and strived to establish a favourable entrepreneurial climate for the development and success of small businesses using the instruments and mechanisms offered within the EU.

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<sup>3</sup> Finance Minister Andrej Bajuk before the Luxembourg Financial Forum meeting on 2 December 2005, at <http://www.ukom.gov.si/eng/slovenia/publications/slovenia-news/2628/2643/>

<sup>4</sup> The Declaration on activities of the Republic of Slovenia in the institutions of the European Union in the period January 2007 – June 2008, available at: [http://www.svez.gov.si/fileadmin/svez.gov.si/pageuploads/docs/public\\_information\\_catalogue/2007\\_Deklaracija\\_o\\_usmeritvah\\_za\\_delovanje\\_RS\\_v\\_institucijah\\_EU\\_ang.doc](http://www.svez.gov.si/fileadmin/svez.gov.si/pageuploads/docs/public_information_catalogue/2007_Deklaracija_o_usmeritvah_za_delovanje_RS_v_institucijah_EU_ang.doc)

Slovenia is supportive of the 'Small Business Act' and there is a general consensus among political parties regarding it. The position is not likely to change.

### **3.2. Financial retail services (SEC(2007)1520)**

**Definition: Policy Taker**

**Outlook: Policy Taker**

The Commission's Green Paper on Financial Services is supported by Slovenia. The improvement of retail financial services is dependent on consultations with consumers since they are the users of these services and can provide the most relevant information about improvements in services.

Slovenia especially supports the creation of SEPA — Single European Payment Area as the impact on the consumer will most likely be positive. The consumers should be to some extent involved in the preparation of it. The same goes for simplified standardised products that can bring a benefit to the consumers as well as to the banks. Here, again, Slovenia argues for increased consumers' financial literacy and capability, and for the consumer to be informed.

Slovenia also supports the establishment of the consumer credit data system on an EU basis as it will lower the costs of lending money and insurance protection of the market. Its establishment should be available to all financial institutions that are allowed to lend money. Appropriate protection of the data should be set up.

When it comes to consumer mobility, Slovenia emphasises that it is necessary to improve all segments of the market, but foremost education, information, costs and administrative burdens.

Slovenia is a Policy Taker on this issue and is likely to remain as such.

## II. Minority integration and citizenship issues

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### 1. Overview

Following the plenary session debate in Brussels on 31 January 2008, the European Parliament adopted a resolution on 'A European Strategy on the Roma', noting that:

There are numerous existing policies and instruments dealing with Roma found within EU Charter on Fundamental Rights, the European Convention on Human Rights and United Nations human rights framework<sup>5</sup> all advocating economic and social integration of the Roma. Even though Roma is considered to be one of the most complex issues in the area of social inclusion there is still the need for a more focused European approach to integration of Roma. The resolution on a European Roma strategy is therefore seen as a step towards an umbrella policy that could positively affect the lives of Roma communities in the EU.

Slovenia is following the above mentioned charters and resolutions as well as its own legal framework where the position of Roma has been legally regulated since 1989. Article 65 of the Constitution of the Republic of Slovenia stipulates that the status and special rights of the Roma Community living in Slovenia shall be regulated by law. This enables a legal foundation for protective and 'positive discrimination' measures. In 2007 *The Roma Community in the Republic of Slovenia Act*<sup>6</sup> was adopted. It provides for systematic regulation as well as definition of the responsibilities of state institutions and local self-governing community bodies regarding the implementation of the special rights of the Roma.

Slovenia has a relatively small Roma community. In the 2002 census 3246 inhabitants declared themselves as members of Roma Ethnic Community. Despite what is contained in the official data of the census, the Office for Nationalities estimates that between 7 000 and 10 000 Roma live in the Republic of Slovenia. The Roma community in Slovenia still has to face stereotypes, social exclusion and intolerance. According to the head of the Government Office for Nationalities, Stanko Baluh, there is still a lot to be done in this respect in Slovenia, but compared to East European EU members, the situation in Slovenia is a bit better due to the above-mentioned Roma Community Act as well as special action plans that are being prepared.

Another long-pending citizenship issue is connected to the 1992 'erasure' of around 30 000<sup>7</sup> people from former Yugoslav republics who failed to apply for Slovene citizenship within the prescribed deadline. They were moved from the register of permanent

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<sup>5</sup> As well as three resolutions adopted by the European Parliament: Resolution on the situation of the Roma in the European Union (28 April 2005), Resolution on the situation of Roma women in the European Union (1 June 2006) and Resolution on application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States (15 November 2007)

<sup>6</sup> Further Slovenian legislation on Roma include: Local Government Act (Official Gazette RS, No. 72/93, ..., 100/05), Local Elections Act (Official Gazette RS, No. 72/93, ..., 22/06), Voting Rights Register Act (Official Gazette RS, No. 52/02, ..., 73/03), Exercising Public Interest in Culture Act (Official Gazette RS, No. 96/02), Organisation and Financing of Education and Training Act (Official Gazette RS, No. 12/96, ..., 98/05), Kindergarten Act (Official Gazette RS, No. 12/96, ..., 100/05), Elementary School Act (Official Gazette RS, No. 12/96, ..., 70/05), Public Media Act (Official Gazette RS, No. 35/01, ..., 96/05), Librarianship Act (Official Gazette RS, No. 87/01, ..., 96/02), Promotion of Balanced Regional Development Act (Official Gazette RS, No. 93/05), Radiotelevizija Slovenija Act (Official Gazette RS, No. 96/05).

<sup>7</sup> Around 18 305 persons still residing in Slovenia.

residents to the register of people with no legal status in Slovenia. Their status is still not resolved to this day. The public debate is centred on the topics of whether the act of erasure was in fact discriminatory, and how to restore their rights. The Slovenian Constitutional Court has already ruled that the erasure was in fact an act of discrimination. The Erased are gathered in the Association of the Erased and they argue for a compensation claim that would take into account the principle of proportionality, so that the state would not allocate more money than it can afford. The position of the main opposition party, the Slovene Democratic Party (SDP), is that the issue should be settled with a constitutional law making it possible to deal with the Erased "individually in order to make distinctions between those who are entitled to and those who are not entitled to the status concerned."<sup>8</sup> More radical is the position of the Slovene National party (SNP), which argues that the outcome of the 2004 referendum on the issue should be respected. The referendum saw an overwhelming majority of 94.59% (on a turnout of 31.54% of the eligible voters) rejecting a 2003 government-sponsored act that aimed at reinstating the permanent residence status of the Erased. The ruling centre-left coalition has made it a priority to quickly restore the full status of the Erased. The Ministry of the Interior is currently consulting experts and NGOs to draw up a law that will allow it to issue permanent residence permits to the Erased.

Slovenia is a Policy Taker on minority integration and citizenship issues. It seems though that it is doing a lot on the legislative level prioritising formulation of action plans for Roma, implementation of the goals of the Roma Community in the Republic of Slovenia Act and solving the problem of 'the Erased' (an issue prioritised by the new government).

### Table of national positions

\*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Taker; likely to remain a Policy Taker	General Consensus, position not likely to change substantially	Within the mainstream
2.1. The emerging European Roma Strategy	Policy Taker; likely to remain a Policy Taker	No general consensus on the policy	Within the mainstream
2.2. Other minorities' integration issues	Policy Taker; likely to remain a Policy Taker	No general consensus on the policy, especially in regard to the 'Erased'	Within the mainstream
3.1. Formulation of action plans to improve housing conditions, create possibilities for employment and guarantee affordable health care and education for Roma	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.2. Institutionalisation of European policy on Roma by establishment of Roma Unit within EC	Policy Taker; likely to remain a Policy Taker	Possibility of no general consensus on the policy	Within the mainstream
3.3. Commission Communication COM(2008) 420 final from 2.7.2008	Policy Taker; likely to remain a Policy Taker	Consensus on the policy	Within the mainstream

### 2.1. General issues: The emerging European Roma Strategy

**Definition: Policy Taker**

**Outlook: Policy Taker**

There is no publically expressed Slovene national position on the emerging European Roma Strategy. Even more, the Roma community is not mentioned in any of the important strategic documents on activities of Slovenia in EU institutions. The unwillingness to put the Roma issues on the EU agenda was apparent when the Committee of the National Assembly on European Affairs discussed the initiative for the Slovenian Presidency to organise the first global conference on the Roma problematic

<sup>8</sup> [http://www.eng.sds.si/index.php?section=news&news=novice\\_baza\\_eng/040330\\_144531.txt](http://www.eng.sds.si/index.php?section=news&news=novice_baza_eng/040330_144531.txt)

to be held in Slovenia. The initiative was put forward by 56 MEPs. The negative opinion towards this issue was expressed by Bogdan Barovič, member of the Slovene National Party (SNS), arguing that even the Slovene MPs did not have the chance to influence the programme of the Slovene Presidency and that the initiatives from the MEPs should not additionally burden the foreseen Slovene priorities. Speaking in favour of the MEPs' initiative was Majda Širca (Zares). Janez Lenarčič, Slovenian State Secretary for European Affairs, responded that the initiative from the European Parliament was taken seriously but that the Slovene Presidency 'inherited' the common 18-month trio (Germany, Portugal and Slovenia) programme and agenda, therefore being unable to include additional activities and topics in the Presidency's programme.

From this debate within the Committee on European affairs and lack of Roma issues in practically all the annual declarations on activities of the Republic of Slovenia in the institutions of the EU, we can conclude that the issue of Roma is not seen as having high priority for the Slovenian government. It is unlikely that Slovenia would act as a Policy Driver. Slovenia is also not a full member of the Decade of Roma Inclusion 2005 – 2015<sup>9</sup>. Slovenia will probably act as a Policy Taker regarding the emerging European Roma Strategy.

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<sup>9</sup> A political commitment by Governments to combat Roma poverty, exclusion, and discrimination within a regional and European framework.

## **2.2. General issues: Other minorities' integration issues**

**Definition: Policy Taker**

**Outlook: Policy Taker**

The Slovenian Constitution distinguishes between the two largest ethnic minorities, Italian and Hungarian, and the 'autochthonous' Roma minority. The Roma community in Slovenia does not enjoy the status of a national minority as do the Italian and Hungarian minority, but are recognised only as a special community or a minority with special ethnic characteristics (its own language, culture and other ethnic characteristics). This fact means that Roma community is not entitled to the full rights deriving from the status of autonomous ethnic minority. Therefore, rights of Roma are not nearly as well protected as the rights of the Italian and Hungarian ethnic groups.

The position of Italian and Hungarian minority seems to be a non-problematic one. There are hardly any problems that would indicate the potential for some of the communities' issues to be 'Europeanised'. This is, however, not the case with the Roma community. In October 2006 one of the greatest violations of the rule of law and human rights in Slovenia happened when state institutions subordinated themselves to the demands of the majority Slovenian residents in the village of Ambrus, and illegally displaced the Roma Strojan family. The Human Rights Ombudsman for Slovenia raised the issue with the Council of Europe and Europe's Commissioner for Human Rights.

Another long-pending issue regarding non-Slovene citizens has been 'Europeanised'. The group of people in question is the so-called 'Erased'. The Erased residents of Slovenia are a group of 18 305 persons, originating from former Yugoslavian republics, whose personal data were unlawfully transferred in 1992 from a register of people with permanent residence to a register of people with no legal status in Slovenia. The reason for the erasure was the fact that they did not apply for Slovenian citizenship within the six-month deadline set by the Citizenship of the Republic of Slovenia Act in 1991. The issue is still not resolved in spite of a decision of the Slovenian Constitutional Court that the erasure was in fact an act of discrimination. Eleven erased people also lodged an application to the European Court of Human Rights. The case has not yet been decided upon.

### **3.1. Specific issues: Formulation of action plans to improve housing conditions, create possibilities for employment and guarantee affordable health care and education for Roma**

**Definition: Policy Taker**

**Outlook: Policy Taker**

Slovenia intends to improve the situation of Roma community by formulating and implementing the action plans in the fields of housing, employment, health care and education. Furthermore a National Programme of Measures for Roma is currently under preparation and is to be adopted by the end of 2008. The programme will include measures that will, on the whole, contribute to the improvement of the Roma community's position and its integration into society.

Action plans regarding education of Roma are part of a Strategy for Education of Roma in Slovenia, adopted in 2004, which aims to provide an analysis of the situation, ensure the participation of Roma in education, and define measures to achieve its goals. The Strategy includes important measures such as the introduction of Roma assistant teachers in schools. The Strategy also provides for the inclusion of Roma children in pre-school institutions at least two years prior to enrolment in elementary school. The strategy and action plans are designed by working groups composed of experts from the Ministry of Education and Sport, the Union of Roma in Slovenia and the National Education Institute.

An Action Plan for employment of Roma has been implemented since 2003. It contains measures such as the inclusion of young unemployed Roma in primary and vocational schools, the inclusion of adult Roma in subsidised public work schemes and the recruitment of Roma assistants in public service offices in order to improve communication between Roma users and the administration as well as service delivery.

The spatial planning aspect of Roma settlements has been addressed by an expert group since 1 December 2006. The group produced the study "Spatial planning

problems of Roma settlements in Slovenia” and prepared concrete measures in the form of a selected operational scenario.

Slovenia cannot be described as an EU Policy Driver on the issue of action plans. Although the Roma community is experiencing economic, social and housing disadvantages, it seems that the small number of the Roma community and its relatively good social integration, especially in the Prekmurje region, does not make the issue as problematic as in some other NMS.

### **3.2. Specific issues: Institutionalisation of European policy on Roma by establishment of Roma Unit within the EC**

**Definition: Policy Taker**

**Outlook: Policy Taker**

There are currently no political or public discussions in Slovenia regarding the Roma Unit within the EC. From what has been said above we can assume that Slovenia will declaratively support the establishment of the Unit but will, because of its limited stakes in the issue, follow the EU mainstream and act as a Policy Taker.

### **3.3. Specific issues: Commission Communication COM(2008) 420 final from 2.7.2008 on Non-discrimination and equal opportunities: A renewed commitment and also Community Instruments and Policies for Roma Inclusion, Staff working document accompanying Commission Communication COM(2008) 420**

**Definition: Policy Taker**

**Outlook: Policy Taker**

The same can be argued for this issue. Slovenia will probably support it but cannot be described as a Policy Driver. It is more likely that Slovenia will follow the EU mainstream and act as a Policy Taker.

### III. Energy and climate

#### 1. Overview

#### 2. General issues:

- 2.1. Strategic energy review (2007) and positions towards 2010-2014 energy action plan
- 2.2. The post-Kyoto/post-2012 proposals — the global dimension
- 2.3. Commitment to meet the benchmarks for greenhouse emissions
- 2.4. Strategy and commitment to increase the share of renewable sources
- 2.5. Strategy towards nuclear energy
- 2.6. Implementation of the revised Emission Trading Scheme
- 2.7. External dimension of energy security

#### 3. Specific issues:

- 3.1. Liberalisation of the energy market — 3<sup>rd</sup> energy package (unbundling)
- 3.2. Common rules for the internal market in electricity (COM(2007) 508), cross border exchanges in electricity (COM(2007) 531), common rules for the internal market in gas (COM(2007) 529), access conditions to the gas transition network
- 3.3. Establishment of the Agency for Co-operation of Energy Regulators (COM(2007) 503)

### 1. Overview

Slovenia has an energy import dependency close to the EU-27 average. Its main imports are oil and natural gas. Slovenia produces nuclear energy, solid fuels and renewable energy, all of which are also used in electricity generation in almost equal shares. The share of renewable sources in primary energy supply is steadily increasing. Slovenia supports the future use of nuclear energy in its energy mix. Industry still consumes the largest percentage of energy, but the increase of energy use by other sectors is significant. Slovenia's energy intensity is much higher than the EU-27 average.

The policy area of Energy/Climate change has been one of the priorities of the Slovenian Presidency of the EU Council in the first half of 2008.

In this policy area the top three prioritised policies are internal market for gas and electricity, renewable energies, and external energy policies as well as preservation of biodiversity on the global level. The last issue has not received much EU attention as there is no legislative proposal on the agenda yet. Here Slovenia can be characterised as a Policy Promoter. As for the other policies Slovenia is a Policy Taker and it is not a major economic or political actor. Nevertheless, during its Presidency Slovenia assumed a more active role promoting consensus seeking and cooperation among different policy actors and stakeholders.

The priorities set at EU level coincide with the main principles guiding the future development of the Slovene energy sector (emphasised in the National Energy Programme (NEP) policy document), which are: sustainable development, compliance with the environmental directives and the demands of the Kyoto Protocol, long-term availability of energy resources, liberalisation of the energy market, efficient energy use, increased energy supply from renewable and alternative energy sources, public awareness regarding energy issues and further diversification of fossil fuels supply. Some environmental NGOs (particularly Focus) were against the government proposal for the NEP. Their argument was that it does not offer sufficient policy responses to the challenges of reducing energy intensity, dependency on fossil fuels supply, and reducing the environmental impacts of energy activities, and that it lacks a clear vision when it comes to renewable energy sources.

### Table of national positions

\*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Taker; likely to remain a Policy Taker	General Consensus, position not likely to change substantially	Within the mainstream
2.1. Strategic energy review (2007) and positions towards 2010-2014 energy action plan	Policy Taker; likely to remain a Policy Taker	Consensus on the issue	Within the mainstream
2.2. The post-Kyoto/post-2012 proposals – the global dimension	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
2.3. Commitment to meet the benchmark for greenhouse emissions	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.4. Strategy and commitment to increase the share of renewable sources	Policy Taker; Likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.5. Strategy towards nuclear energy	Policy Driver; likely to remain a Policy Driver	Relative consensus on the general policy	Within the mainstream
2.6. Implementation of the revised Emission Trading Scheme	Policy Taker; Potential Policy Taker	Consensus on the national position	Within the mainstream
2.7. External dimension of energy security	Policy Killer; likely to become a Policy Taker	No consensus on the general policy	Outside the mainstream/potentially within the mainstream
3.1. Liberalisation of the energy market – third energy package (unbundling)	Policy Driver; likely to become a Policy Taker	Consensus on the general policy	Within the mainstream
3.2. Common rules for the internal market in electricity (COM (2007) 508), cross border exchanges in electricity (COM(2007) 531), common rules for the internal market in gas (COM (2007) 529), access conditions to the gas transition network (COM (2007) 503)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.3. Establishment of the Agency for Co-operation of Energy Regulators (COM (2007) 503)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

#### 2.1. General issues: Strategic energy review (2007) and positions towards 2010-2014 energy action plan

##### **Definition: Policy Taker**

##### **Outlook: Policy Taker**

The EU Strategic Energy review was one of the most important elements stressed in the Green paper on a European Strategy for Sustainable, Competitive and Secure Energy, published on 8 March 2006. In the Written Contribution of Slovenia to the Energy Council of 14th March 2006, the Ministry of Economy states that the most important aspect of the Green Paper is bringing together measures and linking them in one document, thus ensuring the horizontal overview. Slovenia especially supported the proposal for a Strategic Energy Review submitted regularly on the basis of which common measures solving the energy problems and answers to the main challenges could be adopted.<sup>10</sup>

With regard to the Strategic energy review (2007), Slovenia supports an integrated and coordinated approach to the European energy policy. Slovenia shares the EU experiences of energy crises as well as the experiences of the restructuring of the energy sector following liberalisation and regulation. Moreover, Slovenia believes that

<sup>10</sup>Written contribution of Slovenia to the Energy Council of 14 March 2006, Ministry of the Economy, at [http://www.dz-rs.si/fileadmin/dz.gov.si/pageuploads/DZ/PDF\\_datoteke/ZELENAKNJIGA.pdf](http://www.dz-rs.si/fileadmin/dz.gov.si/pageuploads/DZ/PDF_datoteke/ZELENAKNJIGA.pdf)

common foreign policy on energy issues can have great benefits for the EU, due to the increase in its negotiating power. The issue of energy dependency can also be more effectively solved in the framework of a common policy. Slovenia therefore welcomed the Commission's Communication on Energy Policy for Europe. The Strategic Review (2007) sets out the main steps to be followed in order to achieve the goals of sustainable, secure and competitive energy policy in Europe. It combines the supply and demand sides, and inseparably connects climate changes to energy. Slovenia recognises the immense efforts that need to be taken for the purpose of sustainable, secure and competitive energy policy in Europe. The Strategic Review is ambitious, it addresses the concerns of all Member States and it calls for the future development of the European energy policy<sup>11</sup>.

It seems that there is a national consensus on the importance of energy and climate issues addressed within the Strategic energy review (2007). This became apparent with the inclusion of the energy/climate change area among the priority programme areas in the Slovene presidency of the EU Council in the first half of 2008.

## **2.2. General issues: The post-Kyoto/post-2012 proposals – the global dimension**

### ***Definition: Policy Driver***

### ***Outlook: Policy Driver***

At the spring European Council meeting during the Slovenian EU Presidency the bulk of the discussion was devoted to the energy and climate package. Slovenia PM Janša stressed that "the EU must maintain its established role as a leader in international negotiations on a global post-2012 agreement. To achieve this, we need a clear set of basic principles on which the package will be based and a clear timeline for adoption. We aim to reach an agreement whereby the package can be approved by the Member States by the end of 2008, thus enabling it to be adopted by 2009 at the latest".

The fight against climate change has also a prominent place in the Declaration on Activities of the Republic of Slovenia in the Institutions of the European Union in the period January 2007 - June 2008 and in the same Declaration for the period July 2008 - December 2009. The inclusion of the need for a post-Kyoto agreement shows the government's intention of keeping climate change high on the domestic as well as EU agenda after the Slovenian Presidency. Slovenia believes the correct response to post-Kyoto regulation is the timely adoption of an international agreement for the period after 2012. Therefore Slovenia "supports EU endeavours at the international level, as well as the adoption and implementation of the EU climate and energy package. Slovenia estimates that the climate and energy package proposal provides a good starting point and basis for agreement, which must be reached by the end of the current European Parliament's term of office at the latest.<sup>12</sup> In negotiations Slovenia supports the consideration of different starting points and circumstances of Member States, their abilities and achievements.

Slovenia lacks the sheer diplomatic volume to be considered a strong political actor regarding the post-Kyoto climate change regulation agreement. Nevertheless it can be argued that because of its national consensus on the issue and its role during the Presidency, Slovenia can be described as a Policy Driver.

According to the Minister without portfolio responsible for development and European affairs Gaspari, "the final compromise solution of the French Presidency on climate-energy package does not favour the position of Slovenia. The changes introduced by the French presidency that were envisioned to solve problems some Member States had with the energy climate package in fact create problems for other states. The negotiated compromise is thus treating the Member States unequally."<sup>13</sup> The agreement was also criticised and condemned by Slovenian environmental NGOs which described it as a failure of the EU to sufficiently answer the energy climate challenge.

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<sup>11</sup> Slovenia's response to the Communication from the Commission to the European Council and the European Parliament: An Energy Policy for Europe; 17.1.2007, at [http://www.mg.gov.si/fileadmin/mg.gov.si/pageuploads/Energetika/Slovenia\\_s\\_initial\\_response\\_to\\_SEER.pdf](http://www.mg.gov.si/fileadmin/mg.gov.si/pageuploads/Energetika/Slovenia_s_initial_response_to_SEER.pdf)

<sup>12</sup> Declaration on activities of the Republic of Slovenia in the institutions of the European Union in the period July 2008–December 2009, adopted by the National Assembly of the Republic of Slovenia at its session on 17 July 2008.

<sup>13</sup> <http://www.svez.gov.si/nc/si/splosno/cns/novica/article/2028/1987/>

The position of Slovenian Prime Minister Pahor is somewhat different. He sees the negotiated energy climate package as a developmental opportunity for Slovenia to create new jobs and use profits from selling the emission rights for developmental policies. According to him, burdens and benefits are distributed fairly among Member States.<sup>14</sup>

### **2.3. General issues: Commitment to meet the benchmark for greenhouse emissions**

#### ***Definition: Policy Taker***

#### ***Outlook: Policy Taker***

In the climate-energy package that the European Commission adopted on 23 January 2008, the EU set an objective to reduce greenhouse gas emissions by 20% by the year 2020 with respect to the 1990 level and by 30% in case the international agreement on emission reduction is adopted after 2012.

Slovenia is currently a long way from meeting its targets on renewable energy sources. In line with the climate action and renewable energy package, Slovenia needs to reduce its greenhouse gas emissions by approximately 6% in respect of 2005 levels by means of the following actions:

1. reducing emissions produced by sectors included in the European Emission Trading Scheme by 21%. Since these sectors produce approximately 40% of all Slovenian greenhouse gas emissions, this action accounts for 8.4% of the total required reduction in Slovenian greenhouse gas emissions;
2. emissions produced by sectors not included in the European Emission Trading Scheme may increase by a maximum of 4% compared with 2005 levels. Since these sectors produce approximately 60% of all Slovenian greenhouse gas emissions, this possibility allows an increase in the total Slovenian greenhouse gas emissions of approximately 2.4%.

Slovenia considers the burden-sharing process in curbing greenhouse gas emissions to be a very sensitive issue. In relation to this issue, the Republic of Slovenia in particular highlights the emission of pollutants from transit road freight traffic, which is increasing and by current estimates already accounts for 5% of total greenhouse gas emissions. The Republic of Slovenia does not have efficient instruments at hand to significantly reduce the volume of these emissions. Slovenia advocates open and transparent procedures for determining the contribution of individual Member States, based upon principles of transparency and equality.

Slovenia is a Policy Taker on this issue and the position is not likely to change.

### **2.4. General issues: Strategy and commitment to increase the share of renewable sources**

#### ***Definition: Policy Taker***

#### ***Outlook: Policy Taker***

Currently the share of the renewable energy resources (RES) in Slovenia is higher than the EU average, but it has shown a downward trend in the past few years. The RES share of primary energy is fluctuating due to variations in the production of hydro energy, which is the main renewable energy resource in Slovenia. However, in 2006 and 2007 an increase in production of electricity from RES was observed.

Slovenia supports the common EU goals of increasing the share of renewable energy in overall EU energy consumption. The usage of renewable sources of energy is one of the most important measures aimed at reducing greenhouse gases and energy dependence. On the other hand, Slovenia's standpoint is that to achieve the targets set at a 20% share of renewable energy in overall EU energy consumption and 10% minimum biofuels are extremely ambitious. Member States have varying potential for reaching these targets. Nevertheless the Ministry of Economy believes that the targets need to be ambitious and that final binding targets for individual states can only be reached if common views on measures and support for common EU initiatives are adopted.

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<sup>14</sup> <http://24ur.com/novice/svet/podnebno-energetski-svezenj-potrjen.html>

"Slovenia is one of the few EU newcomers that had no major problems with the proposal on renewable sources,"<sup>15</sup> PM Janša declared. Slovenia supports the Commission's proposals as well as the Council's conclusions on renewable energy sources, given the condition that a uniform and clearly-defined mechanism for RES support be developed on the Community level. In this respect, the acceptable mechanism for Slovenia is the Feed-in Tariff incentive structure. Slovenia is a Policy Taker on this issue.

## **2.5. General issues: Strategy towards nuclear energy**

**Definition: Policy Driver**

**Outlook: Policy Driver**

Slovenia supports the use of nuclear energy and the view of the Commission that individual members should decide on the use of nuclear energy individually. In Slovenia's case this position is connected to the fact that nuclear power represents an important share of the country's energy production and that its further usage should be seen as part of reducing the emission of greenhouse gasses. The country's reduction target will probably not be met without taking into account nuclear energy. "Nuclear energy is not a renewable source, but is a source that does not emit greenhouse gases...Without taking it into account, the energy commitments would likely be impossible to meet," said PM Jansa after the EU Energy summit on 9 March 2007.

In Slovenia there is no considerable opposition from political actors regarding nuclear energy. The government had even put forward the plans for a second reactor in Krško nuclear power plant as part of the resolution on development projects for 2007-2023. The plan to build a second nuclear reactor was supported also by Borut Pahor — then the leader of the biggest opposition party Social Democrats and now the new Slovenian Prime Minister. The opposition to this nuclear policy comes from the environmentalist NGOs, which have occasionally attempted to close down the plant, stating the issue of radioactive waste disposal as one of the major ecological problems. The building of the second reactor was also opposed by the President of Slovenia at that time, Dr. Janez Drnovšek, who stated that there were enough nuclear plants in Europe and that he preferred different and cleaner energy.<sup>16</sup> The opposition from civil society is probably not strong enough to change the government's policy in this field.

Slovenia can be considered a Policy Driver on the issue of nuclear energy. There is a relatively broad political consensus on the issue and the opposing political and civic actors do not appear to be strong enough to affect the government's capability of putting the issue on domestic as well as the EU political agenda.

## **2.6. General issues: Implementation of the revised Emission Trading Scheme**

**Definition: Policy Taker**

**Outlook: Policy Taker**

Priorities of Slovenia regarding the revised Emission Trading Scheme lie with its timely adoption and its guiding principles of economic efficiency and cost effectiveness, solidarity, fairness, and transparency. Slovenia also supports the future development of measures and policies that would prevent energy-intensive companies that are now included in the Emission Trading Scheme moving to the regions with less rigorous environmental standards, thus improving their competitive position. Slovenia was in a specific situation while the Climate Package was being adopted as it was the presiding EU country. This meant that it had to deal with some extremely divergent interests and positions of Member States and other stakeholders, and that its role was relatively limited to providing a consensus among Member States.

There is a national political consensus on the Emission Trading Scheme in Slovenia. Once again the only opposition came from civil society, from the environmental organisation Focus, which sent a letter to the Slovene Minister for the Environment

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<sup>15</sup> Janša's statement after the EU Energy summit on 9 March 2007, at <http://www.ukom.gov.si/eng/slovenia/publications/slovenia-news/4445/4470/>

<sup>16</sup> Then-Slovenian President Janez Drnovšek's statement to the Austrian public broadcaster ORF, at <http://www.ukom.gov.si/eng/slovenia/publications/slovenia-news/4479/4511/index.text.html>

suggesting an overall reduction of greenhouse gases for the sector of 36% in 2020 compared to 2005 emissions.<sup>17</sup>

Nevertheless, we can argue that Slovenia is not a Policy Driver in this policy area. It is likely that it would follow the EU mainstream, therefore being a Policy Taker.

## **2.7. General issues: External dimension of energy security**

### **Definition: Policy Killer**

### **Outlook: Policy Taker**

In 2006 there was a significant intensification of economic relations between Russia and Slovenia. The biggest-ever Slovenian delegation (made up of government and business representatives) visited Moscow. The result was the improvement of bilateral economic ties, especially in the energy sector. Later that year an agreement between one of the biggest Slovenian energy companies, Petrol, and the largest Russian oil company, Lukoil, was formed. A joint venture named "Petrol Lukoil" is now headquartered in Slovenia and is in Petrol's majority ownership (51 percent), with Lukoil owning the remaining 49 percent. The purpose of the deal is the sale of oil products in Albania, Austria, Bosnia and Herzegovina, Croatia, Macedonia, Greece, Italy, Montenegro, Serbia, and Slovenia.

Slovenia has expressed the importance of Nabucco to the diversification goals of EU energy. At EU foreign ministers' informal meeting at Brdo pri Kranju on 28 March, Slovenian Minister of Foreign Affairs Rupel noted that the existing and new energy routes should provide increased security and ensure a smooth energy supply to the EU. The Nabucco project should in this context be seen as an important element in this context. Nevertheless there have been some speculations of Slovenia joining the South Stream pipeline. The Gazprom delegation paid a working visit to Slovenia in April 2008. Among others, Slovenia's possible participation in the South Stream project has also been discussed. "The project would give Slovenia a secure gas supply, income from the transit of gas and boost the strategic importance of the country on the energy map,"<sup>18</sup> underlined PM Janša. On 10 June the Chairman of the Gazprom Management Committee, Alexey Miller, stated that the South Stream would include Slovenia. The agreement has not been signed yet.<sup>19</sup>

There is an obvious Slovenian interest in strengthening the beneficial long-term partnership with Russia in the energy sector. This could further affect Slovene energy security and Slovenia's position on EU commitments to external energy security. Slovenia can be perceived as performing a double-play, stressing the importance of Nabucco but also trying to join South Stream with an intention to diversify its energy sources. Slovenia can be perceived as a potential Policy Killer.

The Slovenian position regarding the external dimension of energy security (in particular towards Nabucco and South Stream) has somewhat changed with the new centre-left government and with the emergence of the current gas crisis. The position has shifted more towards Slovenian support for the Nabucco project. At the meeting held on 16 January in Ljubljana between representatives of Gazprom, Slovenian Prime Minister Pahor and Minister of the Economy Dr. Lahovnik, the Slovenian side favoured a more loosely-defined and unbound agreement with Gazprom regarding building part of the South Stream pipeline through Slovenia. According to the unofficial sources the Russian delegation was "disappointed with the changes of the Slovenian position and lack of political will for continuation of the project."<sup>20</sup> Nevertheless, Dr. Lahovnik stated that he is personally in favour of South Stream, as it lessens Slovenia's dependence on Russian-Ukrainian disputes, because it enables avoiding Ukrainian pipelines in delivering gas to Central Europe. However, it does not reduce dependence on Russian gas. Therefore Nabucco is still in the strategic interest of Slovenia.<sup>21</sup> Slovenian

<sup>17</sup> Available at [http://www.predsodvanje.si/files/envcouncil\\_5junij\\_pismo\\_1.doc](http://www.predsodvanje.si/files/envcouncil_5junij_pismo_1.doc)

<sup>18</sup> Comment of PM Janša for RTV Slovenia on 30 June, at <http://www.ukom.gov.si/eng/slovenia/publications/slovenia-news/6673/6692/>

<sup>19</sup> <http://www.delo.si/clanek/61694>

<sup>20</sup> [http://www.dnevnik.si/poslovni\\_dnevnik/1042237453](http://www.dnevnik.si/poslovni_dnevnik/1042237453)

<sup>21</sup> Interview with dr. Lahovnik; 26.1.2008. available at: <http://www.dnevnik.si/novice/slovenija/1042239340>

president Dr. Türk on the other hand stated that "we shouldn't delay the building of South Stream,"<sup>22</sup> therefore acting in line with the previous Slovenian position.

The latest developments in the ongoing negotiations between Slovenia and Gazprom about building part of the South Stream pipeline through Slovenia show the position of the Slovene government changing once again. After the meeting in late February between Minister of the Economy Dr. Lahovnik, Slovenian companies Geoplin and Geoplin plinovodi, and the Russian First Deputy Minister of Energy Anatoly Yanofski, the interests of all parties involved have been satisfied and a broad agreement has been decided upon.

There seems to be lack of political consensus regarding the Slovenian position towards this part of the external dimension of energy security. We can argue that both the position towards Nabucco and the position towards South Stream are not particularly strong, which does allow Slovenia enough negotiating space and flexibility when it comes to the external dimension of energy security.

### **3.1. Specific issues: Liberalisation of the energy market – 3<sup>rd</sup> energy package (unbundling)**

**Definition: Policy Driver**

**Outlook: Policy Taker**

Slovenia was not part of the group of 8 states which opposed the Commission's liberalisation package, especially the unbundling of ownership. These countries argued that the Commission's proposals to unbundle vertically-integrated energy firms will not achieve their desired effect in terms of more grid investments and lower energy prices, and proposed amendments for a third option for energy market liberalisation.

On 6 June 2008 EU Energy Ministers finally reached an agreement on key elements of all five legislative proposals on the single energy market (the third energy package). This agreement also included a compromise proposal put forward by Slovenia's representatives and the Commission.<sup>23</sup> The compromise solution<sup>24</sup> was based on the decoupling of energy production and distribution. The proposal was drafted by the Slovenian presidency and would allow operators to control power generation and distribution, but with completely separate management. Minister of Economy Vizjak stressed that he supports 'ownership unbundling' but he has nothing against big and powerful players in the energy sector. However, he "opposes their power to be abused for bolstering their market position at the expense of the consumer."<sup>25</sup>

Agreement on the third legislative package for the liberalisation of the electricity and gas internal market is considered to be "the greatest success of the Slovenian Presidency in the energy field". Slovenia managed to bring the positions of 27 Member States closer and to reach a broad consensus on the key elements of all five legislative proposals for both electricity and gas.<sup>26</sup> This shows that Slovenia assumed the role that is expected of the presiding country. This role presupposes consensus promotion and seeking cooperation among different policy actors and stakeholders.

Slovenia can therefore be described as Policy Driver because of its successful role as 'an honest broker' during the negotiations on the third legislative package. It can also be expected that Slovenia will shift back to the role of a Policy Taker.

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<sup>22</sup> <http://www.delo.si/clanek/74708>

<sup>23</sup> [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/June/0606MG\\_TTE.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/June/0606MG_TTE.html)

<sup>24</sup> Available at [http://www.euractiv.com/29/images/internalmarketnonpaper1405\\_tcm29-172414.doc](http://www.euractiv.com/29/images/internalmarketnonpaper1405_tcm29-172414.doc)

<sup>25</sup> Stressed at the conference held at the Brdo pri Kranju on 22 May by the Slovenian Presidency, at <http://www.ukom.gov.si/eng/slovenia/publications/slovenia-news/6514/6532/>

<sup>26</sup> Achievements of the Slovenian Presidency of the EU Council, at [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/June/0630SVEZdosezki.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/June/0630SVEZdosezki.html)

### **3.2. Specific issues: Common rules for the internal market in electricity (COM (2007) 508), cross border exchanges in electricity (COM(2007) 531), common rules for the internal market in gas (COM (2007) 529), access conditions to the gas transition network (COM (2007)**

**Definition: Policy Taker**

**Outlook: Policy Taker**

Adopting the common rules in the internal market in electricity meant that that all consumers would be free to shop around for gas and electricity supplies.

Slovenia supports the full development of internal electricity and gas markets because it expects the additional benefits to individual consumers as well as energy businesses.<sup>27</sup> A more competitive internal EU market will bring the most benefits to consumers, therefore being important for Slovenia. There are some measures Slovenia warmly welcomes: a European network of independent regulators (ERGER+), the adoption of binding guidelines with increased powers of regulatory agencies over gas storage and legal unbundling of storage system operators from gas supply and electricity generation companies, the creation of an efficient Community framework for exemption of new pipelines affecting more than two Member States (such as the proposed New Gas Infrastructure Investment Regulation within the Energy Community). Slovenia also supports the idea of progress in solidarity between Member States in case of an energy crisis or a disruption of supplies as well as widening of the energy market beyond EU borders.<sup>28</sup>

There was no wider public debate on these issues in Slovenia. The main opposition party, the Social Democrats (now in power), also supports more competitiveness, which the common rules for the internal market electricity and gas will bring.<sup>29</sup> Therefore it cannot be expected the position will change or that other stakeholders would be strong enough to influence the position.

### **3.3. Specific issues: Establishment of the Agency for Co-operation of Energy Regulators (COM (2007) 503)**

**Definition: Policy Taker**

**Outlook: Policy Taker**

Slovenia supports the development of truly independent Agency for the Co-operation of Energy Regulators with a sound governance model. Its work programme should be focused on issues involving international and regional cooperation, in particular cross-border interconnections.

Again it has to be emphasised that the political debates on the issue are practically nonexistent in Slovenia. The debates regarding the Agency focused more on the consensus-seeking role Slovenia had regarding the establishment of the Agency and on assessing the positive effect the successful establishment would have on the image of the Slovenian Presidency. The other discourse was focused more on the need for Slovenia to use the Presidency to secure future influence in the foreseen Agency. Slovenia therefore assumed the coordination of different national positions and a compromise-seeking role. Slovenia can be described as a Policy Taker in the case of the Agency for Co-operation of Energy Regulators.

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<sup>27</sup> Declaration on activities of the Republic of Slovenia in the institutions of the European Union in the period July 2008–December 2009 (DeUDIEU0809), adopted by the National Assembly of the Republic of Slovenia at its session on 17 July 2008.

<sup>28</sup> Slovenia's response to the Communication from the Commission to the European Council and the European Parliament: An Energy Policy for Europe, 17.1. 2007, at: [http://www.mg.gov.si/fileadmin/mg.gov.si/pageuploads/Energetika/Slovenia\\_s\\_initial\\_response\\_to\\_SEER.pdf](http://www.mg.gov.si/fileadmin/mg.gov.si/pageuploads/Energetika/Slovenia_s_initial_response_to_SEER.pdf)

<sup>29</sup> Slovenia Today, Introduction to the alternative government programme for the period 2008-2012 by the Social Democrats, at: [www.socialnidemokrati.si/file.php?id=121](http://www.socialnidemokrati.si/file.php?id=121)

#### IV. Budget review and CAP "Health Check"

1. Overview
2. General issues:
  - 2.1. Position towards CAP "Health Check" (COM(2007)722)
  - 2.2. Positions towards the expenditure structure of post-2013 budget (SEC(2007) 1188)
  - 2.3. Position towards Common Market Organisation for Fisheries

##### 1. Overview

Agriculture is of limited importance for the Slovenian economy and its relative weight is decreasing. It currently contributes around 2% of GDP and less than 6% of total employment. Slovenia's contribution to the total value of agricultural output of the EU-25 countries was 0.31% in 2006 – exactly the same as the share of its utilised agricultural area. Slovenian agriculture is characterised by unfavourable natural and structural conditions, which also explains its status as a net importer of food and its relatively protectionist agricultural policy.

The issues of budget review and CAP health check have not received much public attention in Slovenia. They were also not included as priorities of the Slovenian Presidency of the EU Council in the first half of 2008. The experts' report published by an independent task force appointed by the Government office for European affairs dealt with those issues and identified possible scenarios regarding various fields of EU financing. This report will probably serve as a basis for future political and public debate. Top Slovenian priorities within this policy pack are: EU Budget reform, "Health Check" of the Common Agricultural Policy and further discussions on the future of EU cohesion policy.

The overall impression is that when it comes to CAP reform, Slovenia supports the adjustments of the CAP that would operate under the current financial perspective and would not constitute a radical reform of the sector.

Slovenia can in general be described as a Policy Taker on these issues.

##### Table of national positions

\*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Taker; likely to remain a Policy Taker	General Consensus; position not likely to change substantially, except in the case of 'creating more flexible labour markets'	Within the mainstream
2.1. Position towards CAP "Health Check" (COM 2007(722))	Policy Taker; likely to remain a Policy Taker	Lack of domestic debate	Within the mainstream
2.2. Position towards the expenditure structure of post-2013 budget (SEC(2007)1188)	Policy Taker; likely to remain a Policy Taker	Lack of domestic debate	Within the mainstream
2.3. Position towards Common Market Organisation for Fisheries	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

##### 2.1. General issues: Position towards CAP "Health Check" (COM 2007(722))

**Definition: Policy Taker**

**Outlook: Policy Taker**

The issue of the budget review and CAP Health Check did not attract much domestic political or public attention. This fact can be attributed to the preparation to Slovene Presidency of the EU Council in the first half of 2008, the Presidency itself and the general elections held on 20 September 2008. However, the Government office for European affairs already in November 2006 appointed an independent expert group with its aim to prepare a report regarding the EU budget review. The report should serve as an analysis and identification of different scenarios regarding various fields of EU financing including CAP. During the Slovene Presidency the CAP Health Check was also absent from parliamentary debates. There was, however, an organised discussion between NGOs and civil society and representatives of the European Commission organised by Slovene NGO CNVOS regarding several legislative proposals in the

context of CAP Health Check. Nevertheless it can be argued that the topic is not a priority for Slovenia.

From the official documents we can learn that Slovenia "supports the adjustments of the CAP which would operate under the current financial perspective and will not constitute a radical reform of the sector. The corresponding update of CAP is needed mainly due to further standardisation of the system of single payment, simplification, and adapting to new challenges. It will support the new legislative proposals that would enable greater stabilisation of agricultural markets and contribute to increasing competitiveness and productivity of EU agriculture and therefore ensure adequate adjustment to new challenges such as climate change, biofuels, environmental protection and food safety."<sup>30</sup>

Emphasis regarding CAP is therefore put on its gradual and not radical reform as stated also by Slovenian Minister of Agriculture, Forestry and Food Iztok Jarc: "If we want to achieve stability and predictability in agriculture, the changes put into effect should be gradual, and only short-term adjustments and not major substantive changes should be made."<sup>31</sup>

It seems that the issue of CAP Health Check has been overshadowed by domestic political developments, the Slovenian Presidency of the EU Council in the first half of 2008, and the fact that Slovenia has a particularly small agricultural sector. The CAP was also not one of the key priorities of the Presidency, even though Slovenia had to deal with it as a presiding country. Namely during the Slovenian Presidency, the Council adopted its position on the Commission's Communication on the CAP Health Check. The Slovenian Presidency took little initiative on the Health Check and focused mainly on facilitating a Council position<sup>32</sup>. The lack of domestic debates and exclusion of CAP from the priorities of Slovene Presidency means that Slovenia will act as a Policy Taker when it comes to CAP Health Check.

After the political agreement on the Health Check of the Common Agricultural Policy has been reached the new Slovenian Minister of Agriculture Dr. Pogačnik pointed out that "Slovenia is satisfied with the political agreement on CAP". He emphasised that "the Slovenian positions were taken into account, especially in regard to assuring the provision of public goods in agriculture, the need for the multifunctional nature of agriculture and respecting specific situations of Member States and regions."<sup>33</sup>

## **2.2. General issues: Positions towards the expenditure structure of post-2013 budget (SEC (2007)1188)**

### ***Definition: Policy Taker***

### ***Outlook: Policy Taker***

There are no clear Slovenian positions towards the issue of the structure of post-2013 budget. Nevertheless we can learn from the official documents that Slovenia supports "the efforts that pay particular attention to reform efforts that should allow the budget's further restructuring and adequate funding of current and future policy objectives, at the same time ensuring the sustainability of public finances in the EU on further enlargement."

This position is particularly vague. The issue has yet to attract any considerable public or parliamentary attention with the exception of the Reform Task Force already mentioned, a group consisting of individuals from both the government and the academic sphere involved in various aspects of EU financing, all acting as independent experts and not on behalf of their institutions. The result of the Task Force has been the publication of a report titled "EU Budget Review: An Opportunity for a Thorough Reform or Minor Adjustments" that defined possible reform scenarios on both the expenditure and revenue sides of the EU budget. The report should spur further debate on the issue of budget review that has until now been more or less confined to academic circles. The need for the political and public discussion of the issue seems to

<sup>30</sup> Declaration on activities of the Republic of Slovenia in the institutions of the European Union in the period July 2008–December 2009 (DeUDIEU0809), adopted by the National Assembly of the Republic of Slovenia at its session on 17 July 2008.

<sup>31</sup> <http://www.delo.si/clanek/52672>

<sup>32</sup> EEB's assessment of the environmental results of the Slovenian Presidency of the EU, January to June 2008, at: [http://www.eeb.org/publication/EEB\\_ASSESSMENT\\_Slovenia\\_FINAL\\_July08.pdf](http://www.eeb.org/publication/EEB_ASSESSMENT_Slovenia_FINAL_July08.pdf)

<sup>33</sup> <http://www.sta.si/vest.php?s=s&id=1341941&pr=2>

have been overshadowed by the Slovene Presidency of the EU Council and the September 2008 general elections, making Slovenia, at least until now, a Policy Taker of the issue.

### **2.3. General issues: Position towards Common Market Organisation for Fisheries**

***Definition: Policy Taker***

***Outlook: Policy Taker***

Slovenia supports the reform of Common Fisheries Policy. It emphasises the need to simplify the implementation of fisheries policy and its greater flexibility and efficiency for smaller fisheries sectors such as the Slovenian one. At an informal meeting of the EU Council for agriculture and fisheries held on 29 September 2008 in Brussels, the Slovenian delegation highlighted the problem of small fisheries sectors and argued that they cannot be compared to northern or western maritime EU countries' sectors. The Common Fisheries Policy should therefore better reflect the diversity of the Member States' individual sectors.

The policy should be simplified and its implementation should take into account the revision of mechanisms that now represent disproportionately high costs in relation to the annual traffic of the small fisheries sectors of some countries. The latter should be more adapted to structural measures. Greater importance should be given to socio-economic measures that will improve the lives of fishermen and their families.

During the Slovene Presidency in the first half of 2008 Slovenia focused the most on encouraging the conservation and sustainable management of fisheries resources, increased control, enforcement and inspection as well as the conclusion of fisheries partnership agreements with third countries.

The issue is not a priority for Slovenia. Slovenia can be described as a Policy Taker.

## V. EU foreign policy and enlargement

1. Overview
2. General issues:
  - 2.1. Preference of countries for accession and any specific points or concerns relating to it (including bilateral disputes and how they might translate into EU-level policy and decision making)
  - 2.2. Preference for any particular country in the framework of ENP
  - 2.3. Enhanced ESDP, increasing Europe's defence capabilities etc.
  - 2.4. Position towards Kosovo, e.g. status and EU mission in Kosovo
  - 2.5. Transatlantic relations
3. Specific issues:
  - 3.1. Completion of accession negotiations with Croatia
  - 3.2. Opening of accession negotiations with Macedonia
  - 3.3. Signing of SAA with Serbia
  - 3.4. Blockage of accession talks with Turkey, possibility of unblocking it
  - 3.5. Polish-Swedish initiative for ENP Eastern Partnership
  - 3.6. Strategy for the Black Sea Region/Black Sea Synergy Implementation assessment
  - 3.7. Strategy for the Baltic Sea Region
  - 3.8. Revision of European Security Strategy

### 1. Overview

Slovene foreign policy after secession from Yugoslavia was primarily focused on Slovenia's economic development and security. The international organisations able to secure both of these goals seemed to be the EU and NATO. Slovenia joined both organisations in 2004 after the results of the dual referendum showed 90% support for the EU and 66% for NATO. The official campaign slogan, "at home in Europe, safe in NATO" left few doubts about the complementary nature of these two organisations and the foreign policy priorities of the political elites. After the accessions the prioritised foreign policy area (also connected to economic and security goals) has been the development, stabilisation and prosperity of the Western Balkans. Here Slovenia has taken a constructive approach, showing continuous regional, political and economic initiatives.

Slovenia is a Policy Driver on this issue, especially on the enlargement of the EU to the Western Balkans. The European perspective for the Western Balkans is considered to be a top priority for Slovenia in this policy area. The Slovenian Government as well as Slovenian public opinion have repeatedly supported the EU enlargement. During its Presidency in the first half of 2008, Slovenia's goal was for every country in the Western Balkans to make a step forward towards accession.

Nevertheless, Slovenian policy in the area of enlargement is to stress the compliance of the countries with the membership criteria which are especially apparent when it comes to accession of Croatia. Here we can argue that Slovenia assumes the role of a Policy Killer. Another prioritised issue of Slovenian foreign policy was the resolution of Kosovo's future status as well as the management of the post status process. The third priority is to bring Serbia closer to European integration.

## Table of national positions

\*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Driver; likely to remain a Policy Driver	General Consensus; position not likely to change substantially	Within the mainstream
2.1. Preference of countries for accession and any specific points or concerns relating to it (including bilateral disputes and how they might translate into EU-level policy and decision-making)	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
2.2. Preference for any particular country in the framework of ENP	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.3. Enhanced ESDP, increasing Europe's defence capabilities	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.4. Position towards Kosovo, e.g. status and EU mission in Kosovo	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
2.5. Transatlantic relations	Policy Taker; Potential Policy Taker	Consensus on the national position	Within the mainstream
3.1. Completion of accession negotiations with Croatia	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Outside the mainstream
3.2. Opening of accession negotiations with Macedonia	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
3.3. Signing of SAA with Serbia	Policy Driver; likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream
3.4. Blockage of accession talks with Turkey, possibility of unblocking it	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.5. Polish – Swedish initiative for ENP Eastern Partnership	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.6. Strategy for the Black Sea Region/Black Sea Synergy Implementation assessment	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.7. Strategy for the Baltic Sea Region (defined as a priority for the Swedish Presidency – second half 2009)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.8. Revision of European Security Strategy (thought to be initiated by the French Presidency)	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream

### 2.1. General issues: Preference of countries for accession and any specific points or concerns relating to it (including bilateral disputes and how they might translate into EU-level policy and decision-making)

#### **Definition: Policy Driver**

#### **Outlook: Policy Driver**

The Slovenian position on further enlargements (especially integration of countries of the Western Balkans) is positive. In all its annual Declarations on the Activities of the Republic of Slovenia in the EU, enlargement is given a particularly important place. The Declarations stress the importance of enlargement staying high on EU agenda as it extends the area of peace, stability, prosperity, democracy, human rights and the rule of law. Slovenia's interest in the Western Balkans is not surprising. Slovenia has a vast economic interest in the region as an exporter and foreign direct investor. The political and economic stability of the region is therefore in Slovenia's national interest. Nevertheless, Slovenia's Prime Minister Janša stressed that Slovenia is: "not advocating lowering the criteria or providing a short cut. Not at all. We want the European Union to intervene more actively in this area [the Western Balkans] and to

step up its involvement in assisting these countries in their reform processes."<sup>34</sup> During the Slovenian Presidency of the EU Council a network of Stabilisation and Association Agreements was established, therefore justifying the inclusion of the integration of the Western Balkans into the Presidency priorities. Slovenia supports the membership of both Turkey and Croatia but is also advocating the need for fulfilment of all membership criteria and other conditions that would arise from the European Council Conclusions.

Stressing the fulfilment of all membership criteria as a condition for joining EU is especially important in the light of bilateral disputes between Slovenia and Croatia. The issue that has gained most European perspective is the Ecological and Fisheries Protection Zone, declared unilaterally by Croatia. Slovenia opposes the implementation of the Zone due to its unresolved sea border issue with Croatia, emphasising that one-sided activation of the Zone would fundamentally jeopardise Slovenia's sovereignty. There were some harsh statements connected to the Zone as Slovenian Foreign Minister Rupel threatened to block Croatia's accession talks. "We have a number of scenarios, one of them assumes the blockage of five or six segments that are related to borders...there are more radical<sup>35</sup> scenarios in the Slovenian parliament," Rupel told Slovenian public television. The annual progress report called for Croatia to suspend the Zone, arguing that it is 'endangering' its accession progress. As a result the Croatian Parliament temporarily suspended the enforcement of the Zone.

Slovenia is a Policy Driver in the area of enlargement. It has a large political and economic stake, particularly in the countries of Western Balkans where it has an advantage over other EU Member States in terms of familiarity with the social, cultural and economic characteristics of the region. It can therefore assume a position from which it can influence and dictate the EU agenda, therefore being a Policy Driver.

## **2.2 General issues: Preference for any particular country in the framework of ENP**

### ***Definition: Policy Taker***

### ***Outlook: Policy Taker***

The position of Slovenia within the ENP is particularly vague. There is an absence of parliamentary or public debates regarding ENP or the position of different stakeholders towards it. There is, however, the formal government position that can be found in the annual policy declarations of the Republic of Slovenia. From the Declaration on Activities of the Republic of Slovenia for the period July 2008 to December 2009, we can learn that "Slovenia will continue its endeavours towards enhancing the European Neighbourhood Policy with partner countries and will, in particular, encourage its Eastern dimension. At the same time, Slovenia will support further strengthening of cooperation in the Mediterranean, within the Barcelona process as well as within the new cooperation framework — Barcelona Process: Union for the Mediterranean. Slovenia supports both the Mediterranean as well as the Eastern dimensions of ENP but it can be expected that Slovenia will oppose duplication of institutional structures regarding ENP.

It seems that the goals Slovenia could pursue within ENP are not as important as the relations and interests in Slovenia's closest neighbourhood, the Western Balkans. The only noticeable development or action on the position of Slovenia was its support for the Euro-Mediterranean Partnership (EMP). Namely; in the context of the 2008 European Year of Intercultural Dialogue, Slovenia established the Euro-Mediterranean University with a seat in Piran, Slovenia.

Slovenia is not a Policy Driver in the area of ENP policy. Although it has a position on the ENP, this position is not contested domestically as it does not carry a big stake. It seems that ENP is in the shadow of the larger interests in Slovenia's closest neighbourhood, the Western Balkans. Slovenia can therefore be considered as a Policy Taker regarding the ENP.

<sup>34</sup> Address by the Prime Minister of the Republic of Slovenia and the President of the European Council Janez Janša at the Plenary Session of the European Parliament, at: [http://www.eu2008.si/en/News\\_and\\_Documents/Speeches\\_Interviews/January/0116PvEP.html](http://www.eu2008.si/en/News_and_Documents/Speeches_Interviews/January/0116PvEP.html)

<sup>35</sup> Possible referendum on Croatian accession.

### 2.3. General issues: Enhanced ESDP, increasing Europe's defence capabilities

**Definition: Policy Taker**

**Outlook: Policy Taker**

Slovenia has been a member of NATO since March 2004. Slovenia does not declare NATO as a priority but is not a big actor due to its limited defence capability and rather small contribution and support to the operations led by NATO. Slovenia sees NATO and ESDP as two complementary institutions. The enhanced ESDP does not pose a threat to transatlantic relations but on the contrary serves as a guarantee for the EU to become a reliable transatlantic partner who would be able to take responsibility for the stability and development of the EU area, and would live up to its potential in solving crisis situations in international relations. Slovenia shows a strong support for strengthening European Security and Defence Policy as long as it does not duplicate the NATO structures.

Within ESDP, Slovenia pays special attention to ensuring stability and security in the Western Balkans. One of the more important initiatives during the Slovenian Presidency has been involvement of the EU in the SEEC process (Clearinghouse for South-East Europe) in the area of defence reform and reform of the security sector.

On EU defence issues Slovenia is clearly a minor player. The more detailed comments on the issues concerning ESDP are absent from political commentaries in the Slovenian media as well as public or political debates. Slovenia can be described as a Policy Taker in the area of ESDP.

**Missions with Slovene Army cooperation (December 2008)**

Mission	Nr. of personnel
Afghanistan – ISAF, NATO	66
Bosnia and Herzegovina – JOINT ENTERPRISE, NATO	5
Iraq – NTM-I, NATO	2
Kosovo – KFOR, NATO	293
USA – CENTCOM, NATO	1
Bosnia and Herzegovina – ALTHEA, EU	31
Chad/CAR – EU	15
Lebanon – UNIFIL, UN	14
Syria – UNTSO, UN	3
<b>Total</b>	<b>430</b>

(Source: www.slovenskavojska.si)

### 2.4. General issues: Position towards Kosovo, e.g. status and EU mission in Kosovo

**Definition: Policy Driver**

**Outlook: Policy Driver**

The status of Kosovo was clearly the most controversial and highlighted issue Slovenia had to deal with during its Presidency. Since 1999, Kosovo has been under the administration of the UN and Serbia did not have effective authority over it. For this reason Slovenia viewed the position of Kosovo as a *sui generis* case, therefore stressing that its independence would not bring into the question the principle of sovereignty and territorial integrity of Serbia.<sup>36</sup> "Slovenia has been in a position where it has had to carefully balance out its official statements and actions related to the Western Balkans in order to remain faithful to its policy of good relations with all parts of former Yugoslavia and at the same time clearly position itself regarding the conflictive issues (e.g. the recognition of Kosovo as an independent state)."<sup>37</sup> The balancing between the recognition of Kosovo as an independent state, simultaneously

<sup>36</sup> Stressed by Slovenian Foreign Minister dr. Dimitrij Rupel at a press conference following the Council meeting on 18.02.2008 which focused primarily on the situation in Kosovo, at [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/February/0218MZZ\\_EU\\_Kosovo.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/February/0218MZZ_EU_Kosovo.html)

<sup>37</sup> Fink-Hafner and Lajh, The 2008 Slovenian EU presidency: a new synergy for Europe? : a midterm report (Stockholm Swedish Institute for European Policy Studies (SIEPS), 2008)

reassuring Serbia of its European future and the fact that Slovenia was holding the Presidency in the first half of 2008 all shaped the Slovene position on Kosovo. In line with this complicated position, Slovenia therefore supported Kosovo independence but has opted to recognise Kosovo in the so-called second wave of countries. The National Assembly voted to recognise the independence of Kosovo on 5 March with an overwhelming majority. According to the Declaration on Activities of the Republic of Slovenia for the period July 2008 to December 2009, Slovenia also supports the deployment of EULEX which would contribute to the stability of Kosovo and its integration into the EU. The recognition of Kosovo was endorsed by 57 MPs, while only four MPs voted against. MPs of the Slovene National party (SNP) voted against.

There was, however, some hesitation from business actors who feared that commercial relations with Serbia would suffer from recognition of Kosovo. Namely, even before the recognition, there was an explosion outside a store in Belgrade run by Mercator, the largest Slovenian retailer and a substantial investor across the Balkan region. Another sign of worsening relations between Slovenia and Serbia was the ransacking (by a mob) of the Slovenian embassy in Belgrade on the day of Kosovo's declaration of independence.

As already mentioned, Slovenia has large stakes in the region of the Western Balkans due to its proximity and connections in the region. In the case of Kosovo it had to combine numerous roles in the EU and domestic arena. It first had to consolidate the domestic political actors and business pressures. Furthermore, as a presiding country it had to strive for a common EU position on Kosovo, and regardless of Slovenia's recognition of Kosovo it had to keep good relations with Serbia and its commitment to the EU future of Serbia. Slovenia can be described as a Policy Driver in the case of resolving the issue of Kosovo.

## **2.5. General issues: Transatlantic relations**

### ***Definition: Policy Taker***

### ***Outlook: Policy Taker***

Since gaining independence, Slovenia has developed strong and friendly bilateral ties with the US (particularly by joining NATO). Slovenia also supports the multilateralism between EU and US (particularly on energy, climate, trade and economic relations). Balancing bilateral and multilateral relations between EU and US seems to be the prevailing foreign policy attitude among different political parties in Slovenia, which all state the importance of good transatlantic relations.

Slovenia has also supported the American Iraq policy, sending two police instructors as a part of NATO civil mission to Iraq in 2005, which was seen by part of the Slovenian public as unnecessary. When it comes to security issues Slovenia puts more emphasis on discussing them within NATO structures. On the other hand Slovenia shows a strong support for strengthening European Security and Defence Policy as well, as long as it does not duplicate the NATO structures.

The most recent controversial issue regarding transatlantic relations was a communiqué from the US administration to the Slovenian Embassy in Washington that 'leaked' and was made public. There, the US administration declared its preferences and 'wishes' regarding certain policies, especially dealing with Kosovo, in light of the Slovenian Presidency of the EU Council. This has been seen in part of the political as well as the public sphere in Slovenia as an inadmissible interference in Slovenian foreign policy by the US.

Slovenia can be described as a Policy Taker on the issue of transatlantic relations and it is likely that this stance will not change with the new government.

## **3.1. Specific issues: Completion of accession negotiations with Croatia**

### ***Definition: Policy Killer***

### ***Outlook: Policy Killer***

The support for Croatia's accession to EU is apparent in all annual Declarations of Activities of the Republic of Slovenia in the Institutions of the EU, which are confirmed by the National Assembly. There are, however, several disputes between Slovenia and Croatia that do affect bilateral relations and Slovenian (non)support for the Croatia's EU accession. The disputes include: the unresolved sea border, unresolved jurisdiction

over Piran Bay, the dispute over the mutually owned Krško Nuclear Power Plant, Croatian citizens' foreign currency deposits in the defunct LB bank, disputes over several border crossings, and the Ecological and Fisheries Protection Zone declared by Croatia.

The first sign of the possible withdrawal of Slovenian support for Croatian membership came in the year 2004 after the arrest of some Slovene politicians by Croatian police on the disputed area of the border. The stunt was perceived as a political promotion of Slovene People's Party trying to improve their position ahead of the 2004 general elections. Since then the calls for a referendum on Croatia accession became louder. The referendum is mainly supported by the Slovene National Party, which is one of the smallest parliamentary parties in the National Assembly. The possibility of a veto<sup>38</sup> against Croatian accession was also mentioned also by Slovene PM Janša in April 2008 in an interview for Slovene national television<sup>39</sup>. According to a May public opinion poll, some 62 percent of Slovenians would block Croatia's EU entry.

In December 2008, Slovenia blocked the opening or closing of 11 chapters of Croatia's 35-chapter EU negotiations package over the issue of the land and sea border, which has been left unresolved since the secession from Yugoslavia in 1991. The Slovenian politicians (left, right, nationalists) have showed unanimity on the matter.

EU has viewed Slovene-Croatian disputes as part of their domestic political agenda and has not interfered. The exception was already mentioned Ecological and Fisheries Protection Zone declared by Croatia which has been the one issue that has been 'Europeanised'. But the latest developments with the blockage of the negotiation have forced EU to take a more active role suggesting a mediation to determine the border dispute.

When it comes to Croatian accession to the EU Slovenia does play a significant role. On one hand, it supports Croatian accession as a part of its economic interest, as well as stabilisation of the nearby Western Balkans region; on the other hand it advocates the need for fulfilment of all membership criteria and other conditions that would arise from the European Council Conclusions. The power of Slovenia as a Member State therefore has influence on the EU agenda and the Croatian accession process. This is making Slovenia a Policy Killer on this issue. The position is not likely to change.

### **3.2. Specific issues: Opening of accession negotiations with Macedonia**

**Definition: Policy Driver**

**Outlook: Policy Driver**

The position of Slovenia when it comes to the accession of the countries of the Western Balkans is clear. Slovenia is convinced that building the European perspective of the Western Balkans countries should remain a major item on the EU agenda. Macedonia has been an official EU candidate country since December 2005. As Slovenia strives to complete the network of Stabilisation and Association Agreements with all countries in the region and to enforce regional cooperation in several fields,<sup>40</sup> it is also clear that it supports the opening of negotiations with Macedonia. Slovenia supports the reform process that would bring Macedonia closer to opening the accession negotiations. The Council's report on the progress of Macedonia did not substantially change the Slovenian position. The Slovenian Presidency stated that it expects positive signals from EU with regard to visa liberalisation and its constructive role in promoting further structural reforms in Macedonia.<sup>41</sup>

Slovenia's commitment to Macedonia's accession was also shown during its Presidency. When Macedonia did not receive the invitation to NATO in 2008,<sup>42</sup> the Slovenian Presidency called on Macedonia not to lose sight of its strategic national goal of joining the Euro-Atlantic integration, which is essential for the country's future, as well as of

<sup>38</sup> "However, the majority (including Croatian Prime Minister Sanader) understood this statement as being a pre-electoral one since in autumn 2008 parliamentary elections will be held in Slovenia." (Hafner Fink and Lajh, 2008: 55)

<sup>39</sup> Stated by the Prime Minister of the Republic of Slovenia and President of the European Council Janez Janša for the TV show of RTV Slovenia "Slovenia presiding". Ljubljana, 7 April 2008.

<sup>40</sup> [http://www.eu2008.si/en/The\\_Council\\_Presidency/Priorities\\_Programmes/index.html?](http://www.eu2008.si/en/The_Council_Presidency/Priorities_Programmes/index.html?)

<sup>41</sup> <http://www.predsedovanje.si/Sosedstvo-EU/Svet-EU-o-napredku-Hrvaške-in-Makedonije.html>

<sup>42</sup> A veto by Athens over the name dispute led to Macedonia walking out of a NATO summit in Bucharest in April after it was refused membership in the alliance.

great importance for the entire region. According to the Presidency, the decision at the Bucharest NATO summit should not put that future under question. Slovenia regretted that negotiations on the name issue between Macedonia and Greece have not yet produced a successful outcome but according to Slovenian Prime Minister Janša, "Slovenia does not want to take sides in this dispute."<sup>43</sup>

Slovenia is a Policy Driver in the area of enlargement towards the Western Balkans due to its political and economic stakes in the region and the political consensus in domestic politics regarding the enlargement. It can be argued that Slovenia can make use of its good knowledge of the region to influence the EU agenda. The issue of opening accession negotiations with Macedonia can be put into this category.

### **3.3. Specific issues: Signing of SAA with Serbia**

**Definition: Policy Driver**

**Outlook: Policy Driver**

The signing of the Stabilisation and Association Agreement between the EU and Serbia was a fundamental step towards granting Serbia candidate status. The SAA was signed during the Slovene Presidency of the EU Council. The key obstacle for signing the SAA agreement with Serbia was the issue of full cooperation with the Hague tribunal. Slovenia's position on this issue can be summed up in the statement of PM Janša: "Slovenia agrees that this should be a condition for Serbia's approaching the European Union; however, we believe that this requires fair play, which means that equal phases or an equal approach to the assessment of whether a certain country cooperates with the Hague Tribunal or not should be used for all Candidate Countries uniformly. Therefore, even if the Agreement was signed, this would not mean that Serbia has thus been relieved of its commitment to cooperate fully with the Tribunal. On the contrary, this condition is important not only for Serbia, but for stability, peace and reconciliation in the whole region of the Western Balkans."<sup>44</sup>

After the signing of the deal in Luxemburg, Slovenian Foreign Minister Rupel stated: "This is a good day, a happy day for both Serbia and the EU. Europe is ready to go a common way with Serbia," and now, "the European future of Serbia is in the hands of the Serbian people."<sup>45</sup> Even though Slovenia is supporting further enlargements, it also stresses the need for the conditional nature of the process. Enlargement towards the Western Balkans should remain linked to the fulfilment of all membership criteria.

Slovenia is a Policy Driver in this policy area. Even though it links its support for the Serbia's accession to the fulfilment of all membership criteria, it can be argued that the official positions, as well as Slovenia's actions to keep the Serbian path towards EU on the EU agenda, show its commitment to bringing Serbia towards an EU future. The position is also not likely to change.

### **3.4. Specific issues: Blockage of accession talks with Turkey, possibility of unblocking it**

**Definition: Policy Taker**

**Outlook: Policy Taker**

Slovenia supports the membership of Turkey in the EU but also advocates the need for fulfilment of all membership criteria and other conditions that would arise from the European Council Conclusions. Stressing the need for fulfilment of all membership criteria as a condition for joining EU does not (in the case of Turkey) have as much of a practical and specific implication for Slovene foreign policy as it does in the case of Croatia.

During the Slovenian Presidency in the first half of 2008, Foreign Minister Rupel pointed out that the year 2008 is important for the continuation of the reform process in Turkey. He welcomed the amendment of Article 301 of the Penal Code, a constructive step towards ensuring freedom of expression, as a sign of readiness to pursue reform.

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<sup>43</sup> Interview with Prime Minister Janša for the TV show of RTV Slovenia "Slovenia presiding". Ljubljana, 7 April 2008.

<sup>44</sup> Statement by the Prime Minister of Slovenia and President of the European Council Janez Janša on Current EU Topics, 25.01.2008.

<sup>45</sup> [http://www.sofiaecho.com/article/reaction-to-signing-of-serbia-s-saa-deal-with-eu/id\\_29037/catid\\_68](http://www.sofiaecho.com/article/reaction-to-signing-of-serbia-s-saa-deal-with-eu/id_29037/catid_68)

He also stated that EU expects Turkey to make progress both in aligning national law with European legislation and in implementing it.<sup>46</sup>

Slovenia can be described as a Policy Taker in the case of accession of Turkey. There seems to be no considerable opposition in the debates in the National Assembly regarding Turkey's accession. There is, however, a strong impetus for strict fulfilment of all membership criteria for candidate countries. But Slovenia does not have large stakes when it comes to Turkey's accession, and we can argue that Slovenia will follow the EU mainstream regarding Turkey's future in the EU.

### **3.5. Specific issues: Polish – Swedish initiative for ENP Eastern Partnership**

**Definition: Policy Taker**

**Outlook: Policy Taker**

The Polish–Swedish initiative for the ENP Eastern Partnership aims to improve EU ties with Armenia, Azerbaijan, Belarus, Georgia, Moldova and particularly Ukraine. This new initiative can be seen as an answer to the 'Union for the Mediterranean' proposal proposed by France. The main difference is that the Polish–Swedish initiative presupposes the inclusion into already existing EU structures and would be financed solely out of the ENP budget. The Polish–Swedish initiative stresses multilateral cooperation in fields like migration, visa-free travel, free-trade and the environment.

Slovenia welcomes the efforts towards enhancing the European Neighbourhood Policy with partner countries and will encourage the strengthening of its Eastern dimension. Slovenia therefore supports The Polish–Swedish initiative for ENP Eastern Partnership. The Eastern Partnership is beneficial for building and strengthening the Eastern dimension of ENP. The initiative would provide for a more balanced ENP.<sup>47</sup>

Slovenia is a Policy Taker with regard to the Polish–Swedish initiative for the ENP Eastern Partnership. There was no considerable public or political debate connected to this initiative. It seems that the Slovene initiatives regarding its foreign policy remain limited to its priority interest region of the Western Balkans.

### **3.6. Specific issues: Strategy for the Black Sea Region/Black Sea Synergy Implementation assessment**

**Definition: Policy Taker**

**Outlook: Policy Taker**

Slovenia sees as one of its major achievements within the European Neighbourhood Policy during its Presidency "the launch of the Black Sea Synergy initiative setting forth the policy guidelines for joint activities in the region,"<sup>48</sup> despite the fact that there is no public or political discussion on this initiative in Slovenia. It seems that the stakes connected to the region are not extremely important to Slovenia. Nevertheless we can argue that Slovenia supports (at least on the declarative level) enhancing cooperation in the region. The cooperation would have positive effects on the region, especially in the areas of solving the disputes in the region and faster economic and social reforms of the countries in the region.

The absence of debate about the Strategy for the Black Sea Region in domestic political as well as public and business life shows the relative non-importance of the region to Slovene foreign policy and Slovene national interests. It can be argued that Slovenia is not an active or a strong policy actor when it comes to ENP policy initiatives. Slovenia can be therefore described as a Policy Taker regarding this issue.

### **3.7. Specific issues: Strategy for the Baltic Sea Region (defined as a priority for the Swedish Presidency – second half 2009)**

**Definition: Policy Taker**

**Outlook: Policy Taker**

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<sup>46</sup> Statement after the ministerial EU Troika meeting with Turkey in Ankara on 6 May 2008, at: [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/May/0506EUTrojka\\_Turcija.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/May/0506EUTrojka_Turcija.html)

<sup>47</sup> Declaration on activities of the Republic of Slovenia in the institutions of the European Union in the period July 2008–December 2009 (DeUDIEU0809), adopted by the National Assembly of the Republic of Slovenia at its session on 17 July 2008.

<sup>48</sup> Achievements of the Slovenian Presidency of the EU Council, at: [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/June/0630SVEZdosezki.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/June/0630SVEZdosezki.html)

The same can be said for the Baltic Sea Region. The only mention in the official Slovenian documents can be found in the Declaration on Activities of the Republic of Slovenia for the period July 2008 to December 2009, where Slovenia supports and welcomes the initiatives for improving the relations and thus the stability, security and welfare of the neighbouring EU regions from the Baltic to the Mediterranean. Slovenia therefore supports political, economic and social reforms in the partner countries of the EU neighbourhood. The definition of the Slovene position in the area of ENP is particularly vague when it comes to new initiatives such as the Strategy for the Baltic Sea Region.

In the case of the Strategy for the Baltic Sea Region it can be argued that Slovenia has not fully developed its position. The issue is nonexistent at present in political or public debates. It can be expected that the initiative will be supported on some declarative level, but Slovenia will not act as a Policy Driver or Policy Promoter but will likely follow the EU mainstream, therefore becoming a Policy Taker.

### **3.8. Specific issues: Revision of European Security Strategy (thought to be initiated by the French Presidency)**

#### ***Definition: Policy Taker***

#### ***Outlook: Policy Taker***

Revision of the European Security Strategy (ESS) is one of the priorities of the French Presidency of the EU Council in the second half of 2008. The revision of the ESS from 2003 includes amendments with respect to new security threats, such as food and energy security, climate change, illegal migration, information security, non-proliferation and cyberdefence.

There has not been a broad political discussion in Slovenia on ESS revisions. We can, however, assume that Slovenia will support the revision if the ESS will not be re-written from scratch.

With its limited defence capabilities, Slovenia is a minor policy actor in this field and it can be assumed that it will act as a Policy Taker in the present as well as in the near future.

## VI. Freedom, Security and Justice

1. Overview
2. General issues:
  - 2.1. Common European asylum system
  - 2.2. Common European migration policy
  - 2.3. Enhanced role in co-operation of law enforcement agencies and their co-operation at EU level
  - 2.4. Harmonisation of serious aspects of cross-border crimes
3. Specific issues:
  - 3.1. Establishment of Eurosur (European border surveillance system)
  - 3.2. Establishment of entry–exit system and other border management tools
  - 3.3. Amendments of asylum-related regulations (2003/9/EC – reception conditions for asylum seekers, regulation 343/2003 on the determination of Member States responsible for assessing asylum applications)
  - 3.4. Evaluation of FRONTEX and the future developments in this area

### 1. Overview

With its accession to the EU, Slovenia is slowly becoming a country of immigration. The labour migration continues mainly from the former Yugoslav countries, because of the need, due to general demographic trends, for migrant workers in certain fields of labour market. Slovenia also has an external EU border. Therefore the top issues in this area are of no surprise.

They include FRONTEX and an enhanced role in co-operation of law enforcement agencies and their cooperation at EU level. These issues carry the biggest stake for Slovenia. Nevertheless, the policy area has not received much domestic attention in the form of wider political debates. The Slovenian Government's public position remains on the level of emphasising certain principles where EU cooperation and common solutions are supported, but there are hardly any Slovene policy initiatives that can be identified. Slovenia can generally be described as a Policy Taker in this policy field. The exception is Europol and Frontex, where Slovenia has, in line with its priority geopolitical interest in the nearby region of the Western Balkans, proposed increasing the police cooperation that would contribute to the fight against illegal migration and cross-border crime (Southeast Europe Organised Crime Threat Assessment).

### Table of national positions

\*please, refer to the methodology disclaimer in the supplements

Issue	Definition and Outlook	National Consensus	EU mainstream
1. Top three priorities	Policy Driver; likely to remain a Policy Driver	General Consensus; position not likely to change substantially	Within the mainstream
2.1. Common European asylum system	Policy Taker; likely to remain Policy Taker	Consensus on the general policy	Within the mainstream
2.2. Common European immigration policy	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
2.3. Enhanced role in co-operation of law enforcement agencies and their cooperation at EU level	Policy Driver; likely to remain a Policy Driver	Relative consensus on the general policy	Within the mainstream
2.4. Harmonisation of serious aspects of cross-border crimes	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.1. Establishment of Eurosur (European border surveillance system)	Policy Taker; likely to become a Policy Driver	Consensus on the national position	Within the mainstream
3.2. Establishment of entry – exit system and other border management tools	Policy Taker; likely to remain a Policy Taker	Consensus on the general policy	Within the mainstream
3.3. Amendments of asylum – related regulations (2003/9/EC – reception conditions for asylum seekers, regulation 343/2003 on the determination of MS responsible for assessing	Policy Taker; possible Policy Driver	Consensus on the general policy	Within the mainstream

asylum applications)			
3.4. Evaluation of FRONTEX and the future developments in this area	Policy Driver; Likely to remain a Policy Driver	Consensus on the general policy	Within the mainstream

## **2.1. General issues: Common European asylum system**

### ***Definition: Policy Taker***

### ***Outlook: Policy Taker***

The Commission presented its Green Paper on the Future of the European Asylum System in June 2007, outlining necessary next steps to finalise the EU's project of creating a common asylum system. Such a system aims not only at establishing a level playing field in protection standards across the Member States, but also ensuring a higher degree of solidarity between them. According to the Commission, there is an urgent need for increased European solidarity in the area of asylum. The new system wants to ensure that responsibility for processing asylum applications and granting protection in the EU is shared equitably.

Slovenia supports the efforts of creating a common European asylum system. According to Interior Minister Mate,<sup>49</sup> the emphasis should be put on practical cooperation that represents a basis for the harmonisation of national systems and will, in addition to the new legislation, contribute to the setting-up of the Common European Asylum System. A unified European asylum policy would raise the level of legal certainty for third-country nationals seeking protection in Europe on the one hand, and prevent 'asylum shopping' and reduce illegal immigration into the European Union on the other. Slovenia also supports the efforts that the legislation adopted at the European level should be integrated into national legislation identically in all Member States.

The Slovenian position on common asylum policy was limited by its role as a presiding state in the first half of 2008. Slovenia focused on the priority of guaranteeing the overview of Member States' positions on the Green Paper on the future Common European Asylum System. Slovenia is not a powerful player when it comes to Common European Asylum System. It can be argued that since the end of the Presidency, when Slovenia lost the role of consensus seeker among the Member States, the issue has no longer been a priority, and Slovenia has followed the EU mainstream.

## **2.2. General issues: Common European immigration policy**

### ***Definition: Policy Taker***

### ***Outlook: Policy Taker***

Slovenia supports a comprehensive and balanced approach to managing migration flows and framing common immigration policy. Slovenia believes that the uniform conditions for entry and residence at the level of the EU and the coordination of national migration policies will enable more effective handling of legal immigrants and rapid response to the needs of EU labour markets. At the same time the common European migration policy could provide immigrants into the EU with the minimum scope of rights comparable to those enjoyed by EU citizens.

Slovenia also supports an integrated and balanced migration policy that must also include the prevention of illegal immigration. Slovenia's focus is particularly on the adoption of legal bases that would prevent illegal immigration and problems connected to it. The adoption of a directive on common standards and procedures in the Member States for returning illegally staying third-country nationals is of significant importance for fast, effective, voluntary or forced return at the EU level, taking into account the fundamental human rights of illegal immigrants. Additionally, the European Union needs effective mechanisms for the prevention of illegal work by illegal immigrants, representing one of the more important pull factors. Consequently, Slovenia strives towards an agreement on a directive providing sanctions against employers of illegally staying third-country nationals.

The issue of immigration is not a priority issue in Slovenia and the problem of migration is not on the domestic political agenda. Slovenia is therefore not a strong player and can be perceived as a Policy Taker when it comes to immigration issues.

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<sup>49</sup> Emphasised at an informal meeting of ministers of the interior during the Slovenian Presidency, held on 25 January 2008 in Brdo pri Kranju, at: [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/January/0125MNZ\\_JHA.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/January/0125MNZ_JHA.html)

### **2.3. General issues: Enhanced role in co-operation of law enforcement agencies and their cooperation at EU level**

#### **Definition: Policy Driver**

#### **Outlook: Policy Driver**

One of the key Slovenian priorities in the area of police cooperation is to strengthen the role played by the European Police Office, i.e. Europol. The main purpose behind it is improving the effectiveness and cooperation among competent Member State authorities in preventing serious forms of international organised crime and terrorism and in fighting against them.

The role of Slovenia regarding police cooperation was especially exposed during its Presidency when Slovenia achieved political consensus on the proposal for the Council Decision on the establishment of Europol. Slovenian Interior Minister Mate stated that, "the crucial moment in the transition from regional to European cooperation happened during our [Slovenian] Presidency. The Council approved the text of the new Decision establishing Europol, which will transform this organisation into a European agency and give it more flexibility and adaptability for the fight against modern crime and terrorism." Mate also stressed that "the decision represents an extremely important step towards enhancing the security of residents of the EU and beyond. Efforts to harmonise the text of the Decision have been under way since the beginning of the existing Trio Presidency, and the achievement of political consensus was foreseen to take place by the end of the Slovenian Presidency. And we have succeeded." Another important element was the transposition of the Treaty of Prüm into the *acquis communautaire*. The act will provide a legal basis for the exchange of data from national databases, including DNA profiles, fingerprints and licence plates. Thus the foundation will be set for police cooperation in the European Union in the coming decade.<sup>50</sup>

Slovenia can be considered a Policy Driver in this policy field. It provided a consensus building initiative on Europol that resulted in making successful compromises. Furthermore, Slovenia focuses on its priority region of the Western Balkans with intent to strengthen police cooperation, therefore securing the stakes Slovenia has in the region. Slovenia promotes further cooperation with the countries of the Western Balkans regarding police cooperation that would contribute to the fight against illegal migration and cross-border crime. This cross-border police cooperation has already passed from an individual level (based on cooperation between individuals) to an institutional level. The countries in the region have already concluded a number of agreements on cross-border police cooperation that stress the significance of the switch from bilateral cross-border cooperation to regional cross-border cooperation. As a result a modern and comprehensive Police Cooperation Convention for Southeast Europe was signed. The Slovenian Presidency also proposed the Southeast Europe Organised Crime Threat Assessment, known as SEE OCTA. The project aims to transfer good practices to the Western Balkans and to assess the state of play on criminal associations there. It represents great added value to the existing EU OCTA.

### **2.4. General issues: Harmonisation of serious aspects of cross-border crimes**

#### **Definition: Policy Taker**

#### **Outlook: Policy Taker**

The position of Slovenia in regard to this issue is closely connected to its position towards Eurojust, which has been established in 2002 with the aim of reinforcing the fight against serious cross-border crimes. This will, according to Slovene officials, further development in the area of freedom, security and justice. Eurojust must thus retain its key role in implementing European judicial cooperation in criminal matters and facilitate further European policy making by way of practical operation.

During its Presidency, Slovenia started a discussion on the competences of the national members of Eurojust as well as its relations with the European Judicial Network. The aim of upgrading the legal basis for the operation of Eurojust was to enable the facilitation of harmonisation of criminal policy. This would provide the EU with

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<sup>50</sup> Emphasised at COSAC Meeting at Brdo pri Kranju on 7 May 2008, at: [http://www.dz-rs.si/predsedovanje/index.php?id=1025&type=98&no\\_cache=1](http://www.dz-rs.si/predsedovanje/index.php?id=1025&type=98&no_cache=1)

instruments for optimal coordination, investigation and prosecution of all forms of cross-border crime.

Slovenia is a Policy Taker on this issue.

### **3.1. Specific issue: Establishment of Eurosur (European border surveillance system)**

**Definition: Policy Taker**

**Outlook: Possible Policy Driver**

Managing external borders has always been an issue that carries a big stake for Slovenia, being a country geographically situated on the EU border. Therefore, the Slovenian Government welcomed the European Commission's vision of the development of the EU's external border management system that would result in the creation of a European Border Surveillance System (EUROSUR). Slovenia will also pursue the improvement of EU external border management on the basis of the European Border Management Strategy and will treat the possibility of establishing a European Border Surveillance System as a priority.<sup>51</sup> At the Ministerial Conference on *the Challenges of the EU External Border Management* held on 12 March, Slovenian Interior Minister Mate emphasised that Eurosur represents "a decisive step towards the gradual introduction of a common European system for integrated border management ... Modern technology should be utilised by experienced agencies to assist them in responding adequately and in a timely manner to unauthorised external border crossings."

Slovenia's role and goal while presiding over the EU Council was to provide an extensive discussion among Member States which would form the basis for political guidelines for future work in this area. At the moment there has been practically no parliamentary or public discussion on the issue in Slovenia. It is therefore hard to assess whether there is a national consensus on the issue and whether the position could change with new left-centre government.

Slovenia can be described as a Policy Taker on the issue of Eurosur.

### **3.2. Specific issue: Establishment of entry – exit system and other border management tools**

**Definition: Policy Taker**

**Outlook: Policy Taker**

An entry–exit system is an envisioned border control measure which would record all third-country nationals when entering and exiting the EU. In this way, persons who overstay their residence permits in the EU could be identified.

Slovenia's position on this issue is not yet fully developed. There has been little discussion on the entry–exit system in Slovenia even though the issue can be seen as problematic by different stakeholders in Slovenia, especially the NGOs that deal with human rights, from the perspective of building 'Fortress Europe'. On the declarative level, Slovenia "will examine the readiness of Member States for the development of an entry–exit system recording the movements of non-EU nationals to and from the Schengen area. The use of this system, if feasible and on condition that personal data protection is guaranteed, could generate a significant amount of information important in combating illegal migration, organised crime and international terrorism. Slovenia will try to achieve a consensus on the further development and possible use of such systems in future with a view to promoting greater and faster throughput of travellers at borders."

This position is typical of the role Slovenia had to play during its Presidency: the aim of consensus building among the Member States does not allow for the development of a more radical position towards the issue. Regardless of that it has to be stated that even though Slovenia has an external EU border it is not a powerful actor when it comes to this issue. In this regard Slovenia can be described as a Policy Taker.

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<sup>51</sup> Presidency Statement on EU Border Surveillance Proposals presented by the Commission, 13.02.2008.

### **3.3. Specific issue: Amendments of asylum – related regulations (2003/9/EC – reception conditions for asylum seekers, regulation 343/2003 on the determination of MS responsible for assessing asylum applications)**

**Definition: Policy Taker**

**Outlook: Possible Policy Driver**

Slovenia is one of the countries where the transposition of the Council Directive 2003/9/WE of 27 January 2003 had a significant impact on the reception standards guaranteed to asylum seekers. The Reception Directive was transposed into national law in February 2006. The main objections to the implementation of the Directive came from several NGOs, the Human Rights Ombudsman, as well as UNHCR spokesman Ron Redmond, who stated that "We are disappointed over the Slovene Parliament's vote in favour of amendments to the country's asylum law."<sup>52</sup> These changes resulted in Slovenia dramatically lowering its guaranteed standards,<sup>53</sup> even though the government continued to argue that they were just following their EU obligations.

Amendments of the 'Dublin system' have been envisioned after the evaluation report on the Directive showed that there is a wide discretion allowed by the Directive in number of areas especially in regard to access to employment, health care, level and form of material reception conditions, free movement rights and needs of vulnerable persons. This prevents the creation of a level playing field amongst Member States in the area of reception conditions. The amendments should replace the system of minimum standards in reception conditions with something much more prescriptive that reduces the freedom of Member States to run their own systems. The main aim of the amendments is to transfer the burden from the countries that are under greater pressure and have poorer reception facilities for asylum seekers to countries that are not under such a pressure and also have better asylum facilities.

Slovenia does not have an official position towards the proposed amendments on reception conditions. Due to its geographical position, Slovenia deals with a relatively large number of asylum seekers. It can be speculated that Slovenia will support the establishment of more transparent and fairer mechanisms of burden-sharing and solidarity among the Member States, including their financial implications. Slovenia also supports practical cooperation among the Member States and cooperation with third countries, as they can be helpful in eliminating the reasons for illegal migration and asylum flows.

### **3.4. Specific issue: Evaluation of FRONTEX and the future developments in this area**

**Definition: Policy Driver**

**Outlook: Policy Driver**

The external border sector between Slovenia and Croatia is under relatively high illegal migration pressure. This area is in fact the main conduit of the so-called 'Balkan route' (one of the major routes of illegal migration towards the European Union). Slovenia therefore has an interest in FRONTEX and its future developments. Slovenia supported the evaluation of the FRONTEX Agency initiated by the Commission and also discussion on the Agency's role in the future. Ensuring an extensive debate among the Member States and giving political guidance on the future of FRONTEX was also declared as a key priority for the Slovenian Presidency in the area of freedom, security and justice. Along these lines, Slovenia also held a Ministerial Conference on Challenges of EU External Border Management during its Presidency, with the aim of enabling broader discussion at the political level on the future of FRONTEX and the use of modern technology and systems in the area of border security. Support for FRONTEX is also apparent in practice as the first land border RABIT exercise took place in April 2008 on the border between Slovenia and Croatia. The aim of this field exercise was not only testing the deployment procedures but also testing the possibilities of reinforcing a Member State's authority response capacity in exceptional situations.

There are neither wider public nor political discussions on the issue of FRONTEX in Slovenia, even though the positions of the Slovene government have moved from the level of declaring its favourable principle orientation regarding FRONTEX policy towards strengthening the FRONTEX framework in reality. Slovenia can be perceived as a Policy

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<sup>52</sup> <http://www.un.org/apps/news/story.asp?NewsID=17462&Cr=UNHCR&Cr1>

Driver in this area, due to the interest connected to its relatively high illegal migration pressure and Slovenia's strong support for establishing broad political discussion among Member States regarding this issue.

## VII. Institutional issues

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  - 2.1. Representation of the country in the EU institutions: EC, European council, EP — a backgrounder
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    - Extended qualified majority voting;
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  - 3.3. Future of Lisbon Treaty ratification

### 1. Overview

The Slovenian position towards the Lisbon Treaty can be characterised as a 'non-problematic' one. Slovenian Government argued that not much has changed for Slovenia with the Lisbon Treaty in regard to the Constitution for Europe. Practically all the Slovenian political parties share the view that the Treaty ensures a favourable institutional position and therefore serves Slovenian national interests. The act of quick ratification of the Lisbon Treaty (Slovenia was the third Member State to ratify it) has contributed to a lack of broader public debate and interest in the Treaty.

The 'non-problematic' attitude towards the Lisbon Treaty can be explained by the virtual non-existence of Euroscepticism among political actors as well as the public. In general, Slovenia has been one of the most enthusiastic supporters of the EU from the NMS. The results of the Slovenian accession referendum in 2003 showed almost 90% support for EU accession. Slovenian support for the EU still remains remarkably high. The 2008 Eurobarometer showed that 71% of Slovenian citizens surveyed were convinced that their country has benefited from being a member of the EU (the EU27 average being only 58%).

The formulation of possible future alternatives for the Lisbon Treaty in political as well as public sphere after the Irish 'No' is practically nonexistent. The reason behind it can probably be found in the saturation of domestic issues connected to the general parliamentary election held in September 2008.

Slovenia (being a small Member State) is in favour of the communitarisation of EU policies, extended qualified majority voting that enables better and more efficient decision making of the EU Council, the establishment of EEAS, a stronger European Commission with a stronger executive role, a stronger European Parliament, the implementation of the Lisbon Treaty in its entirety and the continuation of the ratification process.

### 2.1. General issues: Representation of the country in the EU institutions: EC, European council, EP – a backgrounder

Slovenia has four of the 345 votes in the European Council, and since the elections of 13 June 2004, it has had seven of a total of 785 representatives at the European Parliament. Four are members of the Group of the European People's Party (Christian Democrats) and European Democrats; two belong to the Group of the Alliance of Liberals and Democrats for Europe; and one to the Socialist Group. Janez Potočnik became Slovenia's first European Commissioner and is responsible for science and

research. There are numerous other Slovenes working at EU institutions, many of them in senior positions, including Advocate-General at the Court of Justice of the European Communities in Luxembourg, judge at the Court of Justice of the European Communities in Luxembourg, a Director-General at the Directorate-General for Justice and Home Affairs at the General Secretariat of the Council of the European Union, etc. Similarly to other EU Member State parliaments, the National Assembly of the Republic of Slovenia has its representative at the European Parliament who regularly informs the National Assembly of the activities taking place at meetings of working bodies and at plenary sessions of the European Parliament.

## **2.2. General issues: Position of the country and the different stakeholders (including public opinion) towards the Lisbon Treaty and the framework of changes introduced by it**

The Slovene position towards the Lisbon Treaty was predetermined by the initial ratification of the Constitution for Europe. Slovenia was the third Member State to ratify the Constitution. The National Assembly ratified it on 1 February 2005 with 79 in favour, 4 against (from the oppositional Slovenian National Party), and 7 abstentions.<sup>54</sup> The Government position was that the outcome of the Slovenian referendum for accession to the EU in 2003 already showed the Slovenian public's devotedness to EU integration. The rationale behind it was that at the time of the referendum on the accession of Slovenia to the EU, the EU Constitution had already been loosely defined and therefore a further Slovenian referendum was not necessary. Ratification by the National Assembly would therefore be utterly legitimate.

The same logic was applied by the Slovenian Government in the case of the Lisbon Treaty. The Government argued that the Lisbon Treaty is nothing new and that it preserves all the key elements of the Treaty establishing a Constitution for Europe that has already been ratified by the National Assembly. Consequently they argued that the referendum on the Lisbon Treaty was not necessary, although 55 percent of Slovene citizens stated that referendum was indeed necessary.<sup>55</sup> Consequently, the Lisbon Treaty was ratified by a convincing majority of 74 votes.

It can be argued that this logic of ratification was not properly opposed by parliamentary parties. The exception were two small opposition parties: the Slovene National Party, which proposed a referendum on the Lisbon Treaty (it was turned down by the National Assembly), and the Zares party, that argued for a broad public debate which would increase the public's knowledge about the institutional changes of the Lisbon Treaty. Furthermore, they argued that Slovenia should not be among the first Member States to ratify the Treaty, but that the ratification should happen at the end of Slovenian Presidency.

On one hand the quick ratification of the Lisbon Treaty by a presiding country (Slovenia ratified the Treaty on 29 January 2008 as the third Member State) should have, according to the Government, set an example<sup>56</sup> to other Member States. Instead, it has contributed to an absence of a broader public debate and critical political reflection on the Treaty. The part of the Lisbon Treaty that has received the most attention and approval among Slovenian political elites is its feature of giving additional decision-making levers to the National Parliaments. Namely at European level, the National Parliaments will be granted more rights to participate in decision making, and at the national level the possibilities of taking action in the early phases of decision making, when legislative documents are still at the draft stage, will increase. In general the Slovenian Government is convinced that the institutional changes proposed by the Lisbon Treaty are in the strategic interest of Slovenia as a small member state of the EU.

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<sup>54</sup> There are 90 members of the National Assembly.

<sup>55</sup> The percentage of Slovene citizens who wanted referendum on the Treaty of Lisbon is the lowest among the Member States. A British think-tank, "Open Europe," asked opinion poll institutions in a number of European countries to measure attitudes to a referendum on the Lisbon Treaty, at:

<http://www.openeurope.org.uk/media%2Dcentre/pressrelease.aspx?pressreleaseid=31>.

<sup>56</sup> "What Slovenia can do as a presiding country is to give an example. The government will take the responsibility for a quicker ratification in Slovenia's parliament" at:

[http://www.svez.gov.si/si/novinarsko\\_sredisce/javni\\_nastopi/intervju\\_ds\\_lenarcica\\_za\\_seenews/](http://www.svez.gov.si/si/novinarsko_sredisce/javni_nastopi/intervju_ds_lenarcica_za_seenews/)

### **2.3. General issues: Alternatives proposals to the institutional development of the EU, rated by the relative influence of their proponents (e.g. multi speed Europe, one-voice foreign policy, etc.)**

Slovenia is a proponent of deeper EU integration. In the case of the Lisbon Treaty the multi-speed Europe (or two-speed Europe) would lead to a halt of political integration into Europe, which for Slovenian political elites is unacceptable. Along these lines, the leading Slovenian coalition party (now in the opposition) argued that "two-speed Europe could prove to be dangerous for Slovenia as it would grant more power to bigger EU states, whereas the interests of the smaller states would be easier ignored". The multi-speed Europe would, according to Slovenian Foreign Minister Rupel, lead to "new unwanted divisions, a crisis of mutual trust and put in question common foreign political representation of the EU."<sup>57</sup> "This concept should not become a foundation for European integration. A certain level of flexibility will be required in the integration processes in the enlarged Europe. However, the idea about the group of 'progressive' or 'pioneer' countries and those that can only follow is not a goal of the future development of the Union. It can only be when an emergency exists. But I hope that we will all move forward together, sharing the same rights and the same responsibilities<sup>58</sup>.

Slovenia therefore rejects the notion of two-speed Europe and strives for further integration not only in the political and institutional development of the EU (Lisbon Treaty) but also in the areas that are still subjected to the concept of multi-speed Europe (the Schengen passport-free zone and the Euro zone). The 'Europe à la carte' approach, that would allow each Member State considerable latitude to pick and choose the policy areas in which it wants to participate, is therefore not a development EU should strive for as it would, according to the Slovenian Government, stall further European integration. This is maybe best summed up by the statement of the Slovenian Prime Minister Janša after the negative results of the Irish referendum on the Lisbon Treaty: "We want to continue with a one-speed Europe."<sup>59</sup>

#### **3.1. Specific issues: Position towards the main changes offered by the Lisbon Treaty**

Slovenian positions during negotiations of the Lisbon Treaty were predetermined by some features that characterise Slovenia (being a small country, a New Member State, and a country that supported the initial Constitutional Treaty). At its special session on 12 October 2007, the National Assembly adopted the following positions concerning the draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community:

1. The Republic of Slovenia, as an EU Member State ratifying the EU Constitutional Treaty, strove for the preservation of institutional and functional achievements from the Treaty to the greatest possible extent (a unified and more transparent legal basis for the enlarged EU, a legal personality of the EU, a simpler and more efficient institutional arrangement of the EU, the strengthening of the role of national parliaments, strengthening the role of the European Parliament, establishment of the function of the Foreign Minister of the EU and provision of the formal legal basis for facilitating further enlargement of the EU. All these institutional changes that were supported are, according to the Slovenian government, making the EU more transparent, efficient and democratic.
2. The Republic of Slovenia supported the mandate for the Intergovernmental Conference (IGC) defined in Annex 1 to the European Council conclusions of June 2007, since it preserves the essential elements of the Treaty, such as: the legally binding status of the European Charter of Fundamental Rights, the EU's single legal personality and the elimination of the three pillars, a preservation of institutional balance in a broader sense as agreed in the Constitutional Treaty, and referring to cultural and linguistic diversity.

<sup>57</sup> <http://24ur.com/novice/slovenija/pri-drnovsku-o-perspektivah-eu.html>

<sup>58</sup> Talking points for the address by the minister of foreign affairs, dr. Dimitrij Rupel, at the National Europe Centre, Canberra, 2 March 2004, at [http://dspace.anu.edu.au/bitstream/1885/41696/2/rupel\\_nec.pdf](http://dspace.anu.edu.au/bitstream/1885/41696/2/rupel_nec.pdf)

<sup>59</sup> <http://www.dw-world.de/dw/article/0,2144,3422565,00.html>

3. The Republic of Slovenia endeavoured for the transposition by the IGC of the political agreement reached at the European Council in June 2007 into the legal text of the new Treaty amending the Treaty on European Union and the Treaty establishing the European Community, thus finalising the existing fundamental EU treaties.

The positions towards the main changes offered by the Lisbon Treaty were adopted by an absolute majority of all deputies, with none voting against them.

Slovenia is in favour of a **European Council president** having a stronger role but not a totally independent one. The suggestion supported by Slovenia is that the draft agenda and conclusions of the EU Council meetings should be prepared by the European Council president in close cooperation with GAC and the European Commission President. Here it is important for Slovenia that the role of the European Council president would not be defined too rigidly, to allow it some level of flexibility. The advantage of the stronger role of the European Council president for Slovenia is that it brings continuity and transparency and enables better functioning of the EU. Such a role also neutralises the influence of the bigger Member States, as it enables the European Council president to cooperate more closely with representatives of all Member States than the prime minister or foreign minister of the presiding country.<sup>60</sup>

Regardless of formally defining or not defining the role of the **EU High Representative** in regard to the role of the EU Council President there is a high chance that the former will participate in EU Council meetings and their preparations. Therefore, it makes sense to try to define their cooperation and relations at European Council meetings. The roles of these actors should be formalised in a way that both the EU Council president and the rotating presidency would be obliged to cooperate with each other as well as with the EU High Representative and External Action Service when drafting the EU Council conclusions, especially when it comes to the issues covered by them.<sup>61</sup>

**External Action Service** should be an institution independent from EU Council and the Commission (with a *sui generis* character) but also connected to them. Slovenia's position is that the establishment of the EEAS should be the responsibility of the presiding country with the assistance of GSC and the European Commission. The prerequisite for a successful functioning of the EEAS is a clear mandate and a clear definition of its responsibilities, mandate, institutional balance and relations to other EU structures, particularly the Commission and the GSC, which are not particularly well defined within the Lisbon Treaty. Therefore, in the first phase (until 2010) the so-called 'Mission Statement' defining the role of the EEAS should be prepared. Slovenia is in favour of a unified and strong administrative management of the EEAS which would be accountable and responsible to the EU High Representative. The establishment of EEAS should avoid duplicating the role of other structures of the EC and GSC. Nevertheless, the EEAS should take over many of the tasks that are now under the responsibility of the EC and GSC, but could be dealt more effectively and efficiently by EEAS. The affairs of the ESDP and foreign affairs activities covered by the European Commission should be dealt with through an integrated approach within EEAS 'geographical departments', which together with EU delegations abroad should be part of EEAS rather than the EC or the EU Council.

The initial development of the EEAS should be orientated towards covering the areas where the EEAS could have the biggest added value. Here, the improvement of the coordination of the EU's diplomatic sources, especially in areas where EU has strong political interests, is of utmost importance. At the same time, the EEAS should aim at improving the diplomatic coverage of the areas where Member States have limited or no diplomatic representation. The EEAS should also offer support to the European Council President within his/her foreign policy responsibilities, as the existence of any foreign policy institution alternative to the EEAS (designed especially to provide service for the European Council President) would be unwanted and unnecessary. When it comes to the human resources of the EEAS, the Slovenian position is to prioritise the establishment of a short but formalised training in EU diplomatic matters, to enable officials to have common professional and administrative standards regarding EU and its foreign policy.

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<sup>60</sup> Correspondence with an unnamed source from the Government Office for European Affairs.

<sup>61</sup> Correspondence with an unnamed source from the Government Office for European Affairs.

Slovenia is in favour of the communitarisation of policies as well as extended qualified majority voting to enable better and more efficient decision-making of the EU Council. Furthermore, Slovenia emphasises the importance of establishing the EEAS and supports a stronger European Commission (1 commissioner per Member State until 2014 option) with a stronger executive role.<sup>62</sup>

### 3.2. Specific issues: Future of Lisbon Treaty ratification

Slovenia had set the completion of the ratification procedures of the Lisbon Treaty as the first priority of its Presidency in the first half of 2008. The emphasis has been put on the Treaty entering into force before the next elections to the European Parliament in 2009.

Immediately after the negative results of the referendum, Slovenian Foreign Minister Rupel emphasised that Europe "needs to take some time to reflect upon it, some time for analysis, for consultations and for studying of this problem...We regret what has happened but we do not underestimate this event. Democracies have to respect the will of the people." At the same time he downplayed the situation by adding that the EU "is not in a crisis" and that the Lisbon Treaty "is still alive" but stopped short of outlining a concrete way out of the deadlock. In his opinion the ratification procedures should continue in those Member States which have yet to ratify the Treaty, to give the Irish "a useful period for reflection on how to proceed". He also stressed that the results of referendum "in no way changed the European Union's policy on enlargement." A similar position was adopted by Slovenian Prime Minister Janša, who stated that, "the reasons for the Irish 'No' have to be properly analyzed before formulating any other solution. The nature of EU decision making sometimes requires more time for reflection upon the proposed institutional solutions and possibly the reformulation of certain solutions."<sup>63</sup>

The lack of more defined position on the future of the Lisbon Treaty in Slovenia (at least publically expressed) can be ascribed to the timing of the Irish 'No'. Namely, after the end of Slovenian Presidency the political parties entered into a general pre-election campaign where the EU institutional issues, as well as any other EU-connected issues, were completely absent from the political discourse and were overshadowed by domestic issues and the 'Patria affair'.<sup>64</sup> It can be presumed that Slovenia will likely follow the EU mainstream in the case of finding a solution to the Lisbon Treaty deadlock.

Nevertheless, it should be emphasised that Slovenia is against 'step-by-step' implementation (that would, from the legal point of view, mean implementation of some of its prioritised institutional innovations through Croatia's accession treaty) and in favour of implementation of the Lisbon Treaty in its entirety as envisioned by the EU Council in December 2008.

<sup>62</sup> Correspondence with an unnamed source from the Government Office for European Affairs.

<sup>63</sup> An answer by Prime Minister Janša to the question about possible formulation of an alternative proposal to Lisbon Treaty by Slovenian Presidency. (Press conference of Prime Minister Janša before the June EU Council meeting; Ljubljana, 17 June 2008)

<sup>64</sup> Several Slovene officials, including PM Janez Janša, were accused of corruption connected to a purchase of 8x8 AMVs for the Slovenian Armed Forces in a Finnish TV show 'Arms Manufacturer Patria Allegedly Bribed Slovenian PM'.

**About the author**

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His research interests include welfare state crisis, EU labour markets, EU social and employment policies, risk society and particularly distributive justice and the problem of implementation of universal basic income.

## Supplements

### Methodology notes

The research has been carried out by individual researchers in each of the ten new members on the basis of specially designed methodology, developed by EUROPEUM and major input from EuPI/OSI-Sofia. The seven policy areas under research are: I. Internal market/Lisbon Strategy; II. Minority integration and citizenship issues; III. Energy and climate change; IV. Budget review and CAP Health Check; V. EU foreign policy and enlargement; VI. Freedom, Security and Justice; VII. Institutional issues.

The research was carried out primarily in the period September 2008 – December 2009, but there may be references beyond this period. Some positions and circumstances described in the reports may have changed since the information was last made available to the researchers or reached the stage of publication.

The researchers' findings are published in ten country reports on each of the New Member States: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The structure of the country reports includes an overview of the country's performance as an EU member and seven chapters following the seven broad policy areas. Each chapter contains an overview of the position of this country in the area, including the top three national priorities. Then the chapters provide in-depth analyses, information and prognoses on a set of issues (defined as general and specific) within each of the seven policy areas.

The views expressed in the reports are those of the authors and do not necessarily reflect the views of the Open Society Institute – Sofia.

### Classifications: Policy Taker, Killer, and Driver explained

In the classification of this study, Policy Takers are those states that usually follow the mainstream in the EU and in general accept whatever is offered from the EU. The reasons may vary — from the lack of stakes and interests in the issue, to the lack of capacity to formulate a meaningful position, or they may have a position but lack the weight and experience to promote it.

The Policy Driver is a country that assertively promotes an issue at EU level. Ideally, a Policy Driver would have a broad political consensus and public support at home, capacity and expertise to advocate successfully, and carry the weight to gather coalitions and promote the policy. This may also imply additional legitimacy, measured also by the added value of this policy to the "European project" or adherence to the "European values" or "common European interest".

A Policy Killer is exactly the same as a Policy Driver, but with an opposite sign. In many cases, a Policy Killer country becomes a Driver if it succeeds in proposing a feasible and viable alternative to the policy it tried to prevent.

While all members are at some point "Policy Drivers" or "Killers", the crown of a "super Policy Driver" and "super Policy Killer" goes undoubtedly to Poland. Poland, the biggest of the new members, with enough self-confidence, has led an effective opposition to the Constitutional Treaty, the Lisbon Treaty, and to the energy and climate package.

### Tables of national positions: Explaining the exercise and words of caution

In the course of the current study, the country researchers were asked to classify the position and policy behaviour of the country as Policy Taker, Policy Driver or Policy Killer on the respective issues. The judgments had to be based on the level and character of activity, interest and involvement of the country in the given policy area. The researchers were also asked to provide a forecast for the short and medium-term positions and behaviour of the country, based on diverse factors triggering change — domestic political change, rise of powerful stakeholders able to promote or kill a policy, a window of opportunity to intervene, reversal of policy at EU level that causes negative reaction, etc.

The attempt at classification and forecasting (laid out in detail in the tables in each section) should be used with caution, as the positions and factors at play are nuanced,

multifaceted and complex: simplified tick-boxes of classification, presented in the tables, can never be too accurate. Therefore, they are more for orientation purposes and the provided substantive reports should be consulted for a more detailed analytical description, as the authors themselves often point to several possible explanations and scenarios for future development. Nevertheless, this is a very valuable set of information, based on very good expert knowledge and judgment.

<b>Country abbreviations</b>	
EU27 European Union - 27 Member States	
BE	Belgium
CZ	Czech Republic
BG	Bulgaria
DK	Denmark
<i>D-E</i>	<i>East Germany</i>
DE	Germany
<i>D-W</i>	<i>West Germany</i>
EE	Estonia
EL	Greece
ES	Spain
FR	France
IE	Ireland
IT	Italy
CY	Republic of Cyprus *
CY (tcc)	Zone not controlled by the government of the Republic of Cyprus
LT	Lithuania
LV	Latvia
LU	Luxembourg
HU	Hungary
MT	Malta
NL	Netherlands
AT	Austria
PL	Poland
PT	Portugal
RO	Romania
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden
UK	United Kingdom
HR	Croatia
TR	Turkey
MK	Republic of Macedonia

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### **About EuPI**

The European Policy Initiative (EuPI) of the Open Society Institute – Sofia aims at stimulating and assisting the New Member States from CEE to develop capacity for constructive co-authorship of common European policies at both government and civil society level. As a new priority area of the European Policies and Civic Participation Program of Open Society Institute – Sofia, EuPI will contribute to improving the capacity of New Member States to effectively impact common European policies through quality research, policy recommendations, networking and advocacy. The initiative operates in the ten New Member States from CEE through a network of experts and policy institutes.

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### **About EUROPEUM**

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