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Is Croatia being held hostage in the dispute over the Charter of Fundamental Rights in the Czech Republic?

On 27 June, the opposition Czech Social Democratic Party (ČSSD) appealed to the government led by Petr Nečas to give up its efforts for the approval of the Czech Republic's opt-out from the validity of the EU Charter of Fundamental Rights. This clause, which was adopted by the European Council in October 2009, was to be included in the Treaty of Lisbon on the occasion of the ratification of the next accession treaty. ČSSD threatened that if the vote on Croatia's accession treaty is combined with the approval of the Czech Republic's opt-out from the Charter, it will block the amendment of the treaty, and thus the enlargement of the EU.

The ratification of the amendments in the Czech Republic requires a constitutional majority in both houses of parliament, which means that the government coalition needs to reach a compromise with the opposition. The Social Democrats, who are predominant in the Senate, are arguing that the opt-out from the Charter of Fundamental Rights is undermining the protection of the social rights of Czechs. The exclusion of the Czech Republic from the application of the Charter in autumn 2009 was one of the conditions on which President Václav Klaus made his signature of the Treaty of Lisbon dependent. President Klaus was arguing at that time that the Charter could for example enable those Germans who had been displaced from Czechoslovakia after World War II to bring property claims to the European Court of Human Rights in Strasbourg. The Czech clause has been accepted by the European Council but still needs to be ratified by all the EU member states since it is an amendment to the treaty.

ČSSD has re-opened this issue which divided the Czech political scene during the ratification of the Treaty of Lisbon. The dispute may become more heated, especially because of the difference of opinion about European policy inside the coalition and the lack of full agreement as to the point of the opt-out from the Charter. All the major political forces support Croatia's accession to the EU, and the Social Democrats are unlikely to carry out their threat of blocking the process. However, it cannot be ruled out that the disputes over the Charter of Fundamental Rights will draw the ratification procedure out. <grosz>