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"Is Flying the EU Flag in the Czech Republic a National Offence?"
Use and Perception of the EU Flag in National Institutions of EU
Member-states

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MA Program Euroculture

Declaration

I, Mgr. Michal Kubáň, hereby declare that this thesis, entitled “Is Flying the EU Flag in the Czech Republic a National Offence?” Use and Perception of the EU Flag in National Institutions of EU Member-states” submitted as partial requirement for the Euroculture MA Program, is my own original work and expressed in my own words. Any use made within it of works of other authors in any form (e. g. ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the list of references.

I hereby and also acknowledge that I was informed about the regulations pertaining to the assessment of the Euroculture MA thesis and about the general completion rules for the Master of Arts Program Euroculture.

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Preface

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Introduction

“Celebrate ‘Treason Day’, 1st December, by burning an [European Union (EU)] flag.”¹ To protest against the signature of the Lisbon Treaty and the growing influence of the European Union a group of internet users, calling themselves “We are the states” were haranguing their co-users and fellow citizens using this shock formula. More than just a word of provocation, they organized an event, on the 1st of December 2010, in front of the Parliament in Brussels during which some sympathizers planned to burn 1000 flying EU flags and 10 giant EU flags of more than 2m wide. Even though, the initial planned was not realized since the police banned the burning, it at least attracted the attention of media and of the blogosphere. This kind of protest is not the first of the type, the EU but not only has been frequently the object of such acts of vindication. Burning flags has all the time been associated with protesting against the administration of a country, the most famous examples being found during the movement against the war in Vietnam in the United States. This is quite surprising: how burning a piece of fabric could help fighting for a cause? Nonetheless, as absurd as it might seem, burning a flag is not a petty crime.

The presence of several laws in different countries goes also in the sense of perceiving the activity of burning a flag as a meaningful and even dangerous one. Indeed, if the example of France is taken, since March 2003, burning the tricolour flag is punishable by 6 months of jail and a fine of 7500€ according to the Article 433-5-1 of the Penal code.² This interest of law for this activity and the serious of the punishment reinforce the initial question: is burning a mere flag such a subversive activity, which has to be punished? Why could not people do as they feel like with their national flag, and why not burning them? The answer to all these questions lies in the nature of a flag itself. Of course, there is nothing wrong in seeing a flag as a mere piece of fabric. But this would be ignoring the most important part of its essence: a flag is first and foremost the emblem of a country, a physical representation of a nation. If this reading key is

¹“We are the state!” <http://www.wearethestate.net/> (accessed 15 May 2011)

² Article 433-5-1 (inserted by the law n° 2003-239 of the 18th March 2003 art. 113 Official Journal of the 19th March 2003)
[Http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI000006418556&dateTexte=&categorieLien=cid](http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI000006418556&dateTexte=&categorieLien=cid)

applied, then the event of the “We are the states” group suddenly becomes clearer.

Far from willing to burn a flag, they want to metaphorically set on fire what is represented by the flag, that is the European Union. Burning a flag equals no less than attacking the country itself. The other way round, for a person waving the flag of his country, for example during international sport event, expresses his attachment to his nation, his pride of being a part of it. Flags are not only used to voice negative feelings but also to underline some support or adhesion to a country, an institution like the EU. All this happens on the level of the individual. Could this process, this role of flags, be translated on the state level? Every citizen, no matter his country of origin or residency, often comes across the standards of the state. Flags have insidiously penetrated our lives so that we nearly do not pay attention to them. But what if the presence or the absence of a flag meant more than what it seems (that is just the flag being absent)? The same way as individuals fly a flag to express their feeling of belonging to the group embodied by the flag, the states could also display some flags to present themselves as a part of a specific community. The European Union forms the perfect example to assess this statement. This group of European states, as the examples of “We are the states” does not reach a consensus on every dimension and does not fully satisfy each of its member. Could the statement formulated be relevant to a European context? Is displaying the EU flag a way for member states to strengthen their belonging to the closed circle of the EU? To answer to this new set of questions, no need to look for a long time. Not that long ago, a controversy rose concerning the non-presence of the EU flag in one of the member states, Czech Republic. The refusal of the Czech President Vaclav Klaus to fly the EU flag on the roof of Prague castle – the seat of the President - during the Czech presidency of the union was perceived as a major offence by the European aficionados. The position of the Czech themselves was rather mixed, unlike the one of Vaclav Klaus which is straightforward. Following his view, one could even say that “waving the EU flag in the Czech Republic is a national offence. The affirmation is of course exaggerated; nonetheless it at least draws the attention on the position of the EU flag in the Czech Republic.

Aim of the thesis

In this Master thesis, it is intended to uncover and provide elements to understand the use and interpretation of the European flag in the Czech Republic as well within the framework of the sample of the selected EU Member-states. Based on the

fact the Treaty of Lisbon does not regulate the use of the European symbols within its 27 EU member-states, their interpretation widely differs. As suggested, the controversy which happened in the Czech Republic draw the attention of the political class on the interpretation which has been elaborated and put into practice in this country. The vagueness of the legal regulation of the EU symbols – and specifically the flag considered as the best symbol of the symbols – reflected in the Czech regulation which also demonstrates a wide range of interpretations. To avoid offering a partial picture of the situation and taking it for granted, the position of each of the Czech representative institutions is the subject of a close look. Thus, this thesis will investigate on the use of the European flag in the Office of the President of the Czech Republic, the Ministry of Foreign Affairs, and the Office of the Government of the Czech Republic. Furthermore, the international perspective is also taken into account via the Permanent Representation of the Czech Republic to the European Union in Brussels. Therefore, this work throws light on the way and extends to which the Czech Republic presents itself as an EU member state on the national and international level. The relation between the EU flag and Czech state flag and their presentation during official events are also explored, knowing for example if the EU flag is gradually replacing the Czech flag in the national institutions or not. The information about the institutions mentioned above were collected through the combination of two methods, computer-assisted personal interviews and semi-structured interviews, with the representatives of the government and ministries. The combination of these two methods deserves a detailed explanation which is provided in the methodology chapter.

Since this thesis aims at being as as inclusive as possible, the second part of this study compares the collected information with those found in a sample of 8 selected EU member-states. There are two motivations behind this, first it underlines the variety found in the interpretations of the EU symbols by the different member-states. Secondly, and above all, it establishes a point of comparison to fully understand the Czech case. Analysing a country by studying it alone only uncovers some dimension of the reality. To draw a complete picture of the use and interpretation of the EU flag in the Czech Republic one has to highlight similarities and differences with other countries and makes sense out of them. In the Treaty of Lisbon, 16 countries out of 27 declare that the European flag, the anthem of the Union, the motto, the currency and Europe Day will continue to represent for them the symbols of the belonging to the European community. To which extend they fulfil their declarations in the Treaty of Lisbon,

concerning the use of the European symbols? Is there a special regulation in their system of law, concerning the display of the European flag by the the national institutions of the selected sample of EU member-states? These are two driving questions which orientates the second part of the research.

Hypothesis

With this thesis, it is intended to validate or disprove the following hypothesis:

1. Has the Czech Republic developed specific conditions for the use of European flag in comparison with other EU member states?
2. Based on the selected countries, do member states declare their loyalty towards the EU symbols in the differences existing between them while using the EU symbols? Is there a cause and effect relation between displaying the EU flag and presenting itself, to the citizens and to the international community, as an EU member states?
3. In an attempt to gather the two first hypothesises, was the controversy started against Czech Republic legitimate? Can the use and interpretation of the EU flag in the representative institutions of the Czech state a proof of the euro-scepticism of the country?

The structure of the thesis

The first chapter deals with the transformative power of symbols and their critical role in the political process. Besides giving the definition of what is a symbol, it also unveils the meaning carried by symbols through different political and cultural context.

The second chapter focuses on the role of symbols from the perspective of the European community and attempts to theoretically evaluate a symbol as a tool to mobilize and unite people within or into a community. This is reflected by the attempts of the European community to adopt the a symbol, i.e. a flag, in order to overcome the crisis of confidence in its integration. Furthermore, several examples showed that political symbols are not always positively accepted and may initiate different reactions. Through the perception of a symbol as a political ritual, the European flag is discussed. The results of the Eurobarometers have been used as way to analyse the impact of the

European symbols in general and the reception of the European flag by the European citizens more specifically.

A long page of the European community consisted in finding new symbols to represent itself and enhance a feeling of common belonging throughout the EU. Thus, the third chapter discusses the historical development of the EU flag and the debates which accompanied the creation of this now widely-accepted symbol.

For that, the official explanation of the European emblem is presented along with other original ideas steaming from the authors of the adopted design of the flag. The chapter does not stop to some aesthetic considerations since the legal regulation of the European flag within the framework of the European institutions and international treaties (the Treaty of Lisbon, Constitution of Europe) is additionally introduced.

The fourth chapter describes the methods which were applied to conduct the research providing answers on the use and perception of the EU flag in Czech Republic and in other EU member states. The first of the two parts of the chapter explains how the research was conducted within the Czech institutions; while the second part covers more an general dimension by explaining the selection process which was used to constitute the sample of EU member states.

The fifth chapter deals with the use and interpretation of European flag within the selected Czech institutions, namely the Office of the President of the Czech Republic, the Office of the Government of the Czech Republic, the Ministry of Foreign Affairs of the Czech Republic and the Permanent Representation of the Czech Republic to the EU. Firstly, it provides a specific analysis of the constitutional order in the Czech Republic in order to assess the use of the European flag embodied in the Czech legal system. The right of the EU to modify the use of the EU in the Czech Republic will be discussed as well as the controversy which occurred during the Czech EU presidency around the EU flag. The data used to answer the research question were collected via semi-structured interviews, as it is explained in this same fifth chapter.

1. Transformative power of symbols

1.1. A Symbol

The study of symbols is necessary in order to elaborate the production of meanings and on the general transaction about methods of domination in given socio-cultural context. To understand the European attempts to build a European identity and its results, the challenging moment when it comes to the relevant visual symbol which may represent this European identity. The symbolic changing aspects of European politics may be scrutinized through the emergence of the EU. Furthermore, it may be analysed as a communicative space and also as the patterns of interaction between elites and masses in this process, as well as through the logics of construction of European political roles; definition of a European political language or development of an ad hoc symbolism in terms of material emblems; images and rituals.

Despite this continue presence in history, the role of the symbols was recognized after the Second World War. In the 1960's, the study of symbols were covered by Lasswell and Leites³ Arnold,⁴ Lassweel and Kaplan.⁵ One of the most provocative works related to the role of the symbols in politics was written by the American political scientist Murray Edelman. His approach shows the omnipresent and profound meaning of symbols in politics and everyday life. His works, published in 1964, 1971 and 1975⁶ inspired many political scientists and influenced further study of the use of symbols, such as Kautsky⁷ and Nimmo.⁸ It also helped to lighten a number of major concerns in political sciences by touching the fields of public policy, public opinion and public behaviour. The study of the symbolic features of politics offers an insight into both the logic of collective action and the dynamics of political behaviour.⁹

3 Harold Lasswell, Nathan Leites, and Associates. *The Language of Politics* (Cambridge: MIT Press) 1965.

4 Thurman Arnold. *The symbols of Government*. (New York: Harcourt, Brace & Jovanovich 1962)

5 Harold Lasswell and Nathan Kaplan. *Power and Society*. (New Haven: Yale University Press, 1950)

6 Murray J. Edelman, *Political Language*. (New York: Academic, 1975), *Politics as Symbolic Action*. (Chicago: Markham, 1971), *The Symbolic Uses of Politics*. (New York: University of Illinois Press, 1985)

7 John Kautsky. "Myth, Self-Fulfilling Prophecy and Symbolic Reassurance in the East-West Conflict." *Journal Conflict Resolution*, no. 9 (March 1964): 1-17.

8 Dan, Nimmo. *Popular Images of Politics*. (New York: Prentice Hall, 1974)

9 Charles, David Elder and Roger Cobb. *The Political Uses of Symbols*. (New York: Longmann, 1983), 1.

1.2. What Is a Symbol?

A symbol is any object used by human beings to index meanings that are inherent to the object itself. It is not something which is directly visible and understandable. Literary anything can be a symbol: a word or phrase, a gesture or an event, a person, a place, or a thing. An object becomes a symbol when people endow it with meaning, value or significance. A symbol may be defined as an object, the value or meaning of which is bestowed upon it by those who use it. Symbols earn their signification from the arbitrary imposition of men.¹⁰ Since it does not exist by itself but arises from the process of attributing meaning to an object, a symbol is nothing more than a human creation. For an individual, a symbol has no meaning beyond the one that he or she gives to it. Reciprocally, an object is a symbol only for those who impute meaning to it. One can imagine symbols that are constructed for purely personal purposes and that have no meaning and thus are not symbols for anyone other than the solitary individual who uses them.¹¹

The meaning of the message carried by symbol is heavily coloured by the receiver himself. Each person will interpret; make sense out of a symbol using his or her own set of references, depending on his or her experiences, life, and knowledge. Mead elaborated more on the objects to which different individuals both collectively attribute meaning. He referred to them as "significant symbols." The process when different individuals attribute meaning to the same objects makes social communication possible.¹² That is why; one can say that these significant symbols represent the basis of what language is about.

The most elementary symbols are the names, labels, or signs we use to designate physical objects and concrete operations. Here, the relationship between the object used as the symbol and what is being symbolized is established simply by stipulating a definition. Such symbols merely serve as pointers and are only denotative. They are notational conventions and have no meaning beyond the immediate objects or specific operations to which they point. Sapir describe these symbols as "referential symbols."¹³ If the study of these symbols for themselves and as an entity is of limited interest, it is

10 Leslie, White. *The Science of Culture*. (New York: Grove Press, 1949), 25.

11 Charles, D., Elder, and Roger W. Cobb. *The Political Uses of Symbols*. (New York: Longmann, 1983), 29.

12 George, H. Mead. *Mind, Self and Society*. (Chicago: University of Chicago Press, 1934), 71 - 72.

13 Edward, Sapir. *Symbolism*, *Encyclopaedia of the Social Science*. (New York, 1934), 492 - 492.

much more interesting to investigate the conventions on which the referential symbols rest. How are they established? Why do they become socially accepted? It is of prime interest to understand why some meanings attached to objects are raised to the rank of symbol while others are in a way forgotten. Individuals are concerned with objects which people fill with meaning that exceeds any concrete entity or operation that they may serve to reference.¹⁴ For example, the symbol of Watergate represents an apartment complex located in Washington D.C. but as a universally recognized index of meanings people associated this symbol with the political events that happened in 1972.¹⁵

Such meanings are not a matter of stipulate definition but of social construction. These kinds of symbols emerge from an ongoing process of social interaction and communication. Used in this case, the symbol “Watergate” has no precise and directly observable referent. Sapir has called this a “condensational symbol”. These sorts of symbols serve to summarize and to condense feelings, experiences, and beliefs.¹⁶ Since socially significant symbols arise and sustained in the system of social interaction, they are considered as characteristic elements of culture.¹⁷ However, this thesis focuses on the range of symbols which are called “political,” i.e. those symbols which exercise political authority and are related to the politics and to the management of social conflicts.¹⁸

1.3. Origin of Symbol

Raising the questions where do symbols come from may be a quite unintelligent one. Since any event, phrase and everything in our daily lives is potentially a symbol. There is never a lack of aspirant for symbolic status. Firth claims that answering questions about the origin of symbols is simple. “People invent them, acquire them by learning, adapt them, and use them for their own purposes.”¹⁹

14 (Elder and Cobb, *The Political Uses of Symbols* 1983): 29.

15 Ibid.

16 Ibid.

17 (Mead 1934), 72.

18 (Elder and Cobb, *The Political Uses of Symbols* 1983), 30.

19 (Firth 1973), 427.

At first look Firth's statement can be applied to the EU symbols. The European symbols were invented, and then were introduced to the European society and use to promote the European identity.

Because symbols are individual and social creations, it is impossible to predict what will become a symbol. Nevertheless, it is also possible to assume the social and political circumstances, or the type of situation (revolutions, riots, etc) which will lead to the creation of symbol. The necessity of creation of new symbols highly increases when people realize that provisory symbols are not able to capture or give impression of their new experiences, feelings and beliefs. This is likely to happen in the face of dramatic events and challenges in the social, cultural and political environments. In all these situations, a symbol may appear impulsively from the fact of the situations because it refers to the location of the events that resulted in political scandal. For example, the word 'Watergate' symbolizes not only these events but also ill use of political power. The nuclear accident at the Chernobyl power plant in 1986 symbolizes the danger of in the use of nuclear energy power.

On the other hand, symbols may also emerge on purpose, as a consequence of political programs and campaigns made by political leaders. Presidents, head of states, and political parties are eager to rally support for their own programs and to distinguish themselves from their predecessors. The American presidential history offers many examples since presidents of the US often attempt to their wrap their political campaign and programs into new symbols. Elder and Cobb gives the example based on Franklin Delano Roosevelt who offered to Americans "New Deal"; Lyndon Johnson, "New Society"; and Ronal Reagan, "New Beginning".²⁰ This short exploration of the contexts in which symbols appear gives birth to another set of questions dealing with the birth of symbols.

In the attempt of understanding this phenomenon Elder and Cobb distinguish three main impetuses causing the creation of symbols.²¹ The first is the need to summarize and index knowledge and experience. New symbols are generated when people find themselves in new situations or confronted with unfamiliar circumstances. The second stimulus for the creation of symbols comes from the needs to communicate. Effective communication needs that experience, knowledge, and feeling to be summarized and reduced in eagerly recallable forms. New symbols are created to

20 (Elder and Cobb, *The Political Uses of Symbols* 1983), 31.

simplify the memory of shared experiences and to communicate these experience to others. The third impetus refers to the need to distinguish among people and to establish or to affirm social identities. New symbols are likely to be generated when advantaged groups finds itself challenged or its status threatened. Elder and Cob claim that these symbols generated for such purposes often employ stereotypes and play upon conceptions of enemy.²² One example of the use of symbols to substitute existing social distinction and establish new identities is found in the substitution of the word “Black” for “Negro” as a racial distinction. The word Negro had a negative meaning based on historical connotations, and thus black activist during the 1960s and 1970s rejected this label and proudly proclaimed themselves “Black”. Aided and taken into by the mass media, the symbol “black” rapidly became a standard term of self-reference for members of that race. By promoting a new sense of group consciousness and solidarity, it facilitated political mobilization and stimulated greater political participation among Blacks.²³ Thus, symbols may also establish politically important distinctions among groups.

For all these reasons mentioned above, new political symbols are constantly being generated. Merelman has found out that the normal function of a political entity almost guarantees the constant creation of new symbols and the decline of old ones.²⁴ The ability of governmental policy makers to create new symbols is fortified not only by the legitimacy generally accorded to the governmental institutions but also by what Merelman calls “metasymbols” – symbols that serve to authorize the creation of new ones. Political campaigns are also the source of both spontaneously and intentionally generated symbols. Chaotic environmental events and major social displacements are also prime sources of new symbols. The origins of the specific symbols are, then frequently remote historically and physically from the experiences of the individuals who come to use them. Old symbols are detached from their initial referents and used in totally new contexts.²⁵

22 (Elder a Cobb. 1983): 32.

23 (Verba and Nie 1972), 157 - 160.

24 Richard Merelman. „Learning and Legitimac.“ *Americal Political Science Review* 60 (September 1966): 554 - 559.

25 (Merelman 1966), 558.

1.4. The Meaning of Symbols

There is no simple answer which can describe the sole meaning of the symbols and thus can be answered in many ways. One choice is to ask to what the symbol refers. As Firth emphasises, "the status of the relation between a symbol and that it represents."²⁶ Edelman uses the Sapir's definitions of 'referential' and 'condensation.' He suggests that some symbols will have ambiguous referents and will be heavily 'laden' with 'emotive content' and are these are based on emotions. This refers to 'condensation symbols,' For example; it includes a person's sense of pride for voting or a feeling of patriotism by 'flying' an American or any other national flag. In addition, condensation symbols evoke the emotions associated with the situations.²⁷

Other symbols will be emotionally neutral and strictly denotative – 'referential symbols.' Furthermore, Edelman defines referential symbols as "economic ways of referring to the objective elements in objects or situations: the elements recognized likewise by different people."²⁸ For that reason the EU flag can be categorized to the group of referential symbols. Since it may be used for the representative purposes of the European Union and thus it is recognized by any other international entity.

As for the nature of political symbols, they are commonly recognized objects to which people attach political significance. Hence symbols are initially used as a vehicle for compressing and simplifying a variety of impulses.²⁹ Since the meanings that people assign to symbols are conditioned by common social and cultural experiences, they may simplify ideologies and complex meanings made of leaders.

It is necessary to take into account that the meaning of the symbols to a specific individual is ultimately determined by the individual and his and her own specific experiences. Therefore, there is no symbol which has exactly the same meaning for different people. Symbols are characterized by a social variability in meaning: depending on his or her background, interest and concerns a person will make his or her own sense out of the symbol. The variety of individual experiences is reflected in the multiplicity of forms and meanings embodied by symbols. At any time, the spectrum of politically significant symbols will be limited by the shared experiences and cultural

26 (Firth 1973), 20.

27 (Edelman, *The Symbolic Uses of Politics* 1985), 6.

28 Ibid.

29 (Elder and Cobb, *The Political Uses of Symbols* 1983), 35.

heritage of the people who use them. Therefore, it would be effective and helpful to categorize the basis of the symbols. Of course, there are many ways in which symbols can be sorted out. For example, Easton works with his own three basic categories of objects of political system: the political regime, the political community, and the authorities of government.³⁰ As Easton suggests, ‘the regime is used to the slower formal and informal structure of regime through which these decisions are taken and administered.’ He explains together with his category:

“The political community represents the member of the society looked upon as a group of persons who seek to solve their problems in common through shared political structure.”³¹

Slightly similar categories have been also created by Almond and Verba. They basically work with the “general” political systems and then they distinguish three subjects: specific roles or structures, which Easton calls the ‘regime’(1) ; executives of these roles which Easton calls ‘authorities,’(2) and third one refers to ‘particular public policies,’ decisions or enforcement of decisions.³² Both above mentioned schemes classify political symbols in terms of the elementary, defining properties of political systems. However, the symbols associated with the political community are likely to be the objects of the broadest and most enduring attachments. These attachments need to be properly elaborated in order to give an appropriate analysis of symbols.

Finally, following the suggestion of Elder and Cobb it is possible to establish a typology of symbols covering the non-governmental political actors and policy issues: symbols of the political community; symbols associated with regime norms, structures and roles; and situational symbols relating to (a) current authorities, (b) nongovernmental political actors, and (c) policies and policy issues.³³ For example, the symbols and acts of the ‘Reagan Administration’ in the 1980s refer to the symbols of the political community. Several situational symbols refer to nongovernmental political actors. (NGOs). Finally, some policies and policy issues within the state may refer to current authorities (governments, political parties). This typology presents simple, straightforward, and comprehensive methods to classify objects of political symbolism.

The present part gave an insight on the different types of political symbols as

30 David Easton. *A Systems Analysis of Political Life*. (New York: Wiley 1965), 324.

31 Sidney Verba, and Norman Nie. *Participation in America*. (New York: Harper & Row, 1972), 14 - 15.

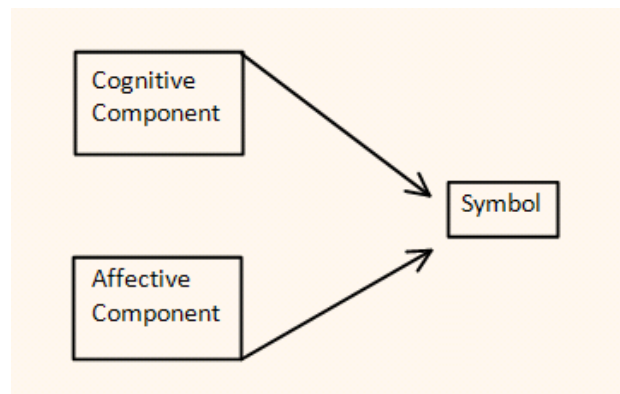
33 (Elder and Cobb, *The Political Uses of Symbols* 1983), 36.

well as classified them. However, a symbol would not exist without a receiver, without the person interpreting it. This why light should be shed on the process through which individuals relate to these symbols and charge them emotionally. In order to fully understand the meaning and role of symbols in politics it is necessary to ask why an individual is so attracted by symbols. What are the main components which help symbols attract individuals?

1.5. Main Components of Symbols

Lane suggests that each symbol contains two components, one affective and one cognitive in nature.³⁴ Both components have been categorized by cognitive psychology as the key elements of a person's attitude toward any object.³⁵ The emotive (affective) component denotes affective component, or simply "affect."³⁶ It is defined by the intensity of a person's feeling toward an object. i.e. whether the person views the object

Figure 1



positively or negatively. On the other hand, the 'cognitive' component refers to the meaning a person associates with the subject. It includes the concern of the person about the object. By "knowledge," it does not mean real knowledge in some objective sense but what the individual takes to be true. Such knowledge can be based on a sophisticated understanding of relevant facts and values. On the other hand it may be also based on an unformed opinion.³⁷

The cognitive and the affective components of a person's attitude toward a

34 Robert Lane, *Political Ideology* (New York: Free Press, 1964), 56.

35 Jarol Manheim, *The Politics Within* (New York: Longman, 1982), 14 – 15.

36 See Figure 1

37 (Manheim 1982), 17.

symbol contribute to the way he or she uses and reacts to that symbol. The detailed analysis of these two elements enables to path the way to a full understanding of the way people relate and give meaning to symbols.

Since by the definition a symbol has no meaning beyond that the one person attributes to it, the affect must be directed at what it means or stands for. This meaning can vary from one person to another. Moreover, what a symbol means to person can be quite longwinded and largely lacking substantive context. Since a symbol merely indexes the affect a person has for something else, whether or not the object that serves as the symbol engages that affect is reliant upon the way the object is used. In case the object is used in a manner, situation, or context that is unrelated to the symbolic meaning a person associates with it, it does not excite the affective sentiment that the object as a symbol carries for that individual. For example, the word 'Washington' which is used as Washington in south of Baltimore or Washington is the capital of the US. It is not likely to provoke an emotive reaction. It is also used as a symbol of the federal government. However, in the different context like: "Washington wastes our money and ignores our problems." This statement engages strong affective sentiments since it may be perceived negatively.

Elder and Cobb point out that the affect associated with a symbol presupposes that the symbol is used in manner connected with the meaning a person attributes to it.³⁸ Another element which also develops more our hierarchical structure of the theme is the notion of "symbol weight" created by Merelman.³⁹ He emphasizes that different symbols tend to have different "weights" and over time specific symbols tend to obtain a relatively stable role and weight. The weight is a function of the number of areas, problems and contexts to which the symbol maybe applied: to number of people among whom it is likely to induce a response; the intensity of that response. For example, the word 'freedom' will have more weight than 'deregulation.' Since 'freedom' can be applied to bigger variety of people from different social, cultural and political spectrum.

Understandably, higher-order symbols have greater generality. Empirical evidence suggests that they are indeed the object of widespread and intense affective sentiments.⁴⁰ In a steady political system, affective orientation toward high-order

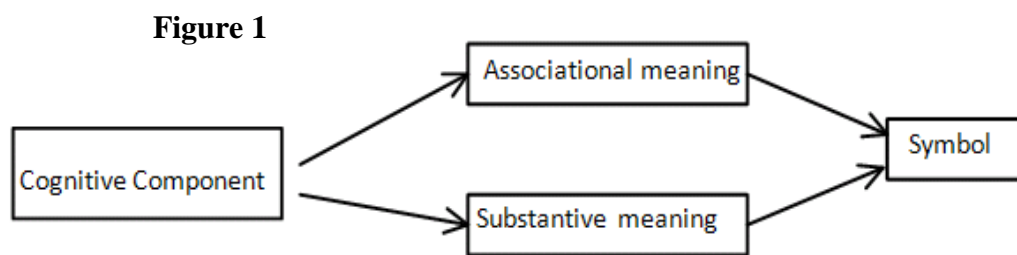
38 (Elder and Cobb, *The Political Uses of Symbols* 1983), 38.

39 (Merelman 1966), 556.

40 Roger Cobb and Charles Elder. "Symbolic Identification and Political Behaviour." *American Politics Quarterly*, no. 4 (July 1976): 305-332.

symbols will normally be acquired earlier and held longer than those directed toward lower-order ones. For instance, children naturally develop emotional attachments toward the flag and the constitution. However, changes associated with lower-order symbols will typically not alter affective sentiments towards higher-order ones. The higher a symbol falls in the hierarchy, the more uniform the affective orientations toward it are likely to be across persons and groups.⁴¹ As Merelman claims objects that are supposedly of a lower order can, over time, be raised to the status of higher-order symbols – a symbol that is initially a situational one can become a regime of even a community symbol. Merelman gives example of authorities from American history such as Abraham Lincoln, George Washington.⁴² As it will be further elaborated in the next chapter the EU flag was created in order to represent the European Community and thus it always was considered as the high-order symbol, and its status of ‘flag’ gives it international recognition. Coming back to the definitions, a symbol has no inherent meaning. Where does its meaning come from? How is it created? Where a symbol mentions some aspects of reality external to the individual, precisely what is referenced is often unclear and varies from one person to another. The next part of this chapter will briefly explain the person’s individual attachments towards a symbol.

As shown in Figure 1, our two basic types of meaning can be distinguished: substantive and associational.⁴³



First, the substantive meaning is based on a person’s internalized beliefs and values, as a product of the person’s life experiences. This relatively stable set of values, which may be well informed or non-organised, that provides the range of substantive meanings that the individual has available for an attribution to a symbol. The associational meaning that a person may assign to a symbol arises from his self-conception and the

41 (Cobb and Elder 1976), 39.
 42 (Merelman 1966). 556.
 43 See Figure 2.

people and groups to which and whom he identifies. Since there are many varieties of self-definitions, interests here are those persons, groups and social categories that people use as reference points. For example, the reference groups can be friends, family, membership groups, professional association or church etc. The social identifications, with above mentioned groups, offers a source of meaning that may be attached to a symbol.

While these identifications influence and are immediately influenced by one's more universal values and beliefs, the cognitive meanings they predicate significantly from what we have called substantive meaning.⁴⁴ Associational meanings are the positions a person associates with other persons or groups he uses as a point of reference. More precisely, he relies on identifications to give meaning to a symbol; he suspends his own judgements and accepts or rejects the affective assessment of others simply on the fact of who they are. They include all authority figures to whose judgement he is willing to defer and upon whom he depends for guidance in establishing what positions are associated with whom. These associations define the associational meanings that a person may assign to a symbol. This type of symbolic attachment is shown in Figure 3.

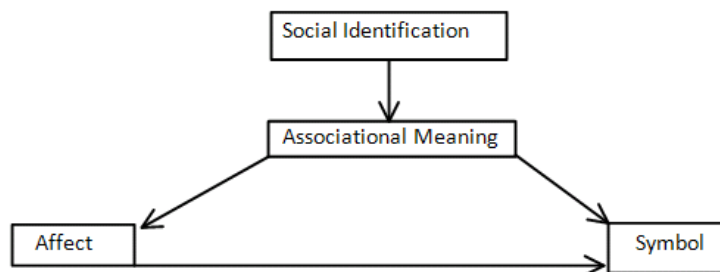


Figure 3

In short, substantive meanings encompass everything, and it represents the store of ‘information’ that he or she has acquired through experience and socialization.’ It involves all person’s “know” about and what is and what ought to be. These beliefs and values, and the meanings they predicate, are called individual’s “dispositional structure.” Therefore, this dispositional structure defines an observer’s political world

44 (Elder and Cobb, *The Political Uses of Symbols* 1983), 41.

view and gives substantive meanings to his or her symbolic orientations.⁴⁵ Figure 4 shows basic dispositions as a source of substantive meaning and mutual relation between individuals' world view and attitude.

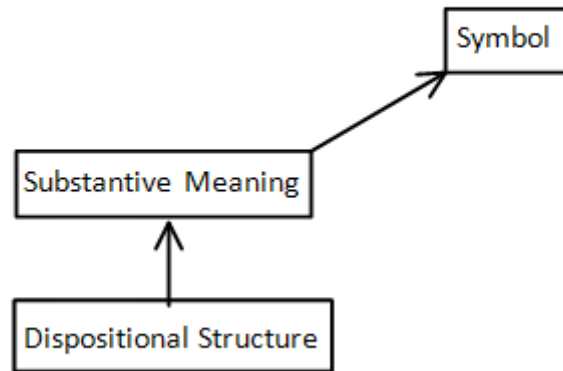


Figure 4

Nowadays almost everyone is involved in politics. Politics is only one of a variety of concerns competing for people's attention, and it is not usually given high priority. Daily concerns of family, friends and jobs tend to dominate most people's attention.⁴⁶ Due to negative behaviour of politicians there generally is not prominent concern of the entire population about politics. People simply tend to dismiss great deal of political communication as noise, for example, regarding politics negatively without active engagement and assume that it can be safely ignored. More intense concern will be prompted only when signals are received that interrupt prior expectations. Most people find politics distant from their daily lives; their expectations are not enthusiastic.

Sears and Whitney have identified three additional biases in the way people tend to process political information.⁴⁷ The first is called 'consistency bias' which refers to the tendency of people to agree with those they like and to disagree with those they dislike. The second one is 'positive bias' which refers to the general inclination of people to perceive things in a positive rather than in negative way. Most people, it seems, tend to accentuate the positive. The bias leads people to agree more often than they disagree with all types of political communication, regardless of its content –

45 See Figure 4.

46 David Sears and Richard Whitney. *Political Persuasion*. (Morriston, N.J.: General Learning Process, 1972): 6.

47 (Sears and Whitney 1972), 73.

‘agreement biases.’ All these psychological inclinations contribute to relatively stable and largely accepting assessments of politics and political systems. While the "positivity bias" influences the muting negative evaluations and of encouraging supportive sentiments, the dominant effect of these psychological dynamics taken together is to reinforce individuals’ current predilections, be they positive or negative. These dynamics also serve to bring individual’s opinions into line with the prevailing. If prior inclinations towards political information are essentially negative and in accordance with general community sentiment, they are likely to persist even in the face of evidence to the contrary.⁴⁸

Monitoring of politics includes dependence on the mass media and opinion leaders. Nowadays, the function of most direct link between society and politics is fulfilled by mass media. The type of surveillance the media provide is typically geared to the interest and concern of its audience. Elder and Cobb emphasizes that symbols are critical in communicating the frustration underlying the two phenomena. They serve as a uniting point for the mobilization of support for demands and provide a fundamental substance for the organisation of a political movement.⁴⁹ The cohesion of a mobilized group will depend heavily upon the extent to which unifying symbols capture the fears, anxieties, and frustrations of adherents. If the symbols aroused by the movement and the application of those symbols are familiar ones, the movement is likely to benefit from the interest aroused through increased popular support. In reality, in the case of the European Community, where there is the lack of interest about the EU matters it must come act made by political leaders to stimulate the new interest about the community. However, this top-bottom procedure does not have to always result in increase of the interest about the community or ideology. When the symbols used are new or alien in their application, the movement is likely to be widely perceived as a threat.

Symbols play also a vital role in relation to the functions of political leadership and policy making. Symbols surround authorities by legitimizing the distribution of power. In general, the more remote the power is, the greater its scope will be, the greater the need and the greater the possibility of using symbols to suggest and justify authority.⁵⁰ Symbols are always related to the authority either the state or a leader. The symbolism that supports power arises from the act and the behaviour of officeholders.

48 (Elder and Cobb, *The Political Uses of Symbols* 1983), 11.

49 (Elder and Cobb, *The Political Uses of Symbols* 1983), 17.

50 William, Mitchell. *The American Polity*. (New York: Free Press , 1962): 127.

In addition, political leaderships and authority are supported by other elements. Myths and rituals serve to strengthen political power within any system. As Anton claims, we are "taught to believe that there is 'someone' in charge of the government and that there must be a reason for every governmental act."⁵¹ The same happens with the European Union: for the majority of the people the European flag is simply identified with someone. The mass media promote and confirm the myths of leadership through the symbols since they dramatize and highlight the acts of governments. However, reciprocal process is not observed only in the national governments, but also within the European community.

The monotonous work for numerous people is often presented with ceremonial features as the work of a single individual, the one who is supposed to be the in charge. Hence we have the 'President program' and 'government's budget.' These impressions are enhanced by everyday portrayals of excited activity and long hours. All this serves to create among the public "symbolic satisfactions build upon the idea that affairs of state are being dealt with, that responsibility is being exercised, and that rationality prevails."⁵²

Some specific situation may cause different perception of symbols. This has been underlined by Rokeach when he observed that the responses to behavioural symbols depend not only on "attitudes towards objects" but also on "attitudes towards situations."⁵³

In the previous part it was suggested that an individual's orientation towards a symbol could be divided into two basic attitudinal dimensions - an affective dimension and cognitive one. These two orientations appear as a consequence of a variety of social and psychological process and may develop more or less independently of one another. However, it is necessary to consider the behavioural consequences of this orientation jointly, in terms of composite patterns they form. These general patterns are caused by differences among people in the intensity of their affect towards a symbol and in the richness and specificity of the substantive meaning they attribute to it. There are two groups of people which can be distinguished, people with the high affect from those with little or no affective feelings toward the symbol and those with little and those with

51 Thomas Anton. "Roles and Symbols in the Determination of State Expenditures." *Mid-West Journal of Political Science*, no. 11 (February 1967): 38.

52 (Anton 1967), 39.

53 Milton Rokeach, *Beliefs, Attitudes and Values* (San Francisco: Jossey Bass, 1968), 126 - 129.

relatively well developed substantive orientations from those with diffuse or inchoate ones. The behavioural inclinations associated with these types of symbolic attachment can be characterized in terms of instrumental and expressive behaviour. For a person motivated by the desire to influence the outcome of an election in a particular way, voting is an instrumental act. For a person who, for one reason or another, is indifferent about the outcome but votes out of a sense of civic obligation, the act of voting is an expressive one.⁵⁴ Both types of behaviour may be tied together. For example, the act of voting can be at the same time an instrumental and expressive act. Altogether, symbolic attachments which include a high effect will be associated with expressive actions. Those involving well-developed cognitive orientations will be associated with instrumental behaviour.

If a person's orientation towards a symbol involves considerable affect and a well-specified cognitive meaning, his or her attachment to the symbol is called 'ideological.' For such persons, actions associated with the symbol will be both instrumental and expressive. This attachment is likely to use the symbol to provoke or arouse others and it is likely to be aroused or provoked by its usage. Moreover, the behavioural disposition that is activated by the symbol will tend to be stable and predictable. Persons of this type will be active guardians of the symbol, seeking to preserve and promote the meanings they attribute to it. They may initiate actions in the name of the symbol or use it to challenge the actions of others. This pattern of affectively natural but substantively well-specified meaning is perhaps the hallmark of the "pragmatist" or "political realist."⁵⁵ Persons, whose orientation towards a symbol is largely without both affect and cognitive content, are 'apathetic', if not aliens, with respect to that symbol. A person is likely to exhibit different patterns with respect to different symbols. Still, a person is likely to exhibit a fairly consistent mode of orientation towards symbols relating to a particular area of social or political life, the patterns varying with the level of his interests and involvement in the area. For example, he might be ideological in his orientation toward some symbols, pragmatic with respect to others and reactive or even an alien with respect to others.

Symbols may also serve differently when they serve to the masses or to elites. Edelman in his work observed that organized elites communicate in politics through

54 (Elder and Cobb, *The Political Uses of Symbols* 1983), 59.
55Ibid.

referential symbols and have a tendency to perform instrumentally.⁵⁶ But the unorganized masses communicate through condensational symbols and expressive behaviour. Organized elites operate symbols for specific material ends, using them to arouse or to calm the mass public.⁵⁷

In this case, the example of the European flag may be used. The flag of the Council of Europe which was in 1985 adopted as the flag of the EU (then the European Economic Community at that time) adopted by European Parliament.⁵⁸ In fact, elites decided to use this particular symbol as the flag of the European Economic Community. Using the Edelman's theory the European Flag is either pragmatic or ideological in nature since elite basically tends to use symbolic attachment which is ideological.

For several reasons, but mainly for the background and location one would expect elites to have more highly developed and instrumental orientations toward political symbols. On the other hand, huge part of the population has orientations toward these same symbols that are essentially reactive.

Cultural aspects also play significant role in the usage of symbols. Symbols themselves, maybe regarded as important and characteristic elements of political culture. Since the common core of meaning which is given to the symbol is based on cultural and premises and prescriptions. The new political process itself may be used to prompt cultural change and open up new possibilities for political action.⁵⁹ Social function of political symbols may be also used by governments. Governments act through the symbols and through them, they ease anxieties and promote the support vital to the stability and productivity of the political system.⁶⁰ The political process itself generally operates to carry tangible benefits to organized interest while providing only symbolic supports to the mass public. Edelman points out that although many political acts which command widespread attention are highly significant symbolically, they have little or no effect on the distribution of material resources.⁶¹ Symbols play an important role not only in domestic conflict but in international conflict as well. Actions taken by governmental officials in the name of a nation-state are often based on

56 (Edelman, *The Symbolic Uses of Politics* 1985), 22 – 23.

57 *Ibid*: 89 – 95.

58 See chapter 3.

59 (Elder and Cobb, *The Political Uses of Symbols* 1983), 82.

60 *Ibid*: 112.

61 *Ibid*: 114.

symbolic images. Symbols often support overstated self-images and superficial, inaccurate and ill-conceived assumptions regarding other nations.

2. The Understanding the Role of the European Flag

In the previous part it has been argued that symbols play a critical role in the political process. To support this argument, it was found, that symbols provide a vital link between the individual and the larger social order. They play a crucial role in the process of imposing oneself as legitimate. The nature and dynamics of an individual's symbolic attachments has also been explored. The political significance of these attachments arises from the fact that the symbols involved provide socially defined objects of individual meaning and serve to synthesize diversity. To further illustrate the significance of the symbolic aspects of politics, some of the ways political symbols are used have been elaborated. Cognitive and affective components and the political use of symbols as well as the main impetuses at the root of the creation of symbols have been differentiated. It has been suggested the vital role of the symbols in relation to the functions of political leadership and policy making in the international conflict. The reasons why someone turns his or her attention towards a symbol has also been explained. Not everyone will be attracted and will make sense out of the same symbols.‘

The political process itself may be used to prompt cultural change and open up new possibilities for political action. While the characteristic features of a political culture tend to be stable, they are neither fixed nor immutable. From the perspective of social functions of political symbols it has been observed that symbols serve as focal points for political mobilization and provide objects of allegiance that help to sustain a policy. Through their manipulation, the operative patterns of conflict and consensus within a political community are activated and defined.

For many years the European Union has led a long-lasting, ambiguous journey for a significant legitimacy. Since the 1950s the EU has gradually imposed itself as a new economic, political and cultural ‘power’ which needs to be placed into group of political entities, i.e. member states, sovereign states, international organizations. To understand European attempts to build a European identity and its results, the challenge is on the one hand, to acknowledge lessons from political anthropology on the necessity for any power to embody and idealize social order. On the other hand, it is to integrate the structural transformations of political identities and loyalties in terms of individualization. It was believed that the economic integration would be followed by political integration and finally the successful work of international or supranational

institutions would become more popular with people. The ultimate achievement would have consisted in changing people's focus and shifting their attention away from national institutions. Shore believes that the primary goal of uniting countries was viewed as overcoming barriers to the free movement of capital goods, service and labour.⁶²

2.1. Cultural and Social Interpretations of the European flag

The EU Commission decided to birth and enhance a sense of shared European history and identity in each of the European citizen. To achieve this goal of a pan-European sense of community, symbols were presented as a gathering place. This is why, an effective way of evaluating the social meaning of a symbol involves registering its variety and variations in institutional and non-institutional uses across historical periods and space. It also means spotting the conflicts and controversies which rose about a specific symbol and providing with a coherent explanation concerning their origin. It is important not to focus only on the established symbols but also to analyse the path leading to its recognition as an acknowledge and accepted by all symbol. The discussion which happened during this process coupled with the debates existing around a symbol is as much explanatory and interesting as the meaning of the symbol itself. Concentrating on the twelve stars, well-known object does not entail that the whole political game is organized around and through symbols. It marks a rejection to give only an instrumental role to symbols, or worse, artificial and decorative one.⁶³

Since certain national emblems distinguish from its cultural and political elements of creation, the EU flag has own development for practical purposes of the European community. As a quick reminder, it has to be emphasized once more than meaning is not in the symbol itself but it brought to life by the creators and receivers of the symbol. The object by its materiality is a way for political actors to objectivize collective project and to give substance to a political body. A symbol is an image of unity and a tool to make it occur. It can be also used as method to situate the group in time and space.

62 Chris, Shore. *Building Europe: The Cultural Politics of European Integration*. (London, New York: Routledge, 2000), 41.

63 François, Foret,. "Symbolic Dimension of EU Legitimization." *Media, Culture and Society* 31, no. 2 (March 2009): 313.

Symbols are a kind of battlefields where conflicts take on the most aggravated form, in interaction with other areas of the struggle of power. Certain strategies and meanings are created obvious because they are codified, stylized and more or less ritualized. Therefore, symbols are increasing reflections on social, political and cultural changes and competitions. Each symbol is itself a system of symbolic elements, part of other symbolic systems. When looking at a flag, the first interpretation and meaning is carried by its colours and forms, from its physical aspect. This global sense is then enriched thanks to the meaning which lies in the myth of its origin, discourses of interpretation as well as ceremonials. Cultural and social codifications of a symbol expose the nature of the represented political system. The condition of passage of symbol from historic fortuity to sacralisation and from institutional artefact to legitimizing abstraction highlights the way the political order is constructed.

By comparison of the development of the European flag with the paths of national flags is visible that the specificity is based on different attempts and backgrounds. Since the European flag was created for practical purposes and operational reasons.⁶⁴ As the very specific example serve the American flag, it is a multi-level referent and far more sacralised. Kertzer gives the US flag even more attention since it claims that the US flag is at the heart of a huge net of complexity of rituals carrying its multiples significations.⁶⁵ In the context Kerzer uses the term ‘cult’ and gives to American flag huge political significance. He emphasises that ‘although there is protest against US military by burning the flag, he proves the position of the flag, stating the US law on the flag which anchorage protection of the US flag.’ Finally Kertzer observes the strong existence US symbolic power of the flag because it embodies a set of beliefs shared by all (good) Americans.⁶⁶ Along with different historical and political background these beliefs made the US flag more distinguishable from another national flags. Coming back to another national flag, the German one may be considered as the case of a rather successful transition after reunification. The British flag might be the weapon of a stubborn opposition towards Europeanization.⁶⁷

64 See chapter History of the EU flag

65 David, I. Kertzer.. “Rituel et symbolisme politiques des sociétés occidentales.” *L'Homme* 32, no. 121 (1992): 82.

66 (D. I. Kertzer 1992): 85.

67 (Foret, Symbolic Dimension of EU Legitimization 2009): 314.

From the historical perspective, the flag is supposed to be the evidence of the “continuity of corporations”, of the stability of collective identity through changes.⁶⁸ Even if, in reality, symbols are constantly reworked in their forms and redefined in their contents. Each invention of traditions is an attempt to establish a link with a remote past to mark the interruption with a more recent one. Hobsbawm claims that traditions combine history with the modern age as they are contrasted to constant change in everyday life and help to structure some parts of social life.⁶⁹ The searching for a proper tradition is obvious concerning the European flag. In 1955, the Council of Europe opted for a new symbol fusing the ones available which had too strong links with associations such as the European community.

On the other hand, from the perspective of space: a symbol is a way of delimiting a sphere of belonging and limit of sovereignty. For example, at the border the flag indicates the limit where ‘otherness’ starts. This term refers to a negative entity which the individual, groups, ethnic communities or nations construct their identities.⁷⁰ Coming from the European member-states with the Euro passport is easily to enter the foreign country since the European flag at the border evoke the feeling of the being of the member of the Euro family, the European Union. On the contrary, for the people coming from non-member-states the Europe flag may the feelings of isolation due to the strict visa policy.

The flag can be also used as a way to point out the places of power when displayed on public buildings, for example, on school buildings, courts, ministries, local municipalities, police stations, state administrations buildings etc. The flag are also used during political rituals and ceremonial to highlight the power of the authorities, governments and political leaders.

68 (Foret, *Symbolic Dimension of EU Legitimization* 2009): 315.

69 Eric Hobsbawm, “Introduction: Inventing Traditions.” In *The Invention of Tradition*, by Eric Hobsbawm and Terence Ranger, (Cambridge: Cambridge University Press, 1983), 1.

70 For example: We" are different because we are not like “them”. In Daniel, Esparza. “National Identity and the Other: Imagining the EU from the Czech Lands.” *Nationalities Papers – Journal of Nationalism and Ethnicity* 38, no. 3 (2010): 413.

2.2. Public Authorities

The symbols frequently serve as raw materials for political action. The obvious example to this statement is the long-lasting debate on the final design for the European flag.⁷¹ The flag is instrument of domination and resources of the conflicts when people burn or reclaim it. The flag is also stake in the struggle for legitimization. It represents hierarchy and makes differences between representatives of its cult and spectators. At the same time it includes both categories in a single pattern of interaction and belonging.

On the basis of this information it must be claimed that behind the use of symbols is hiding a process of negotiation to define shared codes and references. To make this working it is necessary to guarantee rules which allow the unity in diversity. Official authorities always provide the general public with certain interpretations of symbols which find themselves in opposition and competition with the masses' multiple interpretations. These rules can be interpreted as an international law or simply international agreements between the countries, within international organisations and groups. It can be also an agreement between two objects.

In the current period, every political organisation willing to reach its own international recognition needs to have a flag, symbol or logo. For mainly practical reasons the absence of a flag would create problems in many situations. For example, in marine law, a ship without any recognizable flag will be considered as stateless and treated as such.⁷²

Foret claims that the flag is a marker, "it says what a human group does not want be any more and what it aspires to be."⁷³ The symbols serve also as tool to construct a universe of identity that involves constant devotion of the citizen to the public authority and the nation. The growth of the role of the state has been going hand in hand with the role of the flag which has become the mandatory means of symbolisation to gain political existence, with standardized forms and colours.⁷⁴

The limitation of symbolisation was met less directly by European institutions.

71 See chapter History of the European flag

72 Working Document "European Parliament ." Directorate - General for Research - The Common Maritime Policy - Chapter 2 The Sea and Navigation . September 1996. http://www.europarl.europa.eu/workingpapers/tran/w14/2_en.htm# (accessed March 3rd, 2011).

73 (Foret, Symbolic Dimension of EU Legitimization 2009): 317.

74 (Foret, Symbolic Dimension of EU Legitimization 2009), 316.

The Council of Europe's concern was to avoid spontaneous private initiatives to give an emblem to the European idea, as well as to offer a resource for mobilization in a context of growing disappointment and revival of nationalism in the fifties.⁷⁵ The European Commission adopted the flag as a tool to overcome the crisis of confidence in integration after the low level of participation in the 1984 European election. The total turnout in the European Parliament election in 1984 was represented only 61% of the citizens. In fact, this percentage of participants does not show that much of a change than the first European Parliament election which were held in 1979 and in which 63% of people participated.⁷⁶ The presence of only a small difference between the two turnouts is quite surprising. Indeed, a small participation for the first election can be explained by people not being completely aware and interested in this new election offered to them. The fact that the same participation rate is obtained five years later, while these elections should have become more advertised and known, was perceived as a warning for the European community. Solutions had to be found to mobilize the community of citizens around the European community and trigger their interest for the European matters. One of the tools considered as likely to be effective in the process of raising a "European awareness" was the EU flag and its adoption by the European Commission.

For that reason it is suggested that the use of the flag depends heavily on the political culture and the political aims which are fixed. Thus, there exist differences between strong and weak states which are noteworthy. According to Veyne the strong state works and uses the symbols more outrageously and noticeably.⁷⁷ Strictly speaking, some countries have the ability to exceed the daily rules of politics by a surplus of symbols to demonstrate its immeasurable values and strength as the depository of the general interest and legitimacy.⁷⁸ Veyne elaborates this theory of the use of the symbols on France. On the other hand, the weak state is far less dramatized and has no monopoly on national representation. The flag is then more freely and regularly displayed in the public spaces. In this case Veyne indicates this use of the flag to the United States of

75 Carol, Lager L' Europe En Quete De Ses Symboles. (University of Michigan: Peter Lang, 1995), 40.

76 European Parliament - Turnout trends at European elections - table 1979-2004. 4th July 2004.

http://www.europarl.europa.eu/elections2004/ep-election/sites/en/results1306/turnout_ep/turnout_table.html (accessed March 7th, 2011).

77 Paul, Veyne. *Le pain et le cirque*. (Paris: Seuil, 1976), 642.

78 (Veyne 1976), 642

America and to lesser extent in the United Kingdom. As he suggested, the European Union itself would be weak 'state' but with a restricted civil society.⁷⁹

Touching this topic of is it necessary to link with another official European symbol, the Europe Day. This day, celebrated on the 9th of May, should be one of the highlights of the year for the EU and a perfect occasion to promote its role and values. It could be used as way to enhance the awareness of the community of citizens for European matters, in the same way as the EU flag. However, neither the EU nor the member states intervene as organizers of the symbolic action on this occasion. It could be objected that no, on the contrary, on this day Europe is highly celebrated and several actions are organized bearing the name of the EU. On that day, the displaying the European flags is orchestrated by local bodies, elitist associations such as the European Movement or schools and universities. The level of ritualization is so low that the average bystanders is often surprised by the unusual encounter of the European flag, more precisely the twelve star circle on the blues background and does not know the reason for the display as well as for the meaning of the celebration.⁸⁰

More generally, the presence of the European flag in the public space does not always go without contestation. The twelve stars might appear as a symbol of political power, economic strength or even quality in the case of some tourist establishments; however it can also be perceived with a negative note. Foret argues that the interference of the EU banner can be considered as a massive intervention in the experience and lives of the people.⁸¹

Across the EU, many discontentment were voiced against the presence of the EU flag on some buildings. For example, in the United Kingdom, the New Castle City Council was forced to withdraw the European flag from the public buildings since it was classified as an advert. Everything started with the representative of the United Kingdom Independence Party who claimed that the local rules authorized only national banners. "The regulations are that you can fly your national flag on a public building any time you like. "But the European Union is not a nation; it is officially a 'project'."⁸² It is on this ground, of the EU not being a nation, that the flag of the EU was treated as a

79 (Veyne 1976), 643.

80 (Foret, Symbolic Dimension of EU Legitimization 2009), 317.

81 (Foret, Symbolic Dimension of EU Legitimization 2009): 330.

82 Council forced to take down EU flag. 27th June 2006. <http://www.dailymail.co.uk/news/article392784/Council-forced-EU-flag.html> (accessed March 6th, 2011).

mere advertising. The United Kingdom is at the forefront when it comes to contesting the presence of the EU flag since a second case happened there too. In 2005, a British driver refused to display the twelve stars on her driving license since she never left her country and covered it with the flag of the United Kingdom (the Union Jack). After the penalization for degradation of a national official document, it was largely publicized in the media and the cost of new license was reimbursed.

Thus, the EU flag does not raise only feeling of adhesion to the EU community; it also creates feelings which could be qualified of antipathy towards it. But one could argue that in a way, the aim of the EU community and of symbols, of uniting people is still achieved since people share a discontent for the flag and are brought closer and together through that.

In the previous part it has been claimed that study of symbols is necessary in order to elaborate them as a tool to unite people together in given social and cultural context. This tradition, supported by symbols, makes the link with the past and the modern age and in everyday life it helps to structure some parts of social life. Using the example of the European flag it has been illustrated how symbols can be used as tools to mobilize and unite people, especially in the European Community. Since the European Commission adopted the European flag in order to overcome the crisis of confidence in integration after the low level of participation in the 1984 European election. The history of the European flag showed how it also followed this path, changing according to the context. By using the term 'Otherness' a symbol also delaminates a sphere of belonging and a limit of sovereignty. The flag can be used as a way to point out the places of power and this will be also evaluated in the following chapter on the example of the Czech state institutions.

Veyne's theory on the use of flags underlined the difference made in the use of symbols between strong and weak states. To understand the place of the EU and its flag in this theory, a comparison with the flags of respectively the US and the UK has been conducted. Thus, although the EU is not a state, it may still be considered as a weak "state" with a restricted civil society.

The profound role of the symbols rests in the process of negotiation to define shared codes and references. It is mandatory to establish rules defining the use of the symbols within and outside the groups, states and communities. However, it is not because the law is assenting to the existence and use of a flag that this same flag is warmly and broadly accepted by the targeted community. This applies to the EU and its

flag; which is why after analysing the more theoretical background of its creation, it is interesting to focus on its use as a political ritual, its reception and perception in the framework of the European public opinion..

2.3. The European Flag as a Part of Political Ritual

People are not generally aware of that they themselves endow the world with their own symbolically constructed version of reality. On the contrary, people believe that the world simply presents itself in the same form as they perceived it. Kertzer describes as ritual is an analytical category that helps people to deal with the chaos of human experience and put it into a coherent framework.⁸³ Diplomacy without ritual is inconceivable. During an official meeting, protocol matters as much as the right things, this is why the right symbol must be manipulated at the right time and in the right way.⁸⁴ He Kertzer argues that “the symbolism of the flag and the ritual it creates, are the basis of a feeling of identity and national identity.”⁸⁵ The ritual of the election as an active participation in the formation of new political order accompanied with the flag, a symbol of community, can influence the mobilization and integration of the community. Through symbols man confronts the experiential chaos that envelops him and creates order. By objectifying symbolic categories, rather than recognizing them as products of human creation, people see symbols as somehow the products of nature, “things” that we simply perceive and recognize.⁸⁶ Furthermore, the ritual is used to constitute a power, not just reflect a power that already exists. This becomes more evident when the authority is under attack or lacks some confidence.

On the other hand, the use of a flag in a negative and provocative way can disadvantage their holders. The symbols and political rituals within the society link individuals to nations and state in the same way as the centre of the process link political parties and governments. Ritual symbolism is often ambiguous. According to Kertzer, no single precise meaning is attached to symbols. Above all, they are not mysterious ways of saying something that could be more precisely expressed in simple

83 David I. Kertzer *Ritual, Politics, and Power*. (New Haven: Yale University Press, 1988): 8.

84 (D. I. Kertzer 1988), 104.

85 Kertzer, David I, . “Rituel et symbolisme politiques des sociétés occidentales.” *L'Homme* 32, no. 121 (1992): 83.

86 (D. I. Kertzer 1988), 4.

declarative form. The complexity and uncertainties of meaning of symbols represent the sources of their strength.⁸⁷

The flag is not only an indicator of the time and space; it is also a tool of negotiation to determine the conditions of political domination.⁸⁸ The use of the flag copies the discrimination created by the social order and transforms these differences to make them more acceptable. When the head of the state dies, national colours are flown at half-staff; it covers the coffin of statesmen, under various forms (sashes, pennants on cars). The flag also symbolize the privilege of the person who is carrying it. As a result, all these distinctions are accepted only in the name of the common utility and the nation itself is celebrated through these signs. Even those who voluntarily attempt to resist a flag and these who refuse to integrate the emotional community, are submitted to its power. According to Kertzer this is a efficiency of the political ritual: to have an impact not only on those who believe in it and do not penetrate the true sense of the socially constructed meanings, but also on those who are politically aware of the artefact at who are constrained to take position referring to it, even if they are opposed to it.⁸⁹

Although there is no agreement on collective goals, the flag is able to create unity. For that reason, the flag is increasingly present on public buildings and behind some political leaders, during TV appearances. Symbolic settings are never fixed once and for good. After the French constitutional referendum in 2005, Jacques Chirac replaced the two usual big flags, a national and a European one, with a big blue-white-red background including twelve stars in the corner of the setting of his speeches. But Nicolas Sarkozy chose in May 2007 to make the European banner appear on his photograph as head of state to be posted in public buildings, for the first time in history of French presidential imagery.⁹⁰ However, the EU flag is not used as a sign of authority in everyday life. The generalization of the European passport or EU corridors at customs may contribute in the long-run to strengthen a link between individuals and the European political system.

87 (D. I. Kertzer 1992), 10.

88 (Foret, Symbolic Dimension of EU Legitimization 2009), 324.

89 (D. I. Kertzer 1992): 85.

90 For example, see the pictures from the official speech of Mr. Nicolas Sarkozy on the website of the French President <http://www.elysee.fr/president/accueil.1.html> (accessed March 25th 2011)

90

2.3.1. The Reception of the European Flag by Public Opinion

According to several researches the twelve stars are today recognized and liked, but stay notably less legitimate and consensual than national flags. In national politics Annick Percheron proved that the word 'flag' gets a much higher attention and credit than terms related to political contest like 'party.' Shortly, words like "republic," "democracy" and "flag" have a strong affective importance which makes very difficult to say that one does not like it.⁹¹ Working with the results from the Eurobarometers it can give clear view to the reception of the European flag.

In Eurobarometer 67, in the year 2007, the European flag was known to almost all Europeans 95%,⁹² in 2004, 1% percentage less (94%),⁹³ and 80% in 1992.⁹⁴ Moreover, 85% of people interviewed consider that it is a good symbol for Europe and 78 % believed that it stood for something good.⁹⁵ Although supported by a large majority, these opinions are less empathically held in the United Kingdom (92%) and Austria (95%). Half of European citizens identified with the European flag (only 54%), including three-quarters of respondents in Slovakia (74%) and two-thirds of interviewees in Italy (68%), Germany (67%), the Czech Republic and Poland (66% each). On the other hand, less than a third of those polled in the Netherlands (22%), Latvia (27%), Sweden (30%), Finland and Lithuania (31% in both cases) declared that they identified with the European flag.⁹⁶

Six out of ten people interviewed believed that the European flag should be flown on all public buildings in their country alongside the national flag (61 %), i.e. six percentage points higher than in spring 2006. Although 90% percentage of Cypriots and 81% Slovenians are in favour of this idea, respondents in the Northern European Member States are far less enthusiastic: only 20% of interviewed in Denmark, 25% in Finland and 29% in Sweden agree with this idea.⁹⁷ As a result, it is obvious that the

91 Annick, Percheron. *La Socialisation Politique*. (Paris: Armand Colin, 1993), 43.

92 "European Commission." Eurobarometer 67 - Public Opinion in the European Union in 2007.

November 2007. http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.htm (accessed March 11th, 2011).

93 Commission, European. "Eurobarometer 62 - Full report ." Public Opinion Archives - Eurobarometer 62 May 2005. http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm (accessed March 10th, 2011).

94 Commission, European. "Public Opinion Archives - Eurobarometer 38 ." Eurobarometer 38 - Full report . December 1992.

95 (Commission, Public Opinion Archives - Eurobarometer 67 2007)

96 Ibid.

97 Ibid.

knowledge of the European flag among the Northern European EU Member-states is not linked with loyalty towards it: it is strong in these northern countries without producing any rallying.

It is interesting to see to what extent was the European flag perceived in some of the non-EU member states. The EU flag was identified by more than nine out of ten respondents in Croatia and the Former Yugoslav Republic of Macedonia (96% and 95% respectively) and by three-quarters of Turkish respondents (75%).⁹⁸ The level of the recognition decreases with age and rise of education but remains very significant for all social-demographic groups, which identify the symbols as a universal mass medium. In 1992, people said that they had seen the European flag mainly on television, on posters, and in newspapers, meaning that it was not yet totally part of the familiar universe.⁹⁹

2.3.2. The Perception of the European Flag by Public

As it was mentioned in previous chapter one of the functions of the ability of political symbols is to from their power to unite and to divide people.

For a long period of time, European institutions have provided the European institutions and its predecessors, mostly the Council of Europe and the European Commission, with prominent symbols: European flag and anthem, day of Europe, motto, euro etc. European institutions have proclaimed a hope that such symbols would stimulate a mass European identity.¹⁰⁰ Identity proceeds when individuals identify with the images they form of their political systems. The official symbols of a community influence the images formed in citizens' minds, therefore affecting the likeliness of their identification with it.

European institutions have played a very important role in the rise of this new political identity, in particular, by generating symbols of the new European political community. When they explain that they feel European, citizens actually have specific ideas in mind, particularly a 'civic' conception of their Europeanness, based on the relevance of the European Union as relevant political system that generates rights,

98 Ibid.

99 (Commission, Public Opinion Archives - Eurobarometer 38 1992)

100 European Commission. Recueil de Documents Diplomatiques pour les Fonctionnaires en Délégation (Document No. DG1A.E6 1993) [Diplomatic documents for European Commission civil servants abroad]. Brussels, Luxembourg: Author.

duties, and symbolic civic attributes. To a lesser extent, they also hold a ‘cultural’ conception of this identity, based on a perceived shared baggage, which may, according to the individual, thought to consist of a variety of historical, cultural, social or moral attributes.

In the case of the European Union, symbols were selected to carry the values and the meanings that institutions wanted to project that reflect the idea of Europe. The symbols of the EU convey the positive and seductive perceptions of Europe, to which people will identify.

Michael Bruter has conducted several researches on the impact of the European symbols, particularly the European flag on the political identities and. His analyses are based on opinion polls and focus groups where individuals were exposed to the symbols.¹⁰¹ He attempts to cover the discussion how symbols of European integration and news on Europe may be expected to affect ‘citizen’s level of European identity. Within the framework of his research Bruter makes distinction between the two terms: ‘European civic identity’ and ‘European cultural identity.’ The former is the extent to which individuals feel themselves to be citizens of a European political system whose rules have an influence on their lives. The later one refers to the feeling that fellow Europeans are nearer to each other than to non-European because of the common heritage.¹⁰²

The effect of the European symbols is evident. Bruter argues that there is a connection between its introduction and the evolution of European feeling in the long term.¹⁰³ However, the European flag, including all symbols of the European Union, have stronger influence on the cultural identity of citizens, which primarily relates to Europe and not to the European Union, rather than their civic identity, which it was primarily expected to reinforce.¹⁰⁴ It has significant position in the process of the formation of representations and allegiances, by it works in such a way that is it is not ruled by the political system, political parties and the elites. In other words, symbols have a very strong effect on the distinct cultural aspect of political identities.

According to Bruter, the impact of the symbols is very unequal depending on

101 Michael, Bruter. “Winning Hearts and Minds for Europe: The Impact of News and Symbols on Civic and Cultural European Identity.” *Comparative Political Studies* 36, no. 10 (December 2003): 1150.

102 (Bruter , *Time bomb? : The Dynamic Effect of News and Symbols on The Political Identity of European Citizens* 2009): 1500.

103 (Bruter , *Citizens of Europe?: The Emergence of a Mass European Identity* 2005), 8-9.

104 (Bruter, *Winning Hearts and Minds for Europe: The Impact of News and Symbols on Civic and Cultural European Identity* 2003): 1156.

nationality. His findings, based on the research conducted on the effect of symbols in France, the United Kingdom and the Netherlands; shows that the exposure of symbols seems stronger on the French sample than on the British sample. The Dutch sample lies somewhere between the other two. He suggests that differences of political context or socialization might make people more or less receptive to symbols of European unity in the first place.¹⁰⁵

Therefore, it is necessary to weigh up the global context and the general transaction in social exchanges that produce the meaning of the symbol. According to Bruter's research, majority of the people identify with Europe in terms of what it means to them as citizens.¹⁰⁶ It means that they would feel hurt if they saw someone burning a European flag, they approve of a common European passport, and they want to see the European flag next to national flags when head of state makes a public speech on TV.¹⁰⁷

Each symbol is the result of an oscillation between the existing social codes (formal and non-formal rules, dominant ideological references) and the singularity of the moment when the symbol is announced. The only way to understand the negotiation of meanings is to study the emblem at work in its many different universes.

Brutes conducted the research on the political identities and their influence by the political institutions and elites. Using regression analysis to assesses the intensity of the effect of being exposed to good or bad news on Europe and of being exposed or not to symbols of European integration, controlling for any external influence. His findings resulted in fact that elite and institutional messages have a very clear impact on citizens' identity.¹⁰⁸ The results concerning the effect of exposure to symbols of European integration on the European identity of citizens are equally striking. All three models lead to conclusion that being dependably exposed to symbols of European integration does strengthen a citizen's sense of identification with Europe.

To sum up, the symbols of European Union have a much stronger effect on the cultural component of European identity than on its civic component. Symbols are clearly the predominant factor having implications on the cultural component. On one hand, symbols of European integration are symbols of a political system. A flag, an anthem, Day of Europe, and the motto all participate in the attempt to develop the

105 Ibid. 1167.

106 (Bruter, *Winning Hearts and Minds for Europe: The Impact of News and Symbols on Civic and Cultural European Identity* 2003): 1158.

107 Ibid.

108 Ibid: 1160.

European Union along with the traditional model of the state, provided with all the traditional symbolic attributes of any national political system.¹⁰⁹

The very fact that symbols seems to affect the cultural component more than the civic component of political identities suggests that the use of symbols may help make citizens feel more clearly a part of a given system.¹¹⁰

When trying to understand why symbols of European unity seem to affect the cultural rather than civic components of citizen's identities, it is again interesting to remind that the European flag was not created by or for the European Communities but for the Council of Europe, a highly cultural institution, in the 1950s.

These findings show, how complicated the relationship is between the intended and perceived meaning of the symbols of a political community. They also demonstrate that although symbols may help to redefine popular perceptions of who are the "us", institutional legitimacy and institutional identification require more of an actual positive record of the political system as opposed to a simple, direct definition of institutional symbols.

In terms of the cultural identity of citizens, symbols play a greater role than news on European integration. This shows the importance of symbols and institutionally designed images in the framing of citizens' perceptions of what their political community is, what it means, and ultimately, who it includes. On the other hand, the institutional formation of mass political symbols has the predominating effect on the identification of citizens to a political community, conceived as a human grouping, and their perception of the stretch of their political community.

2.3.3. Discussion

It has been argued by Kertzer that symbolism of a flag and a ritual it creates, are the basis of a feeling identity and national identity. The European institutions provided the European symbols, particularly the European flag, in order that these symbols would stimulate a mass European identity. Therefore, these symbols would convey the values and the meanings of the institutions they wanted to project and which reflect the idea of Europe. It had been proved by using the Bruter's research on the impact of the European flag on the cultural identity that symbols have stronger influence on the cultural identity. However, this effect depends on nationalities. Therefore, it is necessary to

109 Ibid. 1166.

110 (Bruter, *Citizens of Europe?: The Emergence of a Mass European Identity* 2005): 131.

weigh up the global context and the general transaction in social exchanges that produce the meaning of the symbol. Without a doubt, a mass European identity of citizens across EU member-States has significantly and more or less continuously progressed between 1970 and 2000 in virtually in pre-2004 EU member states and can be expected to progress even further as the European Union is going through the symbol stage of after ratifications of the Treaty of Lisbon by all member-states.

Bruter 's findings show that the running of this new European integration has a had a clear impact on the consolidation of a European identity every time they have been introduced. This confirms the theory of structuralist political thinkers and the presumption of European authorities that creating a specific European imagery would help in creating a mass European identity. The analysis shows that levels of European identity are still very different in the various member-states.¹¹¹ As for the emergence of a new mass political identity it must be taken into consideration that that the interaction between top-down institutional attempts to form a European identity through symbols and communication on political outcomes and the bottom-up reaction of the European public is far from simple. Since several institutional, in broad sense, players participate in the type of messages that touch European citizens from the top. Generally, European institutions, national ones, and the mass media do not always, carry the same messages or pursue the same political objectives.

111 (Bruter , *Citizens of Europe?: The Emergence of a Mass European Identity* 2005), 171.

3. The European Flag

3.1. History of the EU Flag

The flag of Europe is nowadays the flag of the European Union and the Council of the Europe. This makes no doubt for no one and is widely accepted. However, the path to its adoption as the official flag of the European Union had been quite long and complicated. The creation of the flag is highly connected with the Council of Europe. One has to keep in mind that, in 1955, the European Union existed only in the form of the European Coal and Steel Community. The Council of Europe which was established in 1949 in order to promote co-operation between all countries of Europe in the areas of human rights, democratic development, the rule of law and culture. This new European institution needed a sort of logo or emblem to be easily recognized and this from its beginning in 1949.¹¹² The reason behind the pressing need of this international community to adopt a representative symbol is rather self-explanatory.

Walter Hallstein, President of the EEC Commission, emphasized that the absence of any symbol of European identity. This had been particularly evident during official visits to the United States and other countries by the Presidents of the three European executives. The urgent need of symbol or flag had more practical and operational reason than prestigious. The rapporteur of the Parliamentary committee, Van der Goes van Naters who was appointed to examine the legal position of the flag within international law, pointed out that:

“The decision by the three executives in relation to the choice of an emblem for the European Communities ‘would not come up against any problems from the point of view of the national laws of the six Member States or from the point of view of international law.’¹¹³

As a matter of fact, any company or group of people has the right to select an emblem for themselves. All logos, emblems and symbols can be registered in order to protect them from imitation and abuse. This is why the Council of Europe was eager to possess its own emblem and logo to be internationally recognized.

Things became more problematic when it comes to flag. According to the

112 Council of Europe, <http://www.coe.int/aboutcoe/index.asp?page=datescles&l=en> (accessed 7th February)

113 Carlo, Curti Gialdino. *I Simboli dell'Unione europea, Bandiera - Inno - Motto - Moneta - Giornata*. [The Symbols of the European Union]. (Translated by CVCE. Roma: Istituto Poligrafico e Zecca dello Stato, 2005): 111 available online at www.ena.lu (accessed 6 February 2011)

international law a flag belongs to a state or another subject of international law system. Therefore, a flag involves rights and duties. The European Community fits to the category of subjects of international law. It means that it had to be recognized according to international law and thus it could have an interest in the recognition of its flag (for use of vehicle registration plate, ships, aircraft etc.). For that reason the Assembly and the three Executives voted to adopt their own genuine flag .

“We are heading towards a European integration, whether as a union, a federation, or a confederation, remains to be seen. The movement has become strong enough for the need of a flag to be felt, “said Salvador de Madariaga, Spanish statesman and founder of the College of Europe in Bruges.¹¹⁴ If a consensus on the need of flag was reached, the representatives of the Council of Europe themselves did not all share the same opinion about the final design of the symbol.

On the basis of the speech made by Salvador Madariga it was clear that the emblem of the Council of Europe could be a flag, a logo or any other visual symbol which should represent this institution. As early as since the 1920s ideas for a European emblem or flag had been flourishing. Two of the most popular were: “a Pan European Union” flag consisting of, a yellow circle with a red cross on a blue background and large E on a white background from the European movement.¹¹⁵

In 1950, groups of experts, boards and committees launches a call to heraldists, artists and enthusiastic amateurs from all over the world, inviting them to design the future flag. The lengthy study of the more than a hundred proposals received resulted in the realization that some signs and colours were recurrent. For example, the circle of stars, in other proposals, the seeds of the current European flag were already discernible. Thus, Salvador de Madariaga proposed an azure European flag with a constellation of stars representing the various European capitals. The seat of the Council of Europe, Strasbourg, was represented by a larger star.¹¹⁶

In 1951, twelve proposals of flags were submitted by the Secretariat General of the Council of Europe to the representatives of the Consultative Assembly so that an

114 Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191. www.ena.lu (Accessed 4 February 2011)

115 “The European flag: questions and answers (2005)”, 50th anniversary of the European flag. [ON-LINE]. [s. l.]: Council of Europe, [21.02.2006]. http://www.ena.lu/european_flag_questions_answers_2005-2-21621 (accessed 6 January 2011) See APPENDIX 2: A Pan European Flag

116 APPENDIX 3: Proposal for European flag by Salvador Madegeria

emblem may be selected for the organization. In fact, this was not the only attempt to provide the European institution with a recognizable flag. In the same year, an employee of the Council of Europe's Mail Service, Arsène Heitz, proposed several design of flag to the Secretary-General and the Director of Information.¹¹⁷

Another, suggestion was made by a cartographer from Bad Godesberg who submitted 12 proposals for flags for the Council of Europe.¹¹⁸ In September 1953, the Assembly of the Council of Europe adopted the first flag of Europe by the Resolution 4; the first flag was originally blue with a circle of 15 gold stars which represented the number of member states of Council of Europe.¹¹⁹ The flag had to be flown outside the buildings of the Council of Europe whenever the Assembly was in session. Later on, the Consultative Assembly recommended the Committee of Ministers to use the azure flag bearing a circle of twelve stars as an emblem of the Council of Europe. The Assembly also suggests that the emblems chosen by the other European institutions bear a close resemblance to the new flag.¹²⁰

In the end, from all the proposal received and offered, two designs were chosen as preliminary draft. One was the flag proposed by Arsène Heitz which was displaying “a crown of 12 golden stars with 5 rays, their points not touching.” It symbolized in the view of its creator. The second suggestion was and the second was a constellation of stars – originally proposed by pro Salvador de Madariaga.¹²¹

Finally, on 8 December 1955, the Committee of Ministers of the Council of Europe adopted the European flag designed by Arsène Heitz.¹²² However, this final design did not completely reach a consensus and no end was put to the debate.

117 Appendix 5: Samples of proposal by Arsène Heitz

118 Appendix 4: 12 proposal for flag

119 Consultative Assembly of the Council of Europe, Resolution 41 on the choice of an emblem for the Consultative Assembly of the Council of Europe. [ON-LINE]. [Strasbourg]: Council of Europe, mise à jour 26.01.2006[30.05.2005]. Res (53) 41. Available on <http://assembly.coe.int/Mainf.asp?link=assembly.coe.int/Documents/AdoptedText/ta53/ERES41.htm>. Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. <http://info.coe.int/archives/hist/flag/default.asp>. Le drapeau - The Flag, 2191. See

120 Consultative Assembly of the Council of Europe, Recommendation 88 (1955) on the emblem of the Council of Europe. [ON-LINE]. [Strasbourg]: Council of Europe, [31.01.2006]. Available on <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta55/EREC88.htm>.

121 European flag - questions and answers. 50th anniversary of the European flag. [ON-LINE]. [s.l.]: Council of Europe, [21.02.2006]. Available on http://www.coe.int/T/E/Com/Files/events/2005-12-drapeau/questions_reponses.asp.

122 Committee of Ministers of the Council of Europe, Resolution (55) 32 (9th December, 1955) : Emblem of the Council of Europe, in Documents of the Committee of Ministers 1955 - II (July - December, 1955) p. 205. Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. <http://info.coe.int/archives/hist/flag/default.asp>. Le drapeau - The Flag, 2191 www.ena.lu (accessed 11 January)

During the following years, discussions were still going on about the appearance of the European flag. For example, in the 1960s many members of the Council of Europe criticized the numbers of stars, the lack of representative function for all members, the absence of symbolic or heraldic relationship with national colours.¹²³ Member of the Council wanted to have the colours of their national flags as a part of the European flag. There were also some efforts made by the Joint Press and Information Service of the European Communities to organize another competition for the European flag.¹²⁴ The competition was never run, and from 1961 onwards, the discussion regarding a possible change the European flag was left in abeyance.¹²⁵

Adopting a representative flag itself was not enough for the Council of Europe. It also wanted other European institutions to adopt the same flag. This led to 1983, year when the European Parliament took up the request. In fact, this process dated back to election of a new European Parliament in 1979. While starting to reflect and look for its own symbols, the Members of Parliament came to the conclusion that the 12 stars flag was by far the most obvious and the best. Since the Council of Europe had lobbied for this European flag to be adopted in all other European institutions, electing it was also perceived as a gesture of unity. The parliamentary Assembly of the Council of Europe requested the confirmation from the Committee of Ministers that the organisation's symbols - the flag and the anthem - may be used by the European Communities.¹²⁶ On 28 April 1983 the European Parliament agreed, and the European Council in Milan in June 1985 officially adopted the twelve golden stars as the flag of European Economic Community.¹²⁷ The European flag is only the emblem of the European Commission - the EU's executive arm.¹²⁸ Other EU institutions and bodies use a logo of their own in

123 Curti (Curti, 2005) Gialdo, Carlo. I Simboli dell'Unione europea, Bandiera - Inno - Motto - Moneta - Giornata. Roma: Istituto Poligrafico e Zecca dello Stato S.p.A., 2005, pp. 41-71. Translated by the CVCE, pp. 111. available online at www.ena.lu (accessed 6 February 2011)

124 The group suggested asking twenty artists from the six Member States each to propose three designs and in parallel to ask the public at large, young people in Europe and the press to suggest criteria for assessing them. Ibid. 129

125 Ibid: 131.

126 Article IV. In: Parliamentary Assembly of the Council of Europe, Recommendation 994 (1984) on the future of European co-operation (General policy of the Council of Europe). [ON-LINE]. [Strasbourg]: Council of Europe, [30.01.2006]. Available on www.ena.lu (accessed 30 March)

127 The European flag: questions and answers (2005) [ON-LINE]. [s.l.]: Council of Europe, [21.02.2006]. (Accessed 12 January 2011 http://www.ena.lu/european_flag_questions_answers_2005-2-21621)

128 In 1996, the Council of Europe and the European Commission jointly publish a graphics guide about the use and reproduction of the European flag. Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191. www.ena.lu (accessed 11 January 2011)

addition to the European flag.¹²⁹ Nonetheless, all the new EU institutions and agendas over the time have been gradually inspired by the EU flag.¹³⁰

3.2. Description of the European Flag

The final design of the flag adopted by the Committee of Ministers was presented as a circle of 12 golden - stars on a blue background.¹³¹ The base colour of the flag is a dark blue (reflex blue, a mix of cyan and magenta), while the golden stars are portrayed in yellow. The colours are regulated according to the Pantone colouring system.¹³²

As previously explained, the flag was drafted by M. G. Lévy, former Director of the Information and Press Service of the Council of Europe. He was inspired by the twelve-star aureole of the Virgin Mary, also known as the Queen of Heaven in the Book of Revelation, frequently represented in Roman Catholic art.¹³³ The flag was finalized by Arsène Heitz who supported the idea of the crown of 12 golden stars with 5 rays, their points not touching.¹³⁴

The European Union claimed that 'the number of stars has nothing to do with the number of Member States.'¹³⁵ There are twelve stars because the number twelve traditionally symbolizes the symbol of perfection, completeness and unity.¹³⁶ It appeared as natural that of unity among the peoples of Europe promoted by the Council of Europe was then represented and embodied by twelve stars. However, as it was later proved, the interpretations differing from the one claimed the European Union can be attached to the number of stars.

At the occasion of the celebration of the 40th birthday of the European flag a press interview – currently offered to view on the website of the institution as a key to the European symbols – of the 'spiritual father' of the flag was released. Because he

129 Except European Agency for Reconstruction,

130 See Annex II

131 Heraldic description: "On a field azure a circle of twelve mullets or their points not touching." In: Annex A1 - Graphics guide to the European emblem Annex A1 <http://publications.europa.eu/code/en/en-5000100.htm#ia1> (accessed 11 January 2011)

132 See APPENDIX 1: Geometric description of the European flag

133 Videokit European Flag - The Origin of the flag- Strasbourg: Council of Europe [Prod.], 2005. Council of Europe, Strasbourg. - VIDEO (00:03:42, Couleur, Son original). Council of Europe, Avenue de l'Europe, 67075 Strasbourg Cedex.

http://www.ena.lu/temoignage_paul_levy_creation_drapeau_europeen-1-20734 (accessed 11 January 2011)

134 Europe The Symbols of the EU – The European flag http://europa.eu/abc/symbols/emblem/index_en.htm (accessed 15 February 2011)

135 Ibid.

136 Ibid.

was Director of Information at the Council of Europe from 1949-1966, Paul M.G. Levy had a privileged position in assisting to the creation of the flag. Remembering this process, he explained that, “[twelve] it was a symbolical number; it is a sign of perfection and plenitude. It is the number of zodiac signs, of Hercules’s tasks, of the Apostles, of Jacob's son, the number of hours of the day and months.”¹³⁷

According to official explanations adopted by the Committee of Ministers of the Council of Europe the meanings lying behind the symbolic flag should be read as follow: "against the blue sky of the Western world, the stars symbolize the peoples of Europe in the form of a circle, the sign of union."¹³⁸ The design symbolizes the peoples of Europe, with the circle representing their union. It is obvious that beyond the official interpretation of the European flag, this European emblem remains opened to a large of explanations.

The number twelve has always been sacred, from the Antiquity myth with the 12 Olympian gods and the tables of Roman Law to the Christian history which ridden by references to 12 with among others the 12 apostles, the 12 sons of Jacob or the 12 tribes of Israel. This number matters also in non-religious and less mythical fields, our daily life being rythmed by the 12 hours of the clock, the 12 months of the years. Thus, the number of stars on the flag more or less answered to an old European tradition of gathering things by twelve. At the first time of the existence of the flag the stars outnumbered and then coincided with the number of member states thanks to successive enlargements. The welcoming of new member states gave birth to a new kind of debate concerning the European flag. Indeed, from 1995 the number of stars was not matching anymore the countries forming the EU. Questions were raised – and still always occurred – concerning a possible addition of stars to reflect the EU reality. For example, the competition ‘New Symbol of Europe’ was organized by Hague Design and Government¹³⁹ and selected 12 designs out of 1400 entries from 63 countries.¹⁴⁰ The

137 Translated by the author. Videokit European Flag - The Origin of the flag- Strasbourg: Council of Europe [Prod.], 2005. Council of Europe, Strasbourg. - VIDEO (00:03:42, Couleur, Son original). Council of Europe, Avenue de l'Europe, 67075 Strasbourg Cedex.

http://www.ena.lu/temoignage_paul_levy_creation_drapeau_europeen-1-20734 (accessed 10 January 2011)

138 Committee of Ministers of the Council of Europe, Resolution (55) 32 (9th December, 1955) - (Adopted by the Ministers' Deputies): Emblem of the Council of Europe, in Documents of the Committee of Ministers 1955 - II (July - December, 1955) = Documents du Comité des Ministres 1955 II (Juillet - Décembre 1955), p. 205.

http://www.ena.lu/resolution_55_32_committee_ministers_council_europe_december_1955-2-17805 (accessed 11 January)

139 <http://www.designdenhaag.eu> (accessed 4 February 2011)

final twelve designs were presented in Berlin and the Haag.

The recent example of the contestation of the European flag occurred in the United Kingdom on the eve of the European Day. On May 7th, 2011, Downing Street announced that, it will not fly the EU flag over Number 10 during Europe Day unlike previous years.¹⁴¹ However, this not flying the flag has political context. The UK's relationship with Europe is a potential source of tension between the Conservative and Liberal Democrat coalition partners. Under regulations introduced in 2007, planning permission is not required to fly the EU flag, as well as national flags during the European Day.¹⁴² The government's own published guidance still does suggest that departments should mark the day by flying the EU flag.

3.3. The Legal Regulation of the European Flag

The most striking feature of the EU flag is that it is open to an immensity of interpretations. In other words, the variety of world views existing can be synthesised and applied to this single unique emblem. Because of its heterogeneous nature of the EU flag enables to reinforce social unity and political authority without taking the risk of certain interpretations to become more incompatible or inconsistent. The use of the European flag by the civil society is not as frequent. Foret in his work discloses that twelve stars are the most repeated item used to represent Europe, particularly as a global political entity, as an institutional system or in its relation with the rest of the world.¹⁴³ Nowadays it makes no doubt that the yellow stars characterize Europe. Their use has been spread to various fields, linked or not with politics and comes to signify different ideas. It can be coupled with images of mobility of movement, when the sign of the European flag is displayed on the licence plates. From the very early ages of its appearance, companies started presenting it as a sign of modernity in their logos, in front of their buildings or in their advertisements, reinforcing at the same time its

140 Design den Haag. "Den Haag Design and Government - Newsletter 11, 19 March 2010." A New Symbol of the Europe. 19th March 2010. <http://www.designdenhaag.eu/en/node/3123> (accessed January 23th, 2011).

141 BBC. "Number 10 shuns EU flag tradition." 7th May 2011. <http://www.bbc.co.uk/news/uk-politics-13321460> (accessed May 8th, 2011).

142 Peev, Gerri. Daily Mail – "Downing Street won't fly EU flag as Cameron snubs Europe Day... but Lib Dems WILL hoist banner." 9th May 2011. <http://www.dailymail.co.uk/news/article-1384969/Downing-St-wont-fly-EU-flag-Cameron-snubs-Europe-Day.html> (accessed May 10th, 2011).

143 François ,Foret. *Légitimer l'Europe. Pouvoir et symbolique à l'ère de la gouvernance.* (Paris: Presses de Sciences Po, 2008), chapter 5.

economical connotation. This wave or flooding of European flag, as it might be perceived by some, is targeting more the ordinary citizens rather than the actors of European symbolism.

Every political system attempts to reduce the oscillation of the meaning of its flag in order to impose its own narrative. That is the reason why attempts are made to codify its use by law. However this task does not happen to be an easy one, the diversity and strength of the collective representations invested in the symbol rapidly overcome the law. The flags made of paper are relatively linked to classical symbols of democracy like ballot boxes or voting, but very much with evocations of peace, in a faithful echo to the doctrine of legitimization.

The European flag is different than national ones from the perspective of its political power and the level of emotive responses it engages. In history, the national flag have often been objects so powerful that they have transcended the rules of law to become 'sacrosanct' items. Supposed to embody the nation, the emblem could claim the same dignity as the norm produced by the collective will and overflow it in a self-celebration of the community. According to Foret the transformation of the flag into holy object does not represent a likely option for the European flag. This process of sacralisation is prevented by at the same time the functionalism of the integration process, the disenchantment of European societies as well as the resistances of nation-states. Unlike well-established symbols and other national flags, it does not rely on its past which in the other cases loads the symbol with references to periods of glory and suffering.

Exciting possibilities are also related to the use of symbols that could be employed by political institutions in a national context to try and favour a sense of reinforced identification amongst citizens, integration minorities, and acceptance of minority groups by dominant segments of the population. The specificity of political symbols is exactly to stay latent in times of peace and to be able to be reactivated when a crisis arises to re-establish collective unity and deliver a message of hope. The rules which define the use of the symbols within and outside the groups, states and communities must always be there.

According to the EU the European flag may be used if there is no likelihood of the user of the emblem being confused with the European Community or the Council of Europe. Secondly, the emblem may be used if it is not used in connection with

objectives or activities which are incompatible with the aims and principles of the European Community or of the Council of Europe.¹⁴⁴

“Permission to use the European emblem does not confer on those to whom it is granted any right of exclusive use, nor does it allow them to appropriate the emblem or any similar trademark or logo, either by registration or any other means. Each case will be examined individually to ascertain whether it satisfies the criteria set out above. This will be unlikely in a commercial context if the European emblem is used in conjunction with a company's own logo, name or trade mark.”

Examination of the requests of using the EU flag is provided separately by Directorate E-1 - Institutional Matters which goes under the European Commission.¹⁴⁵ The European Commission and the Council of Europe are responsible for ensuring that all uses of this symbol respect the dignity of the European flag and emblem, and for taking whatever measures are necessary to prevent misuse. Unfortunately, there are no strict regulations for the use of European flag which would set the strict rules and limitation of its use.¹⁴⁶ The European flag is often present in every official speech of the President of the European Council and is also used at official meetings between the leaders of an EU state and a non-EU state. The European flag and the national flag are screened together. The European flag, the anthem of the Union, the motto, the currency and Europe Day were officially recognized by the Constitution of Europe as the symbols of the Union.¹⁴⁷ Nevertheless, this article which defines and regulates the symbols of the European Union was not inserted to the Treaty of Lisbon in full version, “for fear they might upset national sensibilities, therefore the European Parliament gave them official status for its internal use.

144 Europe. The symbols of the EU - Graphical specifications for the European Emblem. n.d. http://europa.eu/abc/symbols/emblem/graphics2_en.htm#parties (accessed March 15th, 2011).

145EUROPA – the portal site of the European Union http://europa.eu/abc/symbols/emblem/graphics1_en.htm#symbol (accessed 11 January)

146 http://web.archive.org/web/20070807045151/http://www.coe.int/T/E/Com/About_Coe/flag.asp

147 Treaty establishing a Constitution for Europe, Official Journal of the European Union, C 310, Volume 47, 16.12.2004. <http://europa.eu.int/eur-lex/lex/JOhtml.do?uri=OJ:C:2004:310:SOM:EN:HTML> (accessed 29 April 2011)

Actually, in the Final Act on the Treaty of sixteen member states¹⁴⁸ signed the declaration 'that the flag with a circle of twelve golden stars on a blue background, the anthem based on the Ode to Joy from the Ninth Symphony by Ludwig van Beethoven, the motto 'United in Diversity,' the euro as the currency of the European Union and Europe Day on 9 May will for these 16 countries continue to be accepted and promoted as 'symbol to express the sense of community of the people in the European Union and their allegiance to it.'¹⁴⁹ Basically, 16 member states signed a declaration without legal value in annex to the Treaty of Lisbon to confirm that the flag, alongside the anthem the motto, the euro and the Europe Day, remain the symbols of the common belonging of the EU citizens. In terms of international law, the act does not have any legal value and thus it may be interpreted in twenty-seven ways from different political, social and cultural context. It means that Czech Republic does not belong to this group of the EU Member-states that express their constitutional loyalty towards the European Community. In the following chapter the use and interpretation of the EU flag will be analysed within the selected sample of EU Member-states.

148 the Kingdom of Belgium, the Republic of Bulgaria, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the Italian Republic, the Republic of Cyprus, the Republic of Lithuania, the Grand-Duchy of Luxemburg, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Portuguese Republic, Romania the Republic of Slovenia, and the Slovak Republic. In: Treaty of Lisbon, Final Act (2007C/ 306/02), "Official Journal of the European Union, 17 December 2007, C 306/267. 50,<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011)

149 Treaty of Lisbon, Final Act (2007C/ 306/02), "Official Journal of the European Union, 17 December 2007, C 306/267. 50,<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011)

4. Methodology

4.1. Czech Republic

When it comes to the EU flag the only and best way to assess its use is to carry out a field research. Books and theories matter when studying the background and the meaning of the flag but nothing can replace a direct contact with institutions to examine the situation when the EU flag is displayed. The first task which has to be undergone consists in selecting the institutions which will be gathered in what could be called the target group.

The methods that have been used for the elaboration of the selected institutions are rooted in the empirical-analytical approach and include a combination of methods developed to conduct semi-structured interviews. Once the so-called target group is formed, the following task is the collect of information and their assessment. The content analysis was used in order to examine the scope and size of the information provided by the Czech institutions about the use of European flag in the Czech Republic. It has to be underlined that due to the weak interpretation and the lack of anchorage of the European flag within the Czech legal system the surveyed institutions do not provide full-range information about the use of the European flag.

Generally speaking, the only assessment of the use of an object by someone will not provide the researcher with all the information necessary for an inclusive conclusion. When focusing only on the subject of the study there is a risk of ignoring some parts and lead only a partial analysis. Some specific characteristics do not appear in the only analysis of the object itself; they will be unveiled in the comparison with others. It is one thing to conduct an inquiry on the use of the flag in the Czech Republic, but this analysis will be complete and enriched through a comparison with other countries. That is why the scope of this study is divided into two parts and compares the use of the European flag in the Czech Republic with the use of the European flag in different European countries whose selection process will be explained later on.

The first part of the study covers the Czech institutions and the second part of the study deals with the sample of the 10 selected EU countries, mainly with departments which are in charge of public relations and communication (press and protocol departments).

The Czech institutions included in the target group are: the Office of the

President of the Czech Republic, the Ministry of the Foreign Affairs of the Czech Republic, the Office of the Government of the Czech Republic. These four institutions were selected on the basis of their power and position within the framework of their hierarchical position in the Czech political system and in domestic policy. Furthermore, they were selected since they belong to the most representative Czech institutions for their executive and particularly representative power and their role in the Czech Republic and on the international level. One of the most essential questions which needs to be asked is whether the EU flag is replacing the role of the Czech national flag in the Ministry of Foreign Affairs of the Czech Republic, the Office of the Government of the Czech Republic, and the Office of the President of the Czech Republic.

The Permanent Representation of the Czech Republic to the European Union was examined for the fact that it represents the Czech Republic in the European Union. The different components of the target group were analysed separately.

The Office of the President of the Czech Republic was the first surveyed institution. It provides information on matters connected with the execution of powers of the President of the Republic provided under the Constitution of the Czech Republic, statutes and laws. It also regulates the formal duties and public activities of the President of the Republic.¹⁵⁰ This office is held by the second President of the Czech Republic, Vaclav Klaus who belongs to the loudest Eurosceptic in Europe and thus is a well-known person for his controversial attitude towards the European Union. President Klaus as a head of the office directly impacts on the image of the Czech Republic abroad. He is also one of the messengers of the EU discourses in his home country and therefore influences the perception of the EU in Czech Republic. Indeed, it is easy to understand that a pro-European President will promote more the EU in his country, will enhance a positive perception of it more than a Euro-sceptical President. This is visible with Klaus' position towards the European flag during the Czech presidency, which will be discussed in the following chapters.

The second surveyed institution was the Ministry of the Foreign Affairs of the Czech Republic which handles the foreign policy and thus represents the interests of the Czech Republic on the international level, within the European Union, with non-

Act No. 114/1993 Coll. of March 24, 1993, Legal Conditions, Office of the President of the Republic, (accessed 6 March 2011), available at <http://www.hrad.cz/en/president-of-the-cr/office-of-the-president-of-the-republic/activity-of-the-office-of-the-president-of-the-republic/legal-definitions.shtml>

European states as well also with international institutions.

Then, the survey focused on the central body of the state administration, the Office of the Government of the Czech Republic. The Office fulfils tasks connected with experts, organizational and technical provision of the activities of the Government of the Czech Republic and its bodies.¹⁵¹ Before the contacting the above mentioned institutions getting familiar with their functions, organizations imposed itself as necessary. Thus, the websites of the selected institutions have been used to get access to all these primary information. Above all, keeping in mind the scope of the study, a content analysis has been conducted to examine the use of the Czech state symbols and the presence of the European flag. A specific emphasize has been put on the use of the European flag on their websites and to which extend the institutions of the target group provide information about the European symbols. However, the websites totally lacked required institutions and thus it has to be conducted semi-structured interview via cell-phone.

The Permanent Representation of the Czech Republic to Brussels serves as the primary liaison between the Czech administration and the EU institutions. Its mission unfolds in several task whose main one is to represent Czech interests in the European Union bodies and institutions. On top of that it ensures communication between the public administration bodies of the Czech Republic and the European Community institutions, to strengthen the Czech Republic's position in the EU structures, including the corresponding presence of Czech citizens in the Union institutions etc. In cooperation with the Ministry of Foreign Affairs, the Office of the Government and other ministries, the Permanent Representation prepares over 30 formal Councils of Ministers and several European Councils each semester. European Councils, i.e. summits of the highest representatives of the Member States, determine the EU's strategic development.¹⁵² To each of these meetings and conferences equals an opportunity to express the adhesion of the country to the European symbols. The

151 The activity of the Office of the Government is governed by Law No. 2/1969 Sb. on the system of ministries and other central bodies of state administration of the Czech Republic. The activities of the office are managed by the Head of the Office of the Government of the Czech Republic, with the exception of organizational issues of state services and service relations of civil servants. In these affairs, the Head of the Office of the Government of the Czech Republic proceeds in compliance with Law No. 218/2002 Sb., on the service of state employees in administrative authorities and the compensation of these employees and other employees in administrative authorities (the Service Law). In Office of the Government, available at <http://www.vlada.cz/en/urad-vlady/office-of-the-government-53367/> (accessed 24 March 2011)

152 Permanent Representation of the Czech Republic to Brussels, About the Representation, Areas of Responsibility at http://www.mzv.cz/representation_brussels/en/index.html (accessed 17 March 2011)

function of Permanent Representative of the Czech Republic to the European Union is occupied by her Excellency, Milena Vicensová.

During the whole length of the field study, it is primordial to keep one thing in mind, which can greatly influence the outcome of the study. It has to do with a question of objectivity and the mission of the above mentioned institutions. Indeed it has to be taken into account that all the Czech institutions represent the interest of the Czech Republic and thus they have their own aims and duties towards this country. Therefore, it cannot be expected that the country itself would follow all the ideas and values of the EU. On the contrary, it has to also keep its interests in international policy. Thus, the fact that the national institutions could favour the Czech position than the European one should not be ignored.

Once a contact has been established with the different members of the target group, the question of the method of collecting data arises. To accomplish this task, the social researcher is offered a whole variety of methods and tools, each of them enabling to collect and corresponding to a specific type of data. That is why it is important to select the adequate tools and techniques to obtain exactly the data expected.

One efficient way to collect of more objective data was realized with the analysis of the websites of the diverse institutions. Semi-structured interviews have been elected as the most suitable method of research.¹⁵³ As it is indicated in the name labelling this type of data collection, there is an exchange between the researcher and the interviewees who are asked a set of questions. However, unlike a normal interview, the semi-structured interview gives room to flexibility and allows new questions to be brought up during the exchange. The interviewer prepares in advance the questions which are then showed to the interviewee who has been elected since familiar or related to the topic. In general, face-to-face interviews are considered to be the best data-gathering technique for a survey research.¹⁵⁴

Indeed, with the other way of realizing semi-structured interviews some important details might disappear, be ignored. In the case of a telephone interview, the researcher cannot see the informal and non-vocal communication delivered by gestures and mimics. As it has been said, the questions are prepared in advance which is a way

153 Gray, Paul S., John B. Williamson, David A. Karp, and John R. Dalphin. *The Research Imagination. An Introduction to Qualitative and Quantitative Methods.* (New York: Cambridge University Press, 2007), 161.

154 John, W. Crosswell. *Qualitative Inquiry & Research Design: Choosing among five approaches.* (Sage Publications, Lincoln 200): 133.

of showing the interviewee the seriousness of the research and that the interviewer is familiar with the topic. The disadvantage of the kind of interview, and of any interview in general, is that it assumes that the interviewee is loyal to his employer and he or she speaks on behalf of a certain institution. Therefore, only information which will not harm the institution or employer are provided. Thus, for this study-case, it has been decided to collect data through semi-structured interviews. However, because of several practical reasons, the exchange occurred via emails. This method does not completely answer to the criteria of a semi-structured interview but it is considered as such since very close to it: a set of questions was prepared and then sent to the respondents. If the answers given were calling more questions, another email was sent until everything became clear. The spontaneity of a face-to-face is lost in the process, as well as the non-verbal clues but emails appeared to be the best tool, adequate to the contextual requirements, the representatives of the institutions often not having time in their schedules. Despite the drawbacks mentioned previously, one of the semi-structured interviews was also conducted through the telephone.

In the whole research, the different institutions are somehow personified. Of course, it is impossible to interview an institution as such, therefore the interviews were conducted with the persons in charge of answering such kind of request and having the sufficient knowledge for it. This is why, persons working as the representatives of the public relation department and protocol department in the selected institutions were contacted in priority. Namely, contacts have been established with:

- A) Petr Macinka, for the Press Department of the Office of the President of the Czech Republic
- B) Mgr. Karel Kortánek, as the Director of Department of Protocol and Foreign Relations Office in the Government of the Czech Republic
- C) Mgr. Alena Hlaváčková, who works at the Press Department of the Ministry of the Foreign Affairs of the Czech Republic
- D) Magdaléna Kramperová, as the person in charge of the (Protocol, relations with the European Parliament, events, visits Permanent Representation of the Czech Republic to the European Union) who was contacted via Milena Vicenová, Permanent Representative of the Czech Republic to the European Union and Czech Ambassador to the EU

All data for the selected three Czech institutions have logically been collected in Czech language since it is the working language of these institutions. The answers given were then translated into English..

For the questions given to the representatives of the three selected institutions, the reverse process was used, knowing translating questions written in English into Czech. The number of questions asked to each respondent depended on the institutions concerned and on the answers given. They all aimed at analysing the position of the European flag in comparison with the Czech national flag. For example, representatives were asked *to what extent the European flag is used in this three selected institutions? The existence – or not – of specific rules was unveiled with questions such as: Are there any extra regulations for the use of the European flag together with the Czech national flag?*

For an external observer coming from non-European country the Czech Republic can be perceived as the strong member-states and almost aggressive supporter of the European Community. On the contrary, it may be also perceived as a state that only actively exploits the EU membership. The aim of this paper is not to asked such a question but rather ask to which extent the Czech Republic present itself as the member of the European Union.

The purpose of this thesis is to go beyond the visible and analysis the rhetoric behind such objects as flags. This is why, nothing has been neglected in the study case and the attention was drawn on the smallest details. A careful observation of logo and design of the official documents and the use which is made of them underlines how these seemingly insignificant details can mean more than clear and open statements and provide with primordial information. Following the popular saying that a good example worth more than a speech, concrete questions was asked to avoid obtaining uncertain answers in the type of “it depends, maybe.” They evaluated mainly the use of the flag as a representing and uniting symbol during different context and events. (To what extent does the Ministry of Foreign Affairs of the Czech Republic represent Czech state as the member of the EU by using the EU flag?) (If there is meeting between the representatives of the Czech Republic and the EU member-state or non-member-states to which extent is used the EU flag and national flag of both participants? What is the relation between the EU flag and Czech state symbols and to what extent they are presented during the official state events?)

4.2. The Selected Sample of the EU Member-states

The aim of the first part of the interviews conducted was to focus on the situation in the Czech Republic. However, as it has been underlined previously, some characteristics appear in the comparison with other cases. This is why a second wave of interviews were conducted, targeting this time a selected sample of other European countries. The same research method and tools to collect data were employed to analyse the use of the European flag by this 8 countries.

The purpose of this research on the selected institutions was to obtain specific information concerning the European flag in the surveyed countries and its position towards the national flags via computer-assisted personal interviewing. It is assumed that since the Treaty of Lisbon does not specify the European symbols and their use in the Czech Republic, the interpretation and use can differ from one member state to another. This is why all the representatives were first asked via email exchanges the same set of questions, abstraction being made of the national specificities, to be able to compare the answers and draw a general tendency. Then, if some national characteristics were underlined, additional questions enabled to deepen the collect of data on that point.

Since one of the tasks of this paper is to observe the position of the European symbols in the legal system of the Czech Republic, a question specifically referred to it. *Respondents from the three institutions had to answer to what extent the EU flag is anchored in the Czech legal system.* This enabled to highlight the Czech case. To fit with the exigency of comparing the Czech situation with what is happening in other European country, the scale of observation was extended to the legal systems of the 10 selected countries. Once again, a similar question gave access to the extent to which the EU flag is anchored in the legal system of the 8 selected EU countries.

The study is limited since the interpretation of the use of the European symbols by Treaty of Lisbon is rather weak. The Treaty of Lisbon is not really expansive concerning the use of the European symbols, which can be perceived as a limitation of the study. On the other hand, it also pushes and validates the conduct of an individual analysis in each of the member countries. Following the gradual enlargements, the EU is currently counting 27 members which represent a high number of countries to study. For time reasons, the member states have been reduced to a few numbers of countries which will be studied. The selection of the sample countries followed a logical method and was not effectuated randomly in order to counter the fact that only part of the EU

members are studied. To constitute the sample, the history of each country in linked with the European construction and its role in the current development were taken into account. Thus, countries from all parts of Europe and from different period of the enlargement of Europe have been selected. Thanks to this, the attitude of old and new member states can be followed as well as a possible impact of the role hold by each country within the EU.

The aim was to select the countries which represent the European Union across time and space. Then, for each country the institutions most likely to provide the adequate answers were spotted. The selected institutions were contacted via the emails available on the websites of the ministries of foreign affairs, governments. A first group of sample countries is formed by the founding members of the European communities: Italy, Germany and Belgium. In the case of Belgium, due to the current political developments, the different part have all been contacted, knowing the French speaking part (Wallonia), the Flemish speaking part (Flanders) and the German speaking part. This special case raises a specific set of questions concerning the loyalty of each of the three parts to the European Union. Germany, old member state and one of the economic leaders of the European Union cannot be omitted. The small sample from the group of the founding fathers do not requires any further explanation since they are still somehow those giving its impulses to the EU politics.

The EU underwent in the 1980s an enlargement opening it to the South. As a matter of fact, Spain has been chosen as symbolizing the enlargement in 1986 and from the geographical perspective southern Europe. In the same way, to represent northern Europe and a later enlargement, Finland is also part of the sample countries. An important number of European countries were definitely marked by communism. Those countries accessed the EU after the communism ended, in the turn of the 21st century. Amongst them, Slovakia and Slovenia, which became members in 2004, are elected as representant in the sample, of this group of post-communists countries. The presence of Slovakia in the sample is also justified by its historical and cultural ties with Czech Republic which can shade light on some specific features. To finish, the last enlargement of the EU in 2007 will be analyzed through the case of Bulgaria and its use of the European flag.

Due to the Treaty of Lisbon and it's, almost null or rather broad regulation of the European symbols it is suggested that there might be different perceptions and different rules of the European flag. Hence, the interpretation and use can differ from one

member state to another then.

For that reason the contacted representatives from the selected countries were asked if there are any special regulations concerning the use of the European flag in their countries. The position of the national flags and particular flags was analysed through the special regulation within the protocol and legal system of the surveyed countries (Is there a special regulation concerning the use of the European flag in the selected countries and by their national institutions)

- Is there a special regulation concerning the use of the European flag in the selected countries and by their national institutions?
- Are there any rules and limitations for using the EU flag within the national institutions of the 8 selected countries?
- To what extent is the EU flag presented and used together with national flags of the selected countries in their national institutions?
- Is the EU flag screen together with the national flags of the selected countries during the speech of Prime minister or President during meetings and speeches on the national level?
- What is the policy of the selected countries in official meetings and official events and / or summits held in these countries regarding the use of the European flag? For example, is there any difference in the use of the European flag between a meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country?
- Do the selected countries present themselves as members of the EU to non- EU members by displaying the EU flag or using the EU logos during international meetings?
- Is there any specific legislation on the use and display of the European flag in the representative bodies of the State, such as municipalities, and other institutions? If yes, who is behind this legislation: the European Union, the President of the republic, the government? If not, what is the reason for the institutions mentioned above for displaying the flag?

The survey is focused on a group of institutions which deal with the same issues and thus the set of questions is small and it is nearly the same for each institution. The

questions differ only in terms of terminology of republic (ex. Finland, France etc.) and kingdoms (Belgium). The set of questions which were sent to the selected countries included an introduction which explained what the study is about and captured the attention of potential respondents to be sure to obtain answers which is not all the time easy. The questions were, as much as possible, asked in the national language, accompanied by the English version; once again in the optic of augmenting the probabilities of receiving answers. As in the Czech case, the answers sent by the representatives of the sample countries were translated to English since they were in their huge majority written in the national language. Since the questions asked cover some controversial issues, or more preciously, issues which are not entirely clear even for the members of the European Union, nothing in the introduction gave the impression to the respondent that the researcher neither advocated a particular attitude nor was looking for a specific kind of answer.

5. The European Flag in the Czech Republic

5.1. General Use the EU Flag in the Czech Republic

Before going further in the analyse of the use of the European flag, it is necessary to understand what is the attitude of the Czech Republic towards symbols, and specifically the Czech national flag. Like that, a basis will be established for a comparison with the EU flag. The Article 14 of the Czech Constitution, as adopted in 1992, defines the official state symbols.¹⁵⁵ They comprise a large and the small state coat of arms, the national colours, the national flag, the standard of the President of the Republic, the state seal, and the national anthem. They primarily serve the purpose of identification and representation. Thanks to the historical background these symbols recall historical continuity.¹⁵⁶ Due to the narrow focus of the thesis, this chapter will discuss mainly the Czech national flag.

However, at present time there are no specific provisions of the European Union which regulate the use of the European flag in the Czech Republic.¹⁵⁷ Generally, this means that the European flag may be used within the limits which are set by domestic national laws of the member-states.¹⁵⁸

The Act No. 352/2001 Collection, the Act on the use of state symbols of the Czech Republic and amending certain laws, defines the use of the Czech national flag.¹⁵⁹ However, this act regulates more practical reasons of the use flag than it allows the scope of its use. There is only one exception which concerns the use of the European flag and the Czech national flag. In the case of elections to the European Parliament, flag, and only in this case, the use of the EU flag is regulated.¹⁶⁰ (Act with the exception provision of § 33 paragraph 1 of the Act. No. 62/2003 Coll. Elections to the European

155 Constitution of the Czech Republic, Constitutional Act No. 1/1993 Coll. of the Czech National Council of 16th December 1992, as amended by Acts No. 347/1997 Coll., 300/2000 Coll., 448/2001 Coll., 395/2001 Coll. and 515/2002 Coll. <http://www.vlada.cz/scripts/detail.php?id=8073> (accessed 2 May 2011)

156 See Sedláček, Pavel. Symbols of the Czech Republic. (Praha: Úřad Vlády České Republiky): 2007.

157 Placák, Petr. EUROSOP. Evropská vlajka a legislativa ČR . n.d. <http://www.eurosop.cz/689/sekce/evropska-vlajka-a-legislativa-cr/> (accessed May 2, 2011).

158 Kontaktní centrum EUROPE DIRECT, e-mail message to author, April 4 2011.

159 Act No. 3 / 1993 Coll. on the State Symbols of the Czech Republic, as amended by Act No. 154/1998 Coll., (hereinafter the "Law on State Symbols") Act No. 352/2001 Coll. on the use of state symbols of the Czech Republic and amending certain laws, as amended by Act No 213/2006 Coll. (hereinafter the "Act on the use of state symbols"). <http://www.sagit.cz/pages/sbirkatxt.asp?zdroj=sb01352&cd=76&typ=r> (accessed 27 April 2011)

160 Placák, Petr. EUROSOP. Evropská vlajka a legislativa ČR . n.d. <http://www.eurosop.cz/689/sekce/evropska-vlajka-a-legislativa-cr/> (accessed May 2, 2011).

Parliament and amending certain laws governed the issue of use of the flag of the European Union in the Czech Republic or in legal system. The act defines the position of two flags by stating the following. “In the case that two flags will be placed side by side on the building, a national flag of the Czech Republic is placed on the honourable position, i.e. from the front view of an object on the left.”¹⁶¹

The road to the current position of the European flag within the system was complicated. As it was mentioned in the chapter 3.3. the European flag along with the anthem of the Union, the motto, the currency and Europe Day were officially recognized by the Treaty establishing a Constitution for Europe in 2004.¹⁶² This treaty intended to create a consolidated constitution for the European Union and thus it would have replaced all previous existing treaties of the European Union. Its legal consequences would have impact on the Czech legislative system. Since article n. 10 of Constitution of the Czech Republic says that ‘the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied.’¹⁶³

It would have meant that the official symbols of the EU would have to be used within the Czech Republic more practically. Hence what has been part of the international agreements, it has to be part of the national legal order of the member-states.

Furthermore, the Article 10a states that a transfer of certain power of bodies of the Czech Republic to an international organization or institution is possible.¹⁶⁴

The rejection of the Constitution of Europe by the French and Dutch voters in May and June 2005 brought the ratification process to the end. Following a period of reflection, the Treaty of Lisbon established many of the changes that were originally placed in the Constitutional Treaty in order to modernize and reform the EU. Thus, by adopting, in the Treaty of Lisbon 16 countries declared that the European symbols

161 Ibid.

162 “Treaty establishing a Constitution for Europe”, Official Journal of the European Union, C 310, Vol. 47, 16 December 2004. <http://europa.eu.int/eur-lex/lex/JOHtml.do?uri=OJ:C:2004:310:SOM:EN:HTML> (accessed 29 April 2011)

163 Constitution of the Czech Republic Constitutional Act No. 1/1993 Coll. of the Czech National Council of 16th December 1992 as amended by Acts No. 347/1997 Coll., 300/2000 Coll., 448/2001 Coll., 395/2001 Coll. and 515/2002 Coll. Constitution of the Czech Republic, 12 May 2005, <http://www.vlada.cz/scripts/detail.php?id=8073> (accessed 26 April 2011)

164 Article 10a. Ibid.

remained for them the symbols of the European Community.¹⁶⁵ However, the Czech President held on the ratification process and the adoption of the treaty by the whole community on the ground that the Lisbon Treaty is not inconsistent with the constitutional order of the Czech Republic. It lasted until November 3rd 2009 when the Czech constitutional court rejected a Vaclav Klaus's complaint about the treaty, ruling that it was in line with that country's constitution.¹⁶⁶ The Treaty of Lisbon was finally ratified with its opt-outs.¹⁶⁷ These opt-outs amend the role of Charter of the Fundamental Rights of the European Union in accordance with the constitutional and legal traditions of the member-states.¹⁶⁸

The Czech Republic notably obtained the amendments which emphasise that 'the Charter does not extend the field of application of Union law and does not establish any new power for the Union. It does not diminish the field of application of national law and does not restrain any current powers of national authorities.'¹⁶⁹

To sum up, thanks to the final acts of the Lisbon Treaty, the Charter of Fundamental Rights and the Union laws cannot regulate or restrain the use of the European symbols; although the Constitution of the Czech Republic and particularly the Article 10, allows the application of the international agreements ratified by the Parliament and the transfer of certain powers of the institutional bodies to an international organization or institution.

165 "Treaty of Lisbon, Final Act", Official Journal of the European Union, 17 December 2007, C 306/267, vol. 50, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011).

166 Concourt.cz. "Constitutional Court of the Czech Republic. "Treaty of Lisbon and its ratification are not inconsistent with the Czech Constitution . 3 November 2009. <http://www.concourt.cz/view/2136> (accessed May 1st, 2011). See (Baun and Marek 2010), 151.

167 BBC News, "EU reform treaty passes last test," 3rd November 2009, <http://news.bbc.co.uk/2/hi/8340664.stm> (accessed 2nd May, 2011).

168 "The Czech Republic stresses that, in so far as the Charter recognises fundamental rights and principles as they result from constitutional traditions common to the Member States, those rights and principles are to be interpreted in harmony with those traditions." "Treaty of Lisbon, Final Act", (2007C/ 306/02), "Official Journal of the European Union, 17 December 2007, C 306/267-268, vol. 50, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011)

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5.2. The Use of the EU Flag in the Czech Republic during the EU Presidency

The Czech EU, presidency which followed France's six months, had a significant impact on the Czech Republic's position and reputation in the EU. The flag is generally flown by the government of the country holding the rotating presidency Council of Ministers. At that time the Czech Republic was the second Central and Eastern European new member state to hold the EU presidency. Most importantly, it was one of the last member states to hold the presidency under the pre-Treaty of Lisbon rules. The country holding it plays a role that is not only organizational and administrative but also political and representative. Simply, the presidency state sets the policy priorities and the agenda of the Council for its six-month term and thus it was the most serious challenge since joining the EU.¹⁷⁰ Although the Czech government developed a communication and public relation strategy for the EU presidency, it could hardly react on the unexpected situations, the political events which occur all of sudden and it has to be solved immediately.¹⁷¹

During the Czech EU Presidency in 2009, which lasted from 1st January 2009 – June 30th 2009, and the Czech Republic and mainly the Czech President attracted the attention of the European media. Just two weeks before the Czech Republic takes over the rotating presidency of the EU from France, the French President has taken a swipe at the Czechs. Nicolas Sarkozy said that it was insulting that some Czech public buildings are refusing to fly the EU flag – an apparent reference to Prague Castle, the seat of the Czech President, the fiercely Euro-sceptic Václav Klaus.¹⁷² His attitude towards the EU was formed in the 1990s and developed into a confirmed position in the second half of the decade.¹⁷³ Despite his limited constitutional powers he was nonetheless capable of embarrassing the Czech EU presidency. For example, on 14 February 2009 Klaus

170 Michal Baun and Dan Marek. *The Czech Republic and the European Union*. (London and New York : Routledge, 2010): 127.

171 Summary of the Concept for Communication and Presentation of the Czech EU presidency, Section for the Czech Republic's Presidency of the Council of the EU, Office of the Government of the Czech Republic, July 2007, available at http://www.vlada.cz/assets/evropske-zalezitosti/dokumenty/summary_the_concept_of_the_communication_and_presentation_.pdf (accessed 2nd May 2011)

172 Richter, Jan. "Český rozlas ." Sarkozy criticizes Czech president's refusal to fly EU flag. 17 12 2008 . <http://www.radio.cz/en/section/curaffrs/sarkozy-criticizes-czech-presidents-refusal-to-fly-eu-flag> (accessed March 25, 2011).

173 David Král, Vladimír Bartović and Věra Řiháčková, *The 2009 Czech EU Presidency – Contested Leadership at a Time of Crisis*. (Stockholm: Swedish Institute for European Policy Studies, 2009): 18.

compared the EU to the Soviet Union in his speech.¹⁷⁴ Since the year 2004 Klaus did not want the European flag to be flown at Prague castle.

Reflecting widespread doubts about the Czech EU presidency, French president Nicholas Sarkozy whose country had just concluded a dynamic EU presidency in the second half of 2008, openly questioned the Czech government and the EU.¹⁷⁵ Mr Klaus opposed to Sarkozy when he made a comment of the fact that Czech President did not fly the European flag when the Czech Presidency started.¹⁷⁶ The President stuck to his guns by stating that:

“Prague Castle is the only state institution, where the EU flag does not hang. Also some ministries and both chambers of parliament, which use the European flag only on special occasions.”¹⁷⁷ Karel Schwarzenberg, Czech diplomat, hit back as the diplomatic war of words between Paris and Prague threatened to overshadow the smooth transfer of the EU presidency.¹⁷⁸ “There is no law binding the Czech Republic to hang the EU flag over Prague Castle. Prague Castle is a symbol of the Czech state and not the EU,” he explained. A statement from the office of Mr Klaus added to this declaration that: “The Castle is a symbol of Czech statehood. There is no reason to change this historic tradition.”¹⁷⁹

Nonetheless, although the European flag did not fly at the Prague castle, during the press conference after President Klaus met with the President of the European Commission Manuel Barroso the European symbol was presented behind them.¹⁸⁰ However, things had gone too far and a sort of controversy on this topic rose. Opposed to the President and his followers, Deputy Prime Minister Alexander Vondra, responsible for EU affairs said that the European flag should have flown at the Prague

174 “Czech president compares EU to Soviet-era dictatorship” November 9, 2009, <http://www.nytimes.com/2009/02/19/world/europe/19iht-19czech.20309598.html> (accessed 28 March)

175 Euroactiv, “Czechs reject Sarkozy’s Eurogroup presidency plan,” 24 October, <http://www.euroactiv.com/en/opinion/czechs-reject-sarkozy-eurogroup-presidency-plans-/article-176640> (accessed 6th January 2010)

176 Kateřina Koubová. “Idnes.cz.” Sarkozy okřikl Klause. 17 12 2008. ANOPRESS [ONLINE DATABASE] www.idnes.cz (accessed March 15, 2011).

177 Právo.cz. Chybí parlamentu i části ministerstev. 17 December 2008. ANOPRESS [ONLINE DATABASE] <http://pravo.novinky.cz/> (accessed March 23, 2011).

178 iDnes.cz. Klaus nevyvěsí vlajku EU na Hradě ani během předsednictví. 13 October 2011. http://zpravy.idnes.cz/klaus-nevyvesi-vlajku-eu-na-hrade-ani-behem-predsednictvi-pm0-/domaci.asp?c=A081013_184043_domaci_dp (accessed April 26th, 2011).

179 Waterfield, and Bruno. “Daily Telegraph.” Nicolas Sarkozy attacks Czech refusal to fly EU flag. 16 December 2008. <http://www.telegraph.co.uk/news/worldnews/europe/france/3796547/Nicolas-Sarkozy-attacks-Czech-refusal-to-fly-EU-flag.html> (accessed March 25, 2011).

180 Augustová, Marcela, and Roman Pistorius. “Czech TV.” Setkání prezidenta s předsedou Evropské komise. 8 January 2009. ANOPRESS Elektronick Database (accessed March 25, 2011)

castle.¹⁸¹

The rejection of displaying the European flag evoked reaction across the country not only from political officials. For example, Greenpeace activists tried to restore the Czechs' reputation by projecting the image of the EU flag and Czech and English slogans on the Charles Bridge and Prague Castle itself.¹⁸² Three years ago the EU presidency Klaus was also criticized for his attitude towards the EU flag by his predecessor Vaclav Havel: "It is almost scandalous that flag is not flying on the Prague castle. When I travelled around Europe, I noticed that on the all the seat of government buildings in the EU member-states flies beside national flags also the European flag."¹⁸³ Havel proposed that the European flag should have flown at the Prague Castle permanently.¹⁸⁴

While the politicians were arguing about the flying the flag, in the first week in January 2009, the Institute of the Conservation of the Czech Republic issued a regulation ruling that all the castles, and historical landmarks which fall under this will fly the European flag. "We are joining the common European cultural and historical heritage," explained the spokesperson of the Institute of the Conservation of the Czech Republic.¹⁸⁵ This clearly shows the coexistence of two opposed tendencies in the country.

In opposition to institutions screening the flag even if not legally bounded to do so, and apart from Prague castle, other Czech ministries also did not fly the European flag during the Czech EU presidency. The Senate did not fly the flag. "The Senate is Czech institution", were the words given as an explanation by Přemysl Sobotka, the Vice-President of the Czech Upper Chamber. But he also stressed that the Czech national flag and the EU flag are displayed at each meeting with the representative of the EU. If the Senate is visited by another country, the Czech national flag and the flag of visited country is displayed.¹⁸⁶

181 Kočovský, Marek. 24 hodin.cz - Klaus sklídil kritiku Sarkozyho. 17 December 2008. ANOPRESS [ONLINE DATABASE] <http://www.24hodin.cz/> (accessed March 17, 2011).

182 CzechNews. "Greenpeace screen EU flag on Prague Castle", 7 January 2009. <http://aktualne.centrum.cz/czechnews/clanek.phtml?id=626523> (accessed March 28, 2011).

183 Lidovky.cz. "Klaus vlajku EU nevyvěsí ani příští rok". 14 October 2008. ANOPRESS Database Lidovky.cz (accessed March 27, 2011).

184 Aktualne.cz. "Havel: Na Hradě chybí vlajka EU", 9 May 2006. <http://aktualne.centrum.cz/blogy-a-nazory/clanek.phtml?id=149587> (accessed May 2, 2011).

185 iDnes.cz. Státní hrady a zámky ozdobí modrá unijní vlajka. 1 January 2009. ANOPRESS [ONLINE DATABASE] www.idnes.cz (accessed March 27, 2011).

186 Právo.cz. "Chybí parlamentu i části ministerstev", 17 December 2008. ANOPRESS [ONLINE DATABASE] <http://pravo.novinky.cz/> (accessed March 23, 2011).

“The Czech Republic applies the law on the use of state symbols that are logically but only applies to those national. Posting up the EU flag is not governed by any regulation, so it is purely the decision of politicians and officials.” added Sobotka. The same position towards the EU flag was applied by Chamber of Deputies.

In case of the Ministry of Defence & Armed Forces of the Czech Republic a much more practical reason was advanced when enquiring about the absence of the EU flag in front of the building. Since there were only two flagpoles on the premises, the Ministry of Defence & Armed Forces of the Czech Republic decided to fly only the Czech national flag and the flag of the NATO. However, in front of the main entrance three flags were screened: the Czech national flag, the flag of NATO, and the EU flag.

Similarly, the Ministry of Interior of the Czech Republic flies the European flag and the Czech national flag only in front of the main entrance. "Logically, on the roof, where there is only one mast, only the Czech flag is displayed, "answered the spokeswoman of the ministry, Jana Malikova. As for the Ministry of Industry and Trade of the Czech Republic the EU flag was also displayed over the entrance to the building.¹⁸⁷

The discussions about the European flag which occurred during the Czech EU presidency proved that the EU flag evokes different reaction across the Czech and European political spectrum. Since both parts were trying to find arguments to give weight to their positions, the controversy on the EU flag draw the attention on the use of the EU symbols by the office of the President during normal times.

187 Ibid.

5.3. The Use of the EU flag in the Office of the President of the Czech Republic

Due to the Eurosceptic attitude of Vaclav Klaus, and his role during the Czech EU presidency, the Office of the President of the Czech Republic seems to be perceived as one of the most controversial institutions. Hence, the interpretation of the European flag called for many questions. Logically, the website of the Office of the President of the Czech Republic does not include any logo or symbol of the European Union since it represents the Czech president and the Czech Republic.¹⁸⁸ This echoes the opinion of the president on the display of EU symbols on Czech representative institutions.

The information about the interpretation and the use of the European flag has been obtained via computer-assisted personal interviewing with Petr Macinka, press specialist of the Office of the President of the Czech Republic.¹⁸⁹

“It is a general rule that at the Prague castle uses only the standard of the President of the Czech Republic is displayed, and this only when the President is at the territory of the Czech Republic.”¹⁹⁰ The image of the Office of the President of the Czech Republic is created also by the personality of the President. Furthermore, it also highlights the position of the Office of the President among the Czech institutions. “When the head of foreign state is visiting the Czech Republic, a flag of visiting state is displayed alongside the Standard of the President.” The press specialist, Petr Macinka, reacted rather irritably when it was asked about the interpretation and the use of the European flag. “Due to the fact that the European Union is not a state (yet), displaying the flag with the standard of the President on the roof of the Prague Castle is foreclosed,” was the answer given.

Macinka intentionally gave a hint on the fact, that the European Union is not a state yet on purpose. Furthermore, he underlined the word ‘yet’ since it can be interpreted that the European Union is not as good as another state. On the one hand, the answer made by Macinka, it may express the individual opinion of the press specialist towards the European Union. However, this is not likely to be true because as a press specialist of he speaks on behalf of his institution and thus he is obliged to be loyal to his superior. He went further in his explanation, making quite a dramatic comparison.

188 Hrad.cz [Prague Castle] <http://www.hrad.cz/> (accessed 4 May 2011)

189

190 See Appendix VIII.

“So far, the only exception of this rule due to a pressure of a foreign party took place during the years of Protectorate of Bohemia and Moravia when the Nazi flag had to be flown.”¹⁹¹ The event has been recorded and still nowadays the video depicting the official ceremony of changing the Nazi flag at the Prague castle during the Protectorate of Bohemia and Moravia. The enclosed link with the YouTube video depicts the documentary movie which describes official ceremony of changing the Nazi flag at the Prague castle during the Protectorate of Bohemia and Moravia 1939 can be found on the internet.¹⁹²

When the representatives of the European Union meet with the President, the flag of the European Union was displayed in the interiors of the Prague castle. In the interview, Macinka used the past tense like in the way it will never happen again.¹⁹³ “In the past, when the President greeted some high officials of the European Union (for example, the President of the European Commission), who officially visited Prague; the European flag was displayed in the interior part of the Prague castle, particularly in the places where the meeting was held.”

Although the Czech Republic is the member-states of the EU, there is total lack of its presentation on the Office of the President. The position of the Office of the President of the Czech Republic regarding the EU flag and symbols leaves no doubt, they do not have any reason to exist. The general course of action is crystallized in the last statement of Macinka:

“Why on Earth should an official document of the Czech President bear the symbols of the European Union? The Office of the president of the Czech Republic as well as President of the Czech Republic uses in its official documents in the footer small national emblem and the words ‘President of the Republic’ or ‘the Office of the President of the Czech Republic.’

191 Ibid.

192 YOUTUBE.COM “Výměna říšských vlajek na Pražském hradě”, <http://www.youtube.com/watch?v=IXw8yMVPk6Y> (accessed 2 May 2011)

193 Ibid.

5.4. The Use of the EU Flag in the Ministry of Foreign Affairs of the Czech Republic

The Ministry of the Foreign Affairs of the Czech Republic, led by the minister Karel Schwarzenberg, handles the foreign policy and thus represents the interests of the Czech Republic abroad. Therefore, through this institution the extent to which the Czech Republic presents itself as a member state of the EU is analysed.

Above all, the Ministry of Foreign Affairs uses above all the Act No. 352/2001 Collection, Act on the use of state symbols of the Czech Republic and amending certain laws. In addition, the document entitled “Principles and rules of common protocol practices” has been recently created and these guidelines are used by all the Czech embassies abroad.¹⁹⁴ For practical reasons the document “Principles and rules of common protocol practices” put the emphasis on the Czech national flag. “For ceremonials and occasions of the international character the Czech state flag must be used at the head of flags which represent other countries.”¹⁹⁵ This is mainly due to practical and particularly representative reasons.

When the Czech Republic is visited by a member of the European Commission, the European flag is placed at the head of the other Member-States flags.¹⁹⁶ On the other hand, when the social event or meeting is organized by the EU institutions, the EU flag is placed on the first place and it is followed by the EU member-states flags in alphabetical order according to their name in their national languages.¹⁹⁷ The protocol allows using the flags of the international organizations, when the context requires it. For example, the flag of the NATO is used only when the high representative of this organisation is visiting the Czech Republic or during the official events organised by NATO.¹⁹⁸

In contrast with the Office of the President of the Czech Republic, the Ministry of the Foreign Affairs displays incomparably more often the European flag which is based on the fact that the Czech Republic is a member of the EU. However, the position of the Czech state flag is unshaken.

194 See Appendix 8.

195 Appendix 8

196 Ibid.

197 Ibid. s

198 Ibid

5.5. The Use of the EU flag in the Office of the Government of the Czech Republic

The Office of the Government of the Czech Republic is a central state administration body, which fulfils tasks related to the professional, organizational and technical arrangements concerning the activities of the Czech Republic Government and its bodies. Because of its position among the Czech institutions, it undertakes the task of regulating the internal guidelines and the rules for the European identity. To which extend does the Office of the Government works with the symbols? Are there any differences with other institutions?

The website of the Office of the Government of the Czech Republic provides a background on the historical development and description of the Czech state symbols.¹⁹⁹ Furthermore, the study by Sedlacek about the Czech state symbols and their historical development is posted on the website of the Office of the Government of the Czech Republic.²⁰⁰

A cell phone interview was conducted with Mgr. Karel Kortánek, the Director of the Department of Protocol and Foreign Relations Office in the Government of the Czech Republic. As for the general regulation on the use of the flag, there is no legal regulation concerning the use of the European flag and the European symbols.²⁰¹ Kortánek also refers to the Act No. 352/2001 Collection, ‘the Act on the use of state symbols of the Czech Republic and amending certain laws.’ This law regulates all limitation and uses of the flags in the Czech Republic and thus it plays a significant role in the Czech legal system regarding the symbols. The first difference which justify a contrast made with the Office of the President of the Czech Republic lies in the conditions of the display of the flags. “The flag of the European Union is displayed on the building of the Office of the Government along with Czech national flag.”²⁰² The second difference is related to the head of the office. “Indeed, during the Prime minister's official speeches at the Parliament the flag of the European Union is presented behind his back.” In fact, it proves that within the domestic institutions the Prime minister uses the European flag itself.

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Government Information Centre of the CR, “The Czech national emblem, its predecessors and present-day appearance,” <http://icv.vlada.cz/en/historie/history-of-the-czech-national-emblem-59377/> (accessed May 2, 2011)

200 (Sedláček 2007)

201 APPENDIX 8

202 Ibid.

In general, the document entitled “Guidelines for common visual form” defines only a graphic manual of the different flags as well as the proper methods of screening the flags and their position in a group of another flags. In comparison with the Office of the President of the Czech Republic, the Office of the Government is more open towards the use of the flag. “In case that the Czech Republic holds a summit or a conference, the logo of the summit or conference can be used,” said Kortánek. In documents issued for conferences or summits the right corner is placed by The Great Coat of Arms of the Czech Republic while the logo of the EU or the conference is placed in the left corner.

Another difference between the Office of the President and the Office of the Government is the way the flag of the EU is displayed during the state visit. “When the Office of the Government is visited by the representatives of the European Commission, the European Parliament and the European Council the European flag is screened together with the Czech national flag.” For that reason the Czech government uses and works with the EU symbols and thus it represents itself more pro-European than the Office of the President of the Czech Republic.²⁰³

Regarding the institutions whose ministers are appointed by the prime minister there is no legal regulation on flying of the flags in the ministries and there is not even a law which would establish a certain common system of displaying the flags in the ministries. The Prime minister, who is formally appointed by the President, is responsible for choosing the individual ministers, who are also appointed by the President.²⁰⁴ As Kortánek said, “The duty of the prime minister does not consist whether the European flag is presented on the building of the ministries and other institutions.”²⁰⁵

However, the Director of the Department of Protocol and Foreign Relations Office in the Government points out the exceptional character of the European Union in the context of an international legal recognition. “Due to the fact that the European Union is not a state the general rules which are usually applied for states, cannot be accepted,” explained Kortánek.

203 Ibid.

204 (Baun and Marek 2010): 51.

205 Ibid.

5.6. The Permanent Representation of the Czech Republic to the EU

On the basis of the interview conducted with Magdalena Kramperova, the person in charge of the Protocol, relations with the European Parliament, it can be asserted that the building of the Permanent Representation to the European Union in Brussels is permanently marked with the Czech state flag. The Czech Republic's Permanent Representation to the EU is managed by the Ministry of the Foreign Affairs in Brussels. Overall, the Czech system for coordinating EU affairs can be classified as "semicentralized and pluralist", similar to the situation in a majority of EU member states. It has also fairly strong central coordination institutions – the EU Committee,²⁰⁶ the Deputy of Prime Ministry, and the Ministry of Foreign Affairs.²⁰⁷

Since April 1st 2004, the EU flag and the Czech national flag are also placed at the stand in the entrance hall of the building. Furthermore, all the Czech embassies (including the Permanent Representation of the Czech Republic to the EU) use the document Principles and Rules of Common Protocol Practices.²⁰⁸ On the ground of the information mentioned above the Czech Republic represents itself as member of the European Union by this rather relative displaying of the EU flag. As other Czech institutions and as a kind of Czech embassy for the EU, the Permanent Representation of the Czech Republic to the EU follows the document Guidelines for common visual form in order to integrate the way of displaying the flags and its common use. However, the official documents of this office use only the Czech state symbol (a lion) and not the EU logo.²⁰⁹ Another important task of the Permanent Representation of the Czech Republic is to welcome diplomatic missions.

When the Czech ambassador meets with the representatives of the non EU member-states or the EU member states in the building of the Permanent Representation of the Czech Republic to the EU, they enter the entrance hall where both the EU and the Czech flag are permanently displayed. In the case of official lunches or dinners, the flags of the both parties are presented on the table.

206 Committee for the European Union which defines strategies Czech strategic interests and priorities in the EU, and it formulates the government's position on key EU issues.

207 (Baun and Marek 2010): 54.

208 See Appendix 9.

209 Ibid.

5.7. Discussion

In the previous part, the range and the way the EU flag is used by the Czech institutions has been analysed. Based on the fact that the European Union does not currently regulate the use and interpretation of the European flag, it may seem that the Czech Republic has developed its own specific conditions of displaying and making sense out of the European flag.

Although the European Union attempted to legally establish the European symbols through the Constitution of Europe this process was aborted after long-lasting debates, in favour of the establishment of what is known as the Treaty of Lisbon. Concerning the symbols of the EU, they are dealt with in one section of this new treaty. However, only 16 countries out of 27, signed the declaration, stating that the EU flag remained for them the official symbols the common belonging of the European Union.

Nevertheless, thanks to the amendments of the Lisbon Treaty, the Charter of Fundamental Rights and the Union laws cannot restrain or dictate the use of the European symbols. The discussion about the EU flag which has occurred during the Czech EU presidency demonstrates the current and still ongoing relevancy of the political symbol – i.e. the European flag. It is not perchance that the debate on the symbols underwent a pick related to the Czech case. In this republic, the EU flag is still criticized a large part of the political class, forming globally two trends, one in favour and one against it. It can be assumed that the EU flag faces unfavourable winds mainly because it is perceived as a threat for the Czech flag, undermining its power and symbolic force, it not replacing it. It may be also suggested that due to the historical development of the Czech Republic, the country which was part of the Soviet Union and the Soviet flag had to be displayed alongside with the Czechoslovakian flag during the national holidays; the European flag can induce the duty of displaying the flag or similar feeling.

The use of Czech state flag within the Czech institutions is uniformed by the document entitled “Principles and rules of common protocol practices”. This document regulates mainly the use of the Czech flag and does not make case of the EU flag.

For the EU flag, the use of the flag within the Czech institutions gives variety of different uses, since it is argued by the officials of the country that the EU is not a state and thus any rules, which are normally used for states, can hardly be applied. However, characterizing Czech Republic as a country opposed to the presence of the EU flag on its territory and thus largely euro-sceptic would be giving too much weight to one

portion of the political class and ignoring the other one.

The research conducted on the Ministry of Foreign Affairs and the Permanent Representation of the Czech Republic to the EU suggests that the EU flag is more frequently used than what is proclaimed and that the Czech Republic represents itself on international level as member of the EU. The image offered of these institutions is opposed to the one steaming from the Office of the President of the Czech Republic. The president, Vaclav Klaus has opted for the application of a lenient use of the European symbols. Because it is one of the most important institutions of the country, Prague Castle is in a way setting the trend and overshadowing the other institutions by imposing and copying its image of a Eurosceptic institution to the whole country. One could then wonder what would be the perception of the country if things were inverted, with a pro-EU head of state and timid institutions hesitating to display the flag. Would it have created such a controversy?

This rather anti-EU position has been also strengthened due to the Klaus' rejection of the European flag during the Czech EU presidency. Who knows if the case of Czech Republic would have drawn so much attention if Klaus and the country had never be confronted to the direct questions question of displaying the EU flag due to the turning presidency of the EU. This is why it is important to underline that these extreme Eurosceptic views are not shared by the broader Czech public. The perception of the EU by Czech citizens follows pretty much the general EU norm and the opinion to their fellow EU citizens. Nevertheless, Eurosceptic arguments do have resonance in the Czech Republic, and they can often be deployed effectively, especially when linked to such historically-based fears and nationalist discourses.²¹⁰ This historical context invites us to consider in a less harsh way the position of the Czech institutions and to avoid drawing fast conclusions. The roots of this reluctance to display the EU flag might not be looked for in a hate or scepticism towards the EU but rather in some past wounds somehow still fresh. This is why it is interesting to mirror the Czech case with the example of countries which underwent the same kind of political events; as well as with other countries to particularly understand the reasons and maybe the specificity of Czech Republic when it comes to displaying the EU flag.

210 (Baun and Marek 2010): 151.

6. Use of the European flag within the selected sample of the EU member-states

It has been assumed that since the Treaty of Lisbon does not specify the use of the European symbols in the Czech Republic, the interpretation and use can differ from one EU Member-state to another. Since the Treaty of Lisbon does not include specific provisions on the use of the European symbols, it has been assumed that they can be interpreted in a very broad way, depending on the own will and aim of the different member states. This is why, it is impossible to draw a unique picture of the use of the EU flag; instead several trends can be sketched. The member states can be gathered in several groups whose interpretation and use of the flag differ from one another. With the aim of being as inclusive as possible, a group of 8 EU Member-states has been selected in order to obtain specific information concerning the European flag its position towards the national flags. The research has been conducted via a combination of the methods of computer-assisted personal interviewing and semi-structured interview. In each selected country, institutions holding high representative functions were contacted via the emails available on the websites of the ministries of foreign affairs and governments. The selection of the different countries answered a logical process aiming at reflecting as best as possible the diversity of situation found when assessing the different member states. It has also be taken into account the position nand history of the country in the EU.

6.1. Italy

Thus, as a founding member of the EU, Italy has been one of the first selected countries. The Italian Republic position itself on a rather welcoming and precise use of the EU flag. In this Mediterranean country, the use of both the flag of the Republic and the flag of the EU is by the Article. 9 and 12 of Presidential Decree 7 April 2000, No 121.²¹¹ Thanks to this decree, the use of the flag, the places of display, and the application are precisely regulated and codified. The flag of Italian Republic and the EU

211 (Articles 9-12 of the April 7, 2000 Presidential Decree No. 121 - Regulations on the use of flags of the Italian Republic and the European Union by the government departments and public bodies. Governo Italiano, Presidenza del Consiglio - Ufficio del Cerimoniale (translated by author) http://www.governo.it/Presidenza/cerimoniale/ufficio_cerimoniale/bandiera_esposizione.html#esposizione e (accessed May 3 2011) See APPENDIX 11.

are displayed together on the main Italian institutions.²¹² The Italian flag and the European Union are also exposed outside of the polling stations during the elections and outside the premises of the Italian diplomatic and consular representations abroad.²¹³ The Italian republic express a pro-European attitude towards the EU since all the national holidays are celebrated by flying the flag of the EU, besides the flag of the Italian Republic.²¹⁴

The two flags are displayed also in the offices of members of the Council of Ministers and Secretaries of State. Finally, the national flag and the European Union flag are displayed in the courtrooms of the courts of all levels.²¹⁵ To sum up, the European flag is absolutely omnipresent in all the levels of the Italian Republic and thus it serves as a great example for the promotion of the European Union and its symbol embodying the most pro-European trend.

6.2. Spain

The Mediterranean space of the EU is composed of five other countries besides Italy, amongst which Spain the constitutional monarchy has been selected for several reasons. Firstly, it represents the group of countries which joined the European Communities in 1986 and secondly, it belongs to the 16 countries for which the EU flag remains as one of the symbols of the common belonging of the EU citizens. Hence rather positive interpretations of the use of the flag may be. Thirdly, as previous underlined from its geographical position Spain creates the group of southern European EU Member-states. First of all, it has to be analysed if the use of the European flag is legally embodied in the Spanish legal system. Based on the results conducted via computer-assisted personal interviewing with Eva Duralde Arbizu, from the Deputy of the Ministry of Information, the Permanent Representation of Spain to the EU in

212 constitutional and of constitutional significance bodies, the seat of government when the Cabinet met, ministries, regional, provincial and municipal councils, in the occasion of meetings; legal offices; state schools and universities. Governo Italiano, Presidenza del Consiglio - Ufficio del Cerimoniale (translated by author) http://www.governo.it/Presidenza/cerimoniale/ufficio_cerimoniale/bandiera_esposizione.html#esposizione (accessed May 3 2011)

213 Ibid.

214 The flags are displayed on the buildings which are the seat of public offices and institutions during the following days: January 7 (Feast of the flag), February 11 (Lateran Pacts), April 25 (Liberation), 1 May (Labour Day), May 9 (Day of Europe) (translated by author)

Italy

215 Ibid.

Brussels, there are no legal provisions which regulate the use of the European flag in Spain. One Spanish law, the Law 39/81 of the 28 October 1981, focuses on a flag but not the EU one since it regulates only the use and interpretation of the Spanish flag. This specific law was passed five years before the accession of Spain to the European Union.²¹⁶ Nonetheless, the EU flag was displayed together with the Spanish flag at the building of the autonomies and the municipalities in Spain for the period of six months during the Spanish EU Presidency in 2002 and 2010. In 2004, the leader of the Spanish Socialist Workers' Party (Partido Socialista Obrero Español) José Zapatero won the election and his government has introduced the use of the European flag during events taking place at the Moncloa Palace, the official seat of the Spanish Prime minister.

Furthermore, the EU flag is displayed together with the Spanish national flag during the bilateral meeting with the EU member-states and even non-EU members. It is obvious that Zapatero's government presents itself as a EU member-state and a pro-European administration. The interpretation of the use of the flag differs from the autonomies and thus the regulation of the use of the European flag governed by the Zapatero's government did not establish a norm. With the examples of Spain and Italy, countries positive and eager to use the EU flag have been introduced. Another major trend in the EU is drawn from the case of Bulgaria whose group encompasses countries which have embraced the EU flag within their borders but still show some reluctance in being internationally seen as a EU country.

6.3. Bulgaria

Bulgaria as a new member states has own regulation towards the European flag. The norm concerning the EU flag and its display is defined by the Decree No. 54 of the Council of Ministers which came into force on March 29th, 2005. The same Decree no. 54. declares that during the Day of Atlantic Solidarity – on April 4th – and on Europe day – celebrated the 9th of May – the flags of respectively the NATO and the EU will appeared on official buildings. The above mentioned Decree no. 54. clearly regulates the area of application of the EU flag. “The flag of the European Union should be constantly or temporarily placed on the following places: the buildings in which the basic activity of the National Assembly, the President's Administration, the Council of Ministers, the ministries and the other state institutions, the regional structures of the

216 SEE Appendix 12.

ministries and the district administrations, the municipalities and regions are carried out, as well as in suitable official premises.”

The border checkpoints, ports and airports are also covered by the EU flag. *The article 6 and 7 of decree n. 54 state that the EU flag together with the flag of NATO should be maintained in an aesthetic condition and should not be used for the advertisement.*²¹⁷

This shows that the flag is treated with a good care and ceremonial, underlying the symbolic importance it - or rather what it embodies - has for Bulgaria. Despite these marks of respect, only the Bulgarian national flag is displayed during official meetings with other EU member states.²¹⁸ In addition, it is an ordinary practice to use the European flag along with the national one in Bulgarian diplomatic and consular missions. For domestic matters, mainly the state flag of the Republic of Bulgaria is figuring during meetings and other events.²¹⁹

To sum up, Bulgaria displayed passionately the European flag nearly in all institutions within its borders. However, on the international level it presents itself only with the Bulgarian state symbols.

217 See Appendix 13

218 Ibid.

219 Law for the State Seal and National Flag of the Republic of Bulgaria, Prom. SG. 47/24.04.1998, amend. SG. 33/9.04.1999, amend. SG. 69/3.08.1999) “National Flag of the Republic of Bulgaria“ (accessed May 7 2011)

6.4. Slovenia

Slovenia joined to the European Union in 2004 when nine other countries accessed the European Union. Concerning the official protocol of the use of state and the European flag, the Republic of Slovenia belonged to the group member-states which establish their own protocol for these matters. Hence on 1st May 2004 a Decree on the use of the European Union's flag and anthem in the Republic of Slovenia came into effect. Slovenia displayed its own state flag (the flag of the Republic of Slovenia) in combination with the EU flag.²²⁰ The Decree clearly defines the area of application of the use of the EU flag in places already holding a symbolic position.²²¹ Besides the state institutions in Slovenia, the European flag is displayed also at border crossing areas. Furthermore, the EU flag is also flown on diplomatic and consular buildings of the Republic of Slovenia abroad.²²²

According to the Article 6 of the Decree there is no difference between the use of the European flag during meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country. Hence, Slovenia presents itself with the European flag on the international level. The legislation which regulates the use of the European flag in municipalities, representative bodies, and other institutions is divided onto the Protocol of the Republic of Slovenia (the Decree) and the Ministry of Public Administration (Act Regulating the Cote-of-arms, Flag and Anthem of the Republic of Slovenia and the Flag of the Slovene Nation). Also the ministries themselves regulate the use of flags by public institutions, ranging lower in their field of work and for which they are responsible.

220 See Appendix 14:

221 - On buildings that serve as seats of the National Assembly, National Council, President of the Republic and Government

- At border crossing areas

- On diplomatic missions and consular buildings of the Republic of Slovenia abroad. See APPENDIX XIV

222 Article 6

(1) The European Union's flag shall be displayed next to the flag of the Republic of Slovenia during visits of foreign statesmen and authorized representatives of international organizations of the Republic of Slovenia

(2) The European Union's flag may be displayed next to the flag of the Republic of Slovenia:

- During international meetings, athletic, cultural, humanitarian, military and other events and public gatherings, local community holidays and public manifestations determined by the Government of the Republic of Slovenia. See APPENDIX 14.

6.5. Finland

Flying the flags of the European Union has become common in Finland in the recent years. According to Emilia Autio there are no applicable rules written in stone regarding flying the EU flag together with the Finnish flag. Therefore, the interpretation of the use of the EU flag in Finland is differs depending on the specific context. “In other words, for each potential occasion we take the decision case-by-case,” explained Autio.²²³ The Ministry of Foreign Affairs represents the Republic of Finland via the European flag displayed together with the Finnish state flag. “During every (incoming) official visit of a Head of Government or Foreign Minister, the EU flag is used along with the Finnish flag regardless of whether the guest is from an EU Member State or not. Regarding official state visits, the standard practice is that only the state flags are flown (without the EU flag),” explained Autio, from the Protocol Services, the Ministry of the Foreign Affairs.²²⁴

In comparison with Slovenia the EU flag is not presented while the Prime minister or President is having speech at the national level. The logo and the EU flag is used during the EU-related event but not those having a national dimension. Furthermore, the EU flag is usually displayed during visits of the EU representatives or conferences with participants from EU institutions or Member States. The EU flag flies alongside the Finnish flag at border crossing on the Union’s external borders. The two flags are also flown at international ports and airports. Additionally, the European Day is celebrated in Finland, and this occasion is recognized by Ministry of Interior as special event during which the EU flag is flown. „All the national institutions and offices in Finland fly the EU flag alongside the Finnish flag on Europe Day, 9 May.²²⁵ The Ministry of Interior has not gathered information on the use of the EU flag otherwise.“²²⁶

223 See APPENDIX 15.

224 Ibid.

225 Ministry of the Interior, "Flying the flag of the European Union" <http://www.intermin.fi/intermin/home.nsf/pages/30CFA40388952F7CC2256B640063F942?opendocument> (accessed May 6 2011.)

226 Information provided by Ulla Tulonen. See Appendix 15.

6.6. Belgium

Due to the fact that the Kingdom of Belgium has four administrative regions – the Flemish Region - (Dutch Speaking), the Walloon Region (French-Speaking), the German region (German-speaking Community), Brussels-Capitol Region it was necessary to contact all representatives of the above mentioned regions in order to collect relevant data. Furthermore, the deputies of protocol from the Permanent Representations of Belgium to the EU have been contacted as well.²²⁷ However, only the representatives from the German region and Flemish region replied to the set of preliminary questions.

A computer-assisted personal interview was conducted with Nina de Meire, Head of Protocol of the Flemish Government. It offered an insight on the ministerial order on the Flemish level (VR 2009/37) which specifies the general guidelines regarding the use of official flags on Flemish public buildings. These guidelines apply within the territory of the Flemish language community and the bilingual community of Brussels. “More concrete, this means that hoisting the European flag is mandatory on the Day of Europe, Day of the elections for the European Parliament,” explained Nina de Meire. “On May 8th and November 11th, it is also allowed to hoist the European flag, while it is mandatory for the Flemish and Belgian flags then.”²²⁸ The ministerial order VR 2009/37 defines the order of precedence of the different flags. The Belgian flag is always first, followed by the Flemish flag, and the third one is the European flag, which is subsequently followed by the Flag of the Province and after the Flag of the Local authority and municipalities.²²⁹ The representatives of the kingdom do not perform in public with the EU flag. In reality, on the national level only the Belgian flag is up during the speech of the prime minister or the king. Nonetheless, when the minister-president or a member of the Flemish Government receives an international delegation (EU and non-EU) the European flag is customary placed next to the Flemish one in the meeting room. For a bilateral meeting the flag of the visiting country or region is placed there as well. “The fact that Flanders is a region of Belgium is also stressed by the fact that the Belgian flag is up as well during these kind of receptions,” as explained Nina de Meire.

227 Bernard Bulcke, contacted via email

228 Armistice Day

229 See APPENDIX 16.

The ministerial order VR 2009/37 is applied to the provinces and local authorities in Belgium where the display of the flag is not extremely binding. “On the days when it is not mandatory to put up the Belgian, Flemish or European flags, the provincial and local authorities have the autonomous choice to flag or not, which is so stipulated by the Flemish Government.”

In comparison with the Flemish Region, the German region has no firm rules and guidelines on this issue. There is no specific regulation within the *Deutschsprachige Gemeinschaft Belgiens* (DG) – concerning the use of flags, neither for the Community nor its municipalities. “There are only recommendations of the Belgian Ministry Interiors.” as Niesen explained. The EU flag is always displayed at the seat of the Minister-President and the Government of the German-speaking Community, as well as the Belgian flag and the flag of the German region (DG). There is no official policy for the presence of any kind of flag during official speeches; therefore the use of the flag during these occasions is optional.

Moreover, the flag of an ambassador of any foreign, European or not, country when he is visiting the parliament of the German speaking region in Eupen is displayed. For example, it can happen that, there is thus the European, the Belgian and the German Region flag as well as the one of the country of the ambassador visiting. In reality, an observer can see four different flags hoisted on the building of the German speaking government.

To sum up, the Flemish Government regulates displaying the flags on the Flemish public building by the ministerial order VR 2009/37. On the other hand the German region does not have guidelines which would look from far or close to the ones of the Flemish speaking region. The ministerial order defines the order of precedence of the different flags since the Belgian, the Flemish flag, the European flag, the Flag province and Flag of the Local authority have to be hoisted during the national holidays. During national holidays in the Flemish part, the order of the flags hoisted answers to a specific logic based on their importance. The EU flag always comes in third position, after the Belgian and the Flemish flags. The inquired regions use the European flag on the national level as representative element during the international meetings with the EU and non-EU member European flag. Conducting analysis in this country it has been proved that even certain regions on one country have variant rules by using the European flag.

6.7. Germany

In the previous part it has been analysed the use of the EU flag and its interpretation in Belgium may differ in each region. If Belgium, as analysed in the previous part, appeared to be complicated concerning the use of the EU, it is in reality pretty simple when compared to its neighbouring country, Germany. The sample offered by the German institutions encompasses even more complex issues and a wider variety of ways of displaying the EU flag.

The structure of the Federal Republic of Germany is unfolds into 3 levels: the federal level (Bund), the 16 states (Länder) and the cities and counties structured into the federal level (“Bund”), the 16 states (“Länder”) and the cities and counties (Gemeinden / Gemeindeverbände). These different levels function on an autonomous mode, which body being independent with its own constitutional competences. This also means that every entity will have its own regulation, especially when it comes to the use of flags in general and of the European flag which explains why these regulations are so numerous.

The main document entitled “Decree of the Federal Government concerning flag displays at official buildings of the Federation of 22 March 2005” regulates the use of the flags at official buildings of all the authorities and offices of the Federation and at those of the public-law corporations, institutions and foundations that are under the supervision of federal authorities.²³⁰ The European flag on Europe Day shall be displayed on all Federal institutions and buildings. All the authorities and offices of the Federation, including the Federal Employment Agency, shall display the federal institutions flag and the European flag.²³¹

When the Federal government is visited by a high-ranking representative of international or supranational organizations (NATO, UNHCR) the flag of the guest is flown next the European flag.²³² Flags of foreign states and other jurisdictions are hoisted generally between the European flag and the federal (public) flag.²³³ Practically,

230 SEE Appendix XVII

231 Decree - Section IV. Appendix XVII

232 Decree - Section V. paragraph 2, point a. See Appendix XVII See

Bundesministerium des Innern, Protokoll Inland der Bundesregierung, m Beflagung, EU - Gaststaat – Bund, http://www.protokoll-inland.de/PI/DE/Beflagung/Aussenbeflagungen/EU_Gaststaat_Bund/eu_gaststaat_node.html

(translated by author) (accessed May 10th 2011)

233 Decree - Section V, paragraph 2, point b. See Appendix XVII

a flag should be displayed only if the guest holds the position of Prime minister.²³⁴ On regional and local occasions, the flags of the Länder of the Federal Republic of Germany and the municipalities (associations of municipalities) may be displayed in addition to the flags of the European Union and Federal flag.²³⁵ To sum up, the federal law applies all the structure of the Federal Republic of Germany.

6.8. Slovakia

When focusing on the Czech Republic, it is interesting to analyse also its so-called brother land Slovakia. Present-day the Slovak Republic Slovakia gained its rank of independent state on 1 January 1993 after the peaceful dissolution of the former Czechoslovakia. This common past of few 75 years, together with an accession to the EU which occurred the same year – 2004 – give an interesting space for a comparison with the Czech Republic. In contrast with its western brother, the Slovak Republic declares in the Treaty of Lisbon that the European symbols remain as symbols of the common belonging of the EU citizens.²³⁶ Furthermore, in connection with the accession of the Slovak Republic to the EU the Ministry of the Interior of the Slovak Republic created the document entitled ‘Use of the flag of the European Union Recommendation of the Ministry of Interior for the offices of state and local government.’ Basically, the document regulates the areas of application, institutions, occasions and manners in which the EU flag should be displayed.

The Ministry of Interior of the Slovak Republic pursuant to § 11 point. b) Act no. 575/2001 of Laws of government activity and organization of the central government, in accordance with the wishes of the European Union to expand the use of the flag of the European Union as an important tool to build European identity makes this recommendation.

According to Article 1, since 1 May 2004, the flag of the European Union has

234 Bundesministerium des Innern, Protokoll Inland der Bundesregierung,m Beflaggung, EU - Gaststaat – Bund, http://www.protokoll-inland.de/PI/DE/Beflaggung/Aussenbeflaggungen/EU_Gaststaat_Bund/eu_gaststaat_node.html (translated by author) (accessed May 10th 2011)

235 Decree, Section IV paragraph 3

236 Treaty of Lisbon, Final Act (2007C/ 306/02), “Official Journal of the European Union, 17 December 2007, C 306/267. 50,<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011)

been included to official presentations which enable the Slovak Republic to stand as an EU member when looked from outside. Nonetheless, the flag of the EU is only displayed in the presence of the state flag of the Slovak Republic, no matter which administrative level is concerned.²³⁷ It is possible to see the flag of the Slovak Republic alone, the reciprocal statement, with the EU being flown alone, proves to be wrong. Concerning the positions when the two flags – or more – are displayed together, the flag of the Slovak Republic is placed on the place of honour. In practice this means that when someone is facing the flag looking at them, the state flag of the Slovak Republic always occupies the left position while the EU flag is placed on the right.

²³⁷ Article IV, point 2. SEE Appendix XVIII

Conclusion

Throughout its presidency of the EU, Czech Republic had to face serious criticism concerning its use of the EU flag. If one would only read the events recorded by the media, such as the answer of the president Vaclav Klaus to the French deputy who provoked him by posing the EU flag on his desk during a meeting, the conclusion would be rather quick to write-out. Is it really legitimate to classify without any trial Czech Republic as a deeply Euro-sceptic country refusing to display the EU flag on its national territory? This is the attitude and hasty conclusion that this thesis aimed to fight against by exploring whether or not Czech Republic has developed specific conditions for the use of the EU flag in comparison with other EU member states. The answer might made angry some fierce opponents to the Czech presidency who took the EU flag as their hobbyhorse. Indeed, Czech Republic does not stand amongst the EU nations because of a specific regulation for the EU flag. Because of the absence of regulation on the use and interpretation of the EU flag in the EU legislation, every member states can “approach” or go its “own way” this topic. It has to be acknowledged that because of his known Euroscepticism, Vaclav Klaus took advantage of this flexibility of the law to reject the use of the EU flag during official events and above all during the important presidency of the EU. Nonetheless, Czech Republic is not represented only by the Office of the President of the Czech Republic. The other institutions of the Czech Republic such as the Office of the Government of the Czech Republic, the Ministry of Foreign Affairs of the Czech Republic, and the Permanent Representation of the Czech Republic to the EU do not specifically and extremely limit its use.

The article 10 of the Czech Constitution which allows international agreements to come into effect on the national territory has been ratified by the Parliament, which should change the interpretation made of the EU symbols. However, the Czech Republic obtained new amendments which diminish this article and this is why the Charter does not extend the field of application of the EU law and establish any new power for the EU. Based on that legal agreement, flying the EU flag is not made mandatory for Czech institutions, which does not mean that it is not a spread practice. Flying the EU flag in the Czech Republic is absolutely not a national offence, the only person – and thus institutions – being disturbed by this is the president, Vaclav Klaus. The wanted absence of the EU flag on Prague Castle is indeed a proof of the

Euroscepticism of the president. But this is not a trend in all the Czech institutions. Despite showing less eagerness to display the EU flag than other countries, Czech Republic, as represented by the Ministry of the Foreign Affairs, is still willing to present itself as a EU member. In this regard Czech Republic is one among other EU member states, although it is true that it classifies itself in the last places and within the group of countries displaying the less the EU flag. Indeed, some differences in the use of the EU symbols are perceptible and be assimilated with a declaration of loyalty towards these symbols and to some extent to the EU itself. For example, the Slovak Republic openly states using the EU flag in all administrative levels to promote a European identity, but it has to be screened in the presence of the national standard. It may be assumed that Slovakia belongs to the most pro-European promoters of the EU identity. Even in small countries, differences are found, mainly when their government answers to a rather divided structure such as Belgium. At least 8 EU member-states issued decrees regulating the use of the EU symbols in their territory. Most of the time a separation is established between the domestic and the international level, which do not automatically follow the same line and go in accordance. Bulgaria offers a surprising illustration to that since it flies the EU flag only for buildings or events related to the domestic sphere, while the EU flag is not featured on an international level. Finland embodies the opposite trend by using the EU flag on the international and not domestic level.

In the Czech Republic, the flag is only used during the official meetings and visits from EU representatives. Without that being the prove of an extreme singularity in the ensemble of member-states. Thus, it can be argue that a lot of ink has been spilled over Vaclav Klaus' refusal to pledge allegiance to the flag of the EU mainly because of the specific context of the EU presidency and because of the past of the President who is known for his radical positions. The use and interpretation of the EU flag in the country itself, which cannot be reduced to the specific case of the President, does not specifically stand out, based on the results of the research conducted.

However it has to be kept in mind that the thesis only constitutes a first approach to the broad question of the use of interpretation of the EU flag in the EU. As it has been underlined, the absence of EU regulation on this matter complicates the task of dressing such a portrait. Each member states should be analysed individually, which this thesis because of its reduced scope does not achieve. The close example of the Czech Republic and the quick sketching of the situation in other countries proved that it is

worth deepening this question. Thus, the first limit of this thesis is that it does not include in its analysis all the member states. Another interesting point deserving further research is the hiatus possibly existing between the image the Czech institutions want to offer, concerning a European feeling and attachment, and its reception by the Czech citizens. Could a large displaying of the EU flag enhance a positive perception of the EU and its symbols by the Czech? This could be the next step of analysis. The focus point has to be moved from the institutional level – which is clearly depicted in this thesis – to the individual level by taking into account the citizens' perception and opinion. The EU is currently aiming at more democracy and inclusion of its citizens in the political process which justifies the shift from the institutions to the individuals. Moreover, the EU symbols and specifically the flag have been created to unite the people, not to unite the institutions nor the countries. Therefore, a real assessment of the fulfilment of the goals of the EU present in the promotion of the symbols cannot avoid to pass through an exploration of the impact of the flag and its fellow symbols on the individuals.

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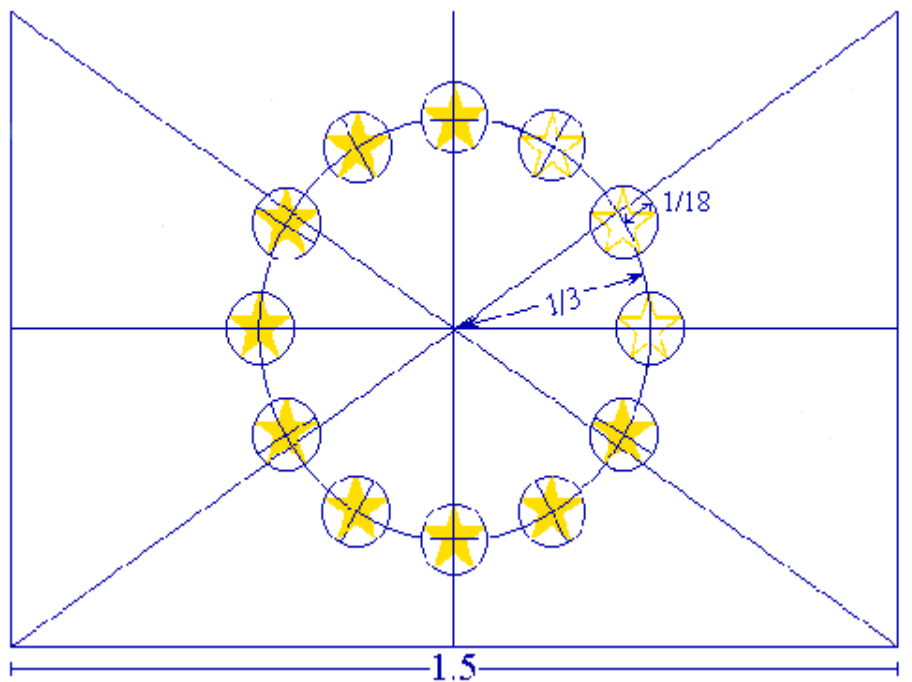
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APPENDIX 1: Geometric description of the European Flag

The emblem is in the form of a blue rectangular flag of which the fly is one and a half times the length of the hoist. Twelve gold stars situated at equal intervals form an invisible circle whose center is the point of intersection of the diagonals of the rectangle. The radius of the circle is equal to one-third of the height of the hoist. Each of the stars has five points which are situated on the circumference of an invisible circle whose radius is equal to one-eighteenth of the height of the hoist. All the stars are upright - that is to say, with the one point vertical and two points in a straight line at right angles to the mast. The circle is arranged so that the stars appear in the position of the hours on the face of a clock.²³⁸



238 Source: EUROPA – the portal site of the EU Graphical specifications for the European Emblem http://europa.eu/abc/symbols/emblem/graphics1_en.htm#symbol (accessed 11 January)

APPENDIX 2: A Pan European flag

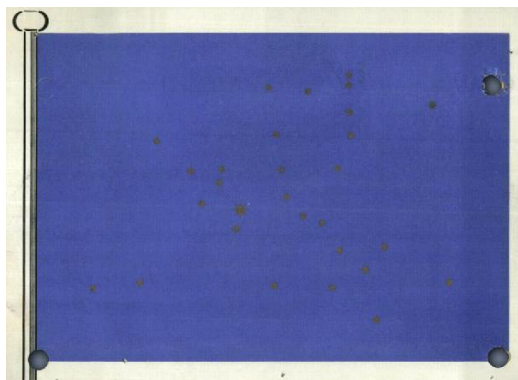
In 1950, the President of the PanEuropean Movement, Richard Coudenhove-Kalergi, proposes the adoption of his Movement's flag, blue with a red cross on a gold disc, used since 1923, as the flag of the Council of Europe.



Source

European flag - Drapeau européen. Selected flag designs. [ON-LINE]. [s.l.]: Council of Europe, Library and Archives, [12.01.2006]. Disponible sur <http://info.coe.int/archives/hist/flag/default.asp>.

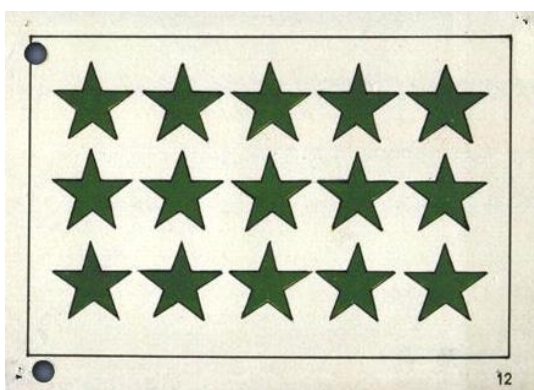
APPENDIX 3: Proposal for European flag by Salvador Madegeria



Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191. www.ena.lu Accessed 4 February 2011

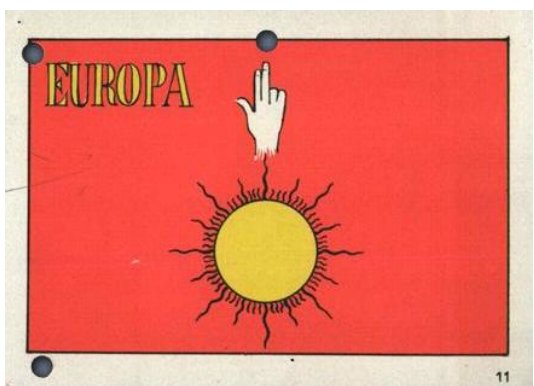
APPENDIX 4: 12 proposal for flag

Submitted to the Consultative Assembly of the Council of Europe (December 1951) 239

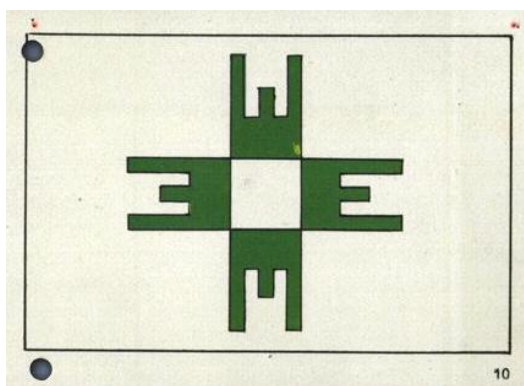


Proposal number 12

Proposal n. 11

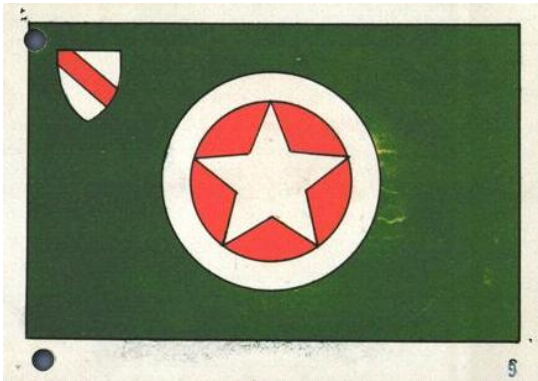


Proposal n. 10

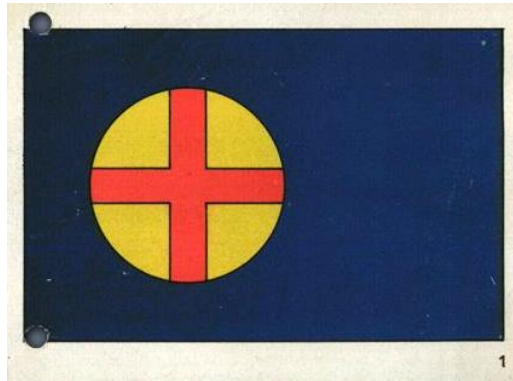


239 Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191.

Proposal n. 11



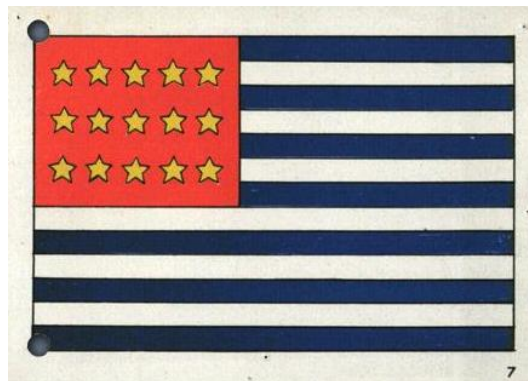
Proposal N. 1.



Proposal n. 8

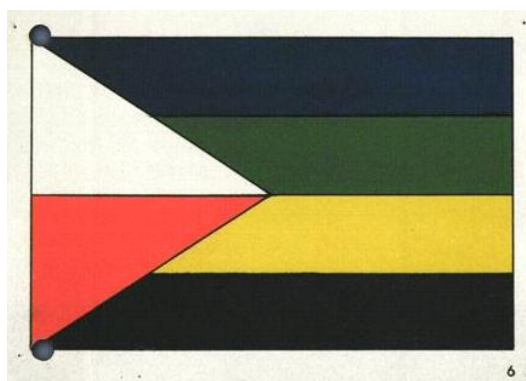


Proposal n. 7



1. Proposal 8

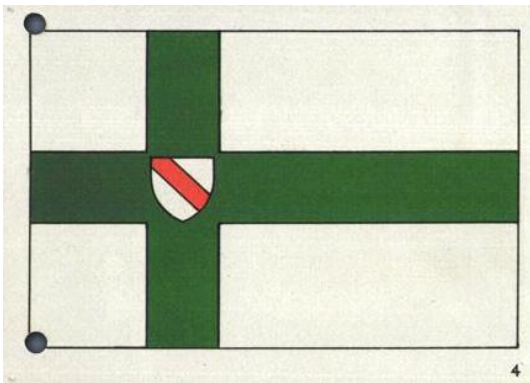
2. Proposal 6



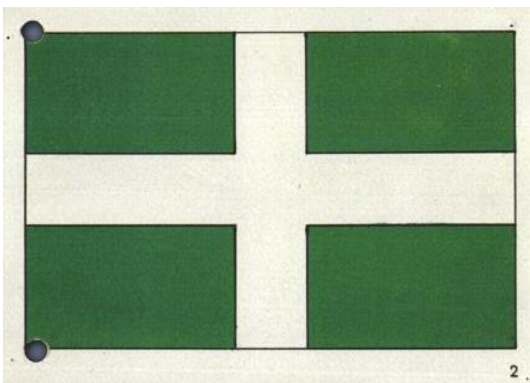
3. Proposal 5



4. Proposal 4



5. Proposal 2



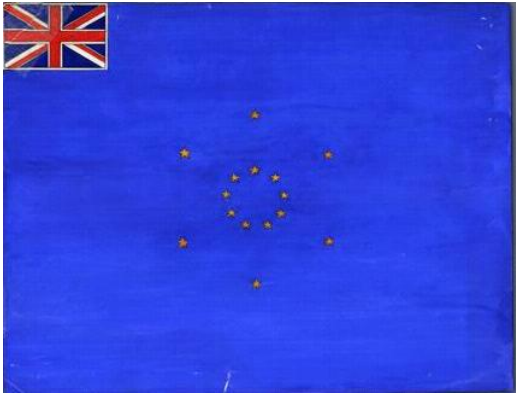
6. Proposal 8



APPENDIX 5: Samples of proposals submitted by Arsène Heit



7. Proposal 1



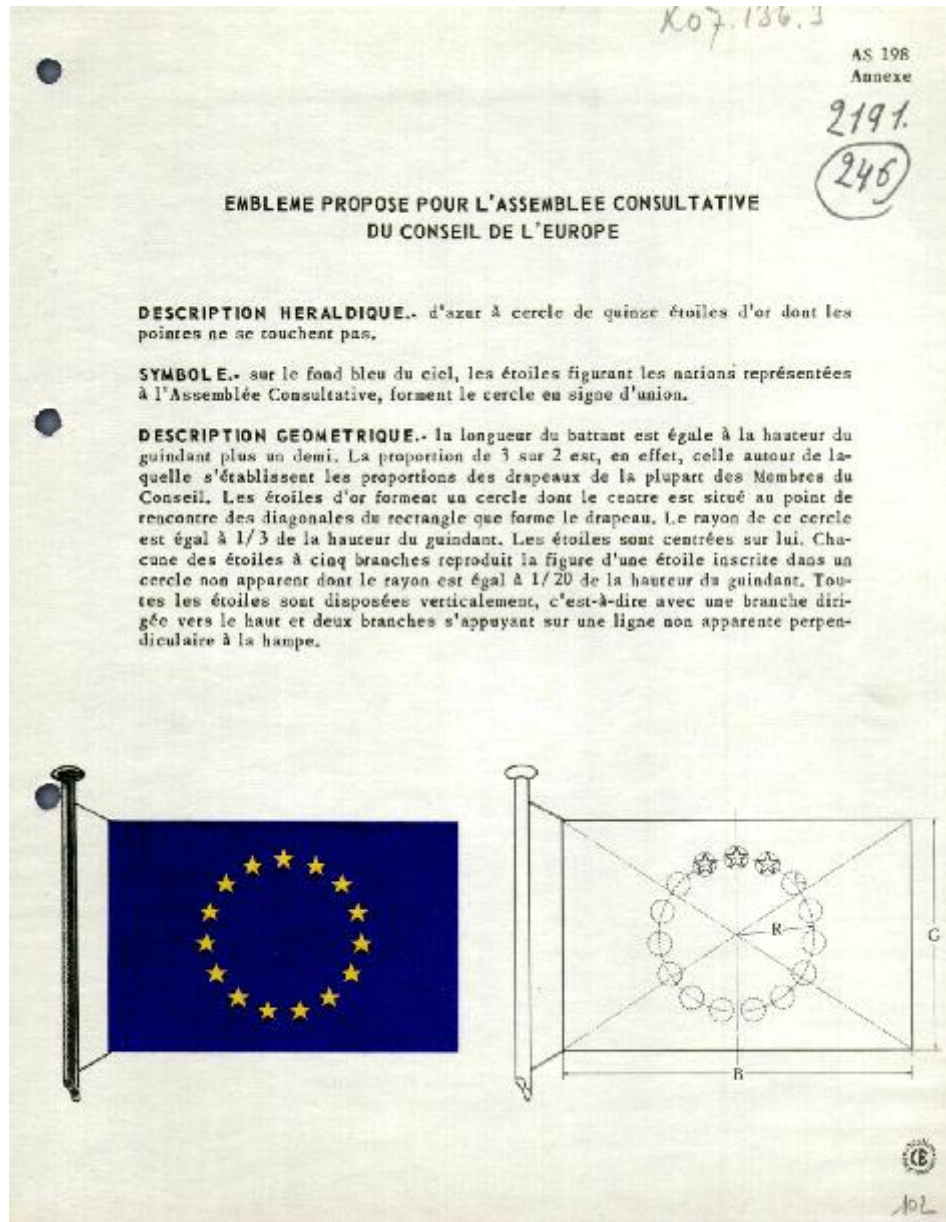
1. Proposal 2

Proposal 3

APPENDIX 6: Description of the first flag

Description of the first flag, blue with 15 gold stars, adopted by the Consultative Assembly of the Council of Europe on 25 September 1953.

Source: Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191. www.ena.lu (Accessed 7 February)



APPENDIX 7: The Office of the President of the Czech Republic

Interview conducted with Petr Macinka, press specialist of the Office of the President of the Czech Republic, through email communication in the period March 9th -

- March 13th 2011

Dear colleague,

As for the issue of the display the European flag I provide you with the following information:

At the present time there are no specific provisions of the European Union which regulate the use of the European flag in the Czech Republic.

The Act No. 352/2001 Collection, Act on the use of state symbols of the Czech Republic and amending certain laws, defines the use of the Czech national flag. However, this act regulates more the practical reasons of the use flag than it allows the extent of its use. There is only one exception which concerns the use of the European flag and the Czech national, i.e. only in the case of election to the European Parliament flag is legally regulated concerning the use of the European flag. The Act with the exception provision of § 33 paragraph 1 of the Act. No. 62/2003 Collection. 'Elections to the European Parliament and amending certain laws' governed the issue of use of the flag of the European Union in the Czech Republic or in our legal system. The Act defines the position of the two flags. In the case that two flags are placed alongside on the building, national flag of the Czech Republic is placed on the honourable position, i.e. from the front view of an object on the left.

The description and design of the flag of the European Union refers to the proportion of the original flag adopted by the Council of Europe in 1955. i. e. twelve golden stars on a blue background, placed in the position of the clock. The flag is a rectangle, the proportion of height and width is 1: 1.5.

In 1979, the Council of Europe has registered the symbol with the World Intellectual Property Organization (WIPO). As a result of this registration the European symbol is protected in accordance with the Article 6 of the Paris Convention for the Protection of Industrial Property.

\

As for flying the European flag at Prague castle (in the past this issue has been frequently discussed especially in the media)

It is a general rule that at Prague castle only the standard of the President of the Czech Republic (the presidential standard) flies, and only in the case when the president is in the territory of the Czech Republic. When the Czech Republic is visited by heads of foreign states, the flag of the visiting state is displayed side by side the standard of the president.

Due to the fact that the European Union is not a state (yet), displaying of the flag with the standard of the president on the roof of Prague Castle is foreclosed.

So far, the only exception to this rule due to pressure of a foreign party took place during the years of the Protectorate of Bohemia and Moravia when the Nazi flag had to be flown. (the link on the video on YOUTUBE.COM)²⁴⁰

In the past, when the president officially greeted some high officials of the European Union (for example, the president of the European Commission), who officially visited Prague; the European flag was displayed in the interior part of the Prague castle, particularly in the places where the meeting was held.

Mon, Mar 14, 2011 at 5:03 PM

I apologize that this time my answer was not quit as fast as last time. However: the official documents of the President (as well as official documents of the Office of the President of the Czech Republic) have in the header the small national emblem and the words "President of the Republic" (or "the Office of the President of the Czech Republic").

240 YOUTUBE.COM “Výměna říšských vlajek na Pražském hradě”, <http://www.youtube.com/watch?v=IXw8yMVPk6Y> (accessed 2 May 2011)

Why on Earth should an official document of the Czech president bear the symbols of the European Union? The use of the state symbols of the Czech Republic is regulated by a special law (Act on the use of state symbols of the Czech Republic).

As far as I know, the logo and symbols of the EU are used only in official correspondence and only by the official of the European Union. As I wrote before, there is no legislation on the use of the European symbols (i.e. law, the Czech Republic do interpret such a thing as a direction or restriction)

APPENDIX 8: The Office in the Government of the Czech Republic

A cell phone interview was conducted with Mgr. Karel Kortánek, the Director of Department of Protocol and Foreign Relations Office in the Government of the Czech Republic on April 26th.

In general, there is no legal regulation concerning the use of the European flag and the European symbols in the Czech Republic. All regulation concerning the use of the European flag are included in the Act No. 352/2001 Collection, Act on the use of state symbols of the Czech Republic and amending certain laws, defines only the use of the Czech national flag.

The flag of the European Union is displayed on the building of the Office of the Government along with the Czech national flag.

During the prime minister's official statements at Office of the Government of the Czech Republic the flag of the European Union is presented behind his back.

There exist only the Guidelines for common visual form who sets the proper placement of the flags.

The office of the government does not use the logo of the European Union, only the Small Coat of Arms of the Czech Republic.

In case the Czech Republic hold a summit or a conference, the logo of the summit or conference can be used or the logo of the EU. The Great Coat of Arms of the Czech Republic figures in the right corner and the logo of the EU or the conference is placed in the left corner.

When the Office of the Government is visited by the representatives of the European Commission, the European Parliament and the European Council the European flag is screened together with the Czech national flag.

As for other institutions which go under the Government, the screening of the flag is not legally regulated. The prime minister does not control whether the European flag is presented on the building of the ministries and other institutions.

There is no legal regulation on the flying the flags in the ministries and there is not even the act which would establish a certain common system of displaying the flags in the ministries.

Due to the fact that the European Union is not a state the general rules which are usually applied for states, cannot be accepted.

APPENDIX 9: The Ministry of the Foreign Affairs of the Czech Republic

Interview conducted with Mgr. Alena Hlaváčková, for the Press Department of the Ministry of the Foreign Affairs of the Czech Republic on 29th March 2011.

The Ministry of Foreign Affairs of the Czech Republic uses above all the Act No. 352/2001 Collection, the Act on the use of state symbols of the Czech Republic and amending certain laws. Moreover, the document entitled Principles and Rules of Common Protocol Practices in the Czech Republic has been recently created.

Principles and Rules of Common Protocol Practices

The rules and principles of how to use and fly flags is regulated by the Act No. 3 / 1993 Coll. Act on the use of state symbols of the Czech Republic and amending certain laws. In the case that two flags will be placed side by side on the building, the state flag of the Czech Republic is placed on the honourable position.

For ceremonials and occasions of international dimension the Czech state flag must be used at the head of the flags which represent the other countries.

The most honourable place next to the Czech state flag from the view of the decorated object includes:

- a) two flags on the right side
- b) when the number of the flag is odd, the flag is located in the middle, the second most honourable place is from the right side of the Czech flag, third on the left side, fourth on the right of the second, fifth from the left third, etc.
- c) When the number of the flag is even the most honourable place is on the right in the middle pair; the second place is next on the left; third on the right side, fourth side by side.

The order when displaying the EU member-states flags are regulated according to the name of the EU member-states in their national language. The order when displaying

the flags of the candidate countries is regulated by the date of their application to the European Union.

When the social event is organized by the presiding country, its flag is placed in the first place, followed by the flags of the EU member-states in alphabetical order according to their national languages and the EU flag is placed in the last place. However, when the Czech Republic is visited by a member of the European Commission, the European flag is placed at the head of the other Member-States flags.

When a social event is organized by the EU institutions, the EU flag is placed in the first place, followed by the EU member-states flags in alphabetical order according to their national languages.

Apart from the occasions mentioned above the Czech state flag is placed at the first place, followed by the flag of EU member-states in alphabetical order according to their national languages and then the EU flag is placed in the last place.

The flag of NATO is used only when the high representative of this organisation is visiting the Czech Republic or during the official events organised by NATO.

APPENDIX 10: Permanent Representation of the Czech Republic to the EU

Interview conducted with Magdalena Kramperova, the person in charge of the Protocol, relations with the European Parliament, events, visits Permanent Representation of the Czech Republic to the European Union on April 29th 2011.

In which occasions does the Permanent Representation of the Czech Republic to the EU use the European Union flag?

The building of the Permanent Representation to the European Union in Brussels is permanently marked with the Czech state flag. Since April 1st 2004, the EU flag and the Czech national flag are also placed at the stand in the entrance hall of the building.

Are there any internal guidelines or regulations which set the rules for using the European symbols, particularly the EU flag or logo of the EU?

All the Czech embassies (including the Permanent Representation of the Czech Republic to the EU) used the document Principles and Rules of Common Protocol Practices.

To which extend is the European flag displayed with the Czech state flag?

Both flags are permanently displayed over the entrance to building of the Permanent Representation of the Czech Republic to the EU. They are kept in the lobby of the building and they are not moved.

Are there any guidelines for the use of the Czech national emblem and logos (flags) in the official documents and treaties in the framework of the Permanent Representation of the Czech Republic to the?

The official documents of the Permanent Representation of the Czech Republic to the EU, including all Czech embassies and the Ministry of Foreign Affairs used the document Guidelines for common visual form. It also covers headed paper and business cards of the employees of the Ministry of the Foreign Affairs of the Czech Republic. However, it includes the Czech state symbol (a lion) and not the EU logo.

When the Czech Ambassador to the EU, Milena Vicenova, meets with the representatives of non EU member-states or the EU member-states, does the Czech Republic present itself using, besides the Czech state flag also the flag of the EU?

When the Czech ambassador meets with the representatives of the non EU member-states or the EU member states in the building of the Permanent Representation of the Czech Republic to the EU, they enter into the entrance hall where both flags – the Czech state flag and the EU flag - permanently displayed in the stand. In the case of official lunches or dinners, the flags of the both parties are presented on the table.

APPENDIX 11: Preliminary questions

The preliminary question concerning the selected sample of the EU member-states

Is there a special regulation concerning the use of the European flag in the selected countries and by their national institutions?

Are there any rules and limitations for using the EU flag within the national institutions of the 12 selected countries?

To what extent is the EU flag presented and used together with national flags of the selected countries in their national institutions?

Is the EU flag shown together with the national flags of the selected countries during the speech of prime minister or president during meetings and speeches on the national level?

What is the policy of the selected countries in official meetings and official events and / or summits held in these countries regarding the use of the European flag? For example, is there any difference in the use of the European flag between a meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country?

Do the selected countries present themselves as members of the EU to non- EU members by screening the EU flag or using the EU logos during international meetings?

Is there any specific legislation on the use and display of the European flag in the representative bodies of the State, such as municipalities, and other institutions? If yes, who is behind this legislation: the European Union, the president of the republic, the government? If not, what is the reason for the institutions mentioned above for displaying the flag?

APPENDIX 12: Italy

Presidency of the Council of the Ministers

Head secretariat general

(not signed)

Service for the transparency of the normative activity of the government

Dear User

The articles 9 and 12 of the DPR of the 7th April 2000, n°121 regulates the use of the flag of the Italian republic and of the EU by the state administrations and public bodies

We advise you to consult the following web-page, on the website of the government, where a specific development on the display of the flags and the relative norms on the use of the Italian and European flag is published

http://www.governo.it/Presidenza/cerimoniale/ufficio_cerimoniale/bandiera.html

Cordially,

The service

APPENDIX 13: Spain

Computer-assisted personal interviewing conducted with Eva Duralde Arbizu, from the Deputy of the Ministry of Information, the Permanent Representation of Spain to the EU in Brussels on April 5th 2011.

Dear Michal Kuban

I am sending you the answer to your question, which was provided to us by the Protocol of the Presidency of the Government. I draw your attention on the document attached.

Concerning your research on the use of the EU flag in Spain, I am informing you that there is no regulation on it.

The only norm which has been established was during the Presidency of the EU during the semester of the years 2002 and 2010.

In these cases, during the time of the Presidency, it has been opted for the display of the EU flag next to the Spanish one, the autonomias and the municipalities occupying the last place.

In this case, the decision was made by the President of the Government.

Nonetheless, since the entrance in the government of the president Zapatero, the use of the EU flag has been introduced during the event which takes place in the Moncloa Palace, during bilateral meetings with foreign head of states – belonging or not to the EU – as well as with the President of the autonomias.

However, this does not establish a norm; it is an option/choice, since it does happen neither in all the cases nor with all the countries. It is a decision of the President of the Government.

The law 39/81 of the 28 October 1981 - whose photocopy is attached – regulates the Spanish flag.

Greetings

EVA ARBIZU
CONSEJERA ADJUNTA DE INFORMACIÓN
Representación Permanente de España - UE
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APPENDIX 14: Bulgaria

Computer-assisted personal interviewing conducted with Ambassador Ivan Dimitrov, Ambassador Ivan Dimitrov, Director of the State Protocol Directorate, Ministry of Foreign Affairs of the Republic of Bulgaria, on April, 20th 2011.

Dear Mr. Kuban,

We are glad to answer your questions about the use of the European flag in Bulgaria:

Is there a special regulation concerning the use of the European flag in Bulgaria and in Bulgarian national institutions?

There is a Decree No. 54 of the Council of Ministers/ March 29th, 2005 about Declaring April 4th the Day of Atlantic Solidarity, Celebrating May 9th – Europe Day, and Hoisting the Flag of NATO and the Flag of the European Union (see the attached file).

Are there any rules and limitations for using the EU flag within the Bulgarian institutions?

Under Act. 4. of Decree No. 54:

The flag of the European Union with size and colours according to supplement No. 2 should be constantly or temporarily hoisted or placed on/in:

- 1. the buildings in which the basic activity of the National Assembly, the President`s Administration, the Council of Ministers, the ministries and the other state institutions, the regional structures of the ministries and the district administrations, the municipalities and regions is carried out, as well as in suitable official premises in them;*
- 2. entry and exit border checkpoints;*
- 3. ports and airports.*

Art. 5. Regarding the materials, manufacturing and fastening of the flag of NATO and the flag of the European Union the rules in paragraphs 2-4 of supplement No. 2 to the Law for the State Seal and National Flag of the Republic of Bulgaria should be respectively applied.

Art. 6. The flag of NATO and the flag of the European Union should be maintained in an aesthetic condition.

Art. 7. The flag of NATO and the flag of the European Union should not be used for advertisement.

(Unofficial translation)

To what extent is the EU flag presented and used together with the Bulgarian national flag?

Places where the European flag is hoisted – see Art. 4 of Decree No. 54 (mentioned above);

- Places where the national flag of the Republic of Bulgaria is hoisted – see Art. 16-20 of the Law for the State Seal and National Flag of the Republic of Bulgaria (<http://www.parliament.bg/en/21> - excerpts in English, <http://lex.bg/bg/laws/ldoc/2134401024> - full text in Bulgarian).

In addition, it is an ordinary practice to use the European flag along with the national one in Bulgarian diplomatic and consular missions.

Is the EU flag screen together with Bulgarian national flag during the speech of prime minister or president during meetings and speeches on the national level?

See the above-mentioned articles of Decree No. 54 and the Law for the State Seal and National Flag of the Republic of Bulgaria.

What is the policy of Bulgaria in official meetings and official events and / or summits held in Bulgaria regarding the use of the European flag? For example, is there any difference in the use of the European flag between a meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country?

There is no such difference. See again Decree No. 54 and the Law for the State Seal and National Flag of the Republic of Bulgaria.

Does Bulgaria present itself as member of the EU to non-EU members by screening the EU flag or using the EU logo during international meetings?

No. Only the national flag showing that the participant in the meeting represents Bulgaria is used.

Is there any specific legislation on the use and display of the European flag in the representative bodies of the State, such as municipalities, and other institutions? If yes, who is behind this legislation: the European Union, a prime Minister, a government? If not, what is the reason for the institutions mentioned above for displaying the flag?

See point 1.

I hope the information we are sending you corresponds to your needs. Don` t hesitate to contact us again, if you have any additional questions.

Yours sincerely,

Ambassador Ivan Dimitrov,

Director of the State Protocol Directorate,

Ministry of Foreign Affairs of the Republic of Bulgaria

APPENDIX 15: Slovenia

Computer-assisted personal interviewing conducted with Dušan Jurček, as for the Protocol of the Republic of Slovenia, on April, 22th 2011.

Is there a special regulation concerning the use of the European flag in Slovenia and in Slovenian national institutions?

RE: *The use of the European flag in Slovenia and in Slovenian national institutions is determined with:*

Decree on the use of the European Union's flag and anthem in the Republic of Slovenia

Are there any rules and limitations for using the EU flag within the Slovenian institutions?

RE: *See Article 4 of the Decree.*

To which extend is the EU flag presented and used together with the Slovenian national flag?

RE: *See the Decree.*

Is the EU flag screen together with Slovenian national flag during the Speech of prime minister or president during meetings and speeches on the national level?

RE: *Yes.*

What is the policy of Slovenian state in official meetings and official events and / or summits held in Slovenia regarding the use of the European flag? For example, is there any difference in the use of the European flag between a meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country?

RE: *See Article 6 of the Decree. There is no differences regarding the EU and non-EU membership.*

6. Does Slovenia present itself as member of the EU to non-EU members by displaying the EU flag or using the EU logo during international meetings?

RE: The EU flag is screened together with RS flag. For more details check: <http://www.ukom.gov.si/en>.

7. Is there any specific legislation on the use and display of the European flag in the representative bodies of the State, such as municipalities, and other institutions? If yes, who is behind this legislation: the European Union, a prime Minister, a government? If not, what is the reason for the institutions mentioned above for displaying the flag?

RE: See reply to question nr. 1. Responsibility for the legislation is divided onto Protocol of the Republic of Slovenia (the Decree) and the Ministry of Public Administration (Act Regulating the Coat-of-arms, Flag and Anthem of the Republic of Slovenia and the Flag of the Slovene Nation), but also to ministries with regards to use of flags by public institutions, ranging lower in their field of work.

1623. Decree on the use of the European Union's flag and anthem in the Republic of Slovenia²⁴¹

Under Article 21 of the Government of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No. 4/93,71,/94 - ZODPM, 23/96, 47/49, 23/99 - ZSOVA, 119/00, 30/01 - ZODPM - C and 52/02 - ZDO-1) and to implement Articles 16 AND 23 of the Act Regulating the Coat-of-Arms, Flag and Anthem of the Republic of Slovenia and the Flag of the Slovene Nation (Official Gazette of the Republic of Slovenia, No. 67/94), the Government of the Republic of Slovenia hereby issues a

DECREE

on the use of the European Union's flag and anthem in the Republic of Slovenia

Article 1

This Decree shall regulate the use of the European Union's flag and anthem in the Republic of Slovenia.

Article 2

241 1623. Decree on the use of the European Union's flag and anthem in the Republic of Slovenia²⁴¹
http://www.protokol.gov.si/fileadmin/protokol.gov.si/pageuploads/Temeljni_dokumenti/Decree_on_the_use_of_the_European_Union_s_flag_and_anthem_in_the_Republic_of_Slovenia.pdf (accessed May 3 2011)

The European Union's flag and anthem shall be means for the Republic Slovenia to express its membership in the European Union.

Article 3

(1) It shall not be permitted to use the European Union's flag if it is damaged or its appearance is unsuitable for use.

2) It shall not be permitted to use the European Union's flag in a manner that is in conflict with public order or is defamatory to the reputation of the European Union.

Article 4

(1) The European Union's flag shall be displayed exclusively in combination with the flag of the Republic of Slovenia, with the latter being given the honorary place.

(2) As an exception, the European Union's flag can be given the honorary place if the occasion is an official visit by the President of the European Commission or the President of the European Parliament in the Republic of Slovenia.

Article 5

(1) The European Union's flag shall be permanently displayed next to the flag of the Republic of Slovenia at the following locations:

- On buildings that serve as seats of the National Assembly, National Council, President of the Republic and Government
- At border crossing areas
- On diplomatic missions and consular buildings of the Republic of Slovenia abroad

(2) The European Union's flag may also be permanently displayed on buildings housing other state authorities and local authorities.

Article 6

(1) The European Union's flag shall be displayed next to the flag of the Republic of Slovenia during visits of foreign statesmen and authorized representatives of international organizations of the Republic of Slovenia

(2) The European Union's flag may be displayed next to the flag of the Republic of Slovenia:

- During international meetings, athletic, cultural, humanitarian, military and other events and public gatherings, local community holidays and public manifestations determined by the Government of the Republic of Slovenia
- For state holidays in the Republic of Slovenia

(3) In the case of the second indent of the previous paragraph this Article, the two flags shall be displayed on buildings where state authorities and local community authorities have their official premises, and may also be displayed on other buildings.

Article 7

(1) If only the flag of the Republic of Slovenia and the European flag are displayed, the latter shall be displayed to the right of the flag of the Republic of Slovenia, seen from the front. A graphic representation of the display is available in Point I of Annex which is integral part of this Decree.

(2) In the case of the paragraph 2 of Article 4 of this Decree, the European Union's flag shall be displayed to the left of the flag of the Republic of Slovenia.

APPENDIX 16: Finland

Computer-assisted personal interview conducted Ulla Tulonen, Web Information Officer Ministry of Interior, on April 4th 2011.

Dear Michal Kuban,

Displaying the flag of the European Union has become common in Finland in recent years. There are no national provisions concerning its use though the Ministry of the Interior recommends that it should be flown alongside the Finnish national flag on appropriate occasions (for example, on Europe Day, 9 May). The two flags should always be flown on separate flagpoles.

The flag of the European Union can be flown on EU-related occasions or if the Union issues a joint recommendation on the matter. Otherwise, the flag is usually displayed during visits of EU dignitaries or conferences with participants from EU institutions or Member States.

The Ministry of the Interior has issued instructions concerning the flying of the EU flag alongside the Finnish flag at border crossings on the Union's external borders. The two flags are also flown at international ports and airports.

All the national institutions and offices in Finland fly the EU flag alongside the Finnish flag on Europe Day, 9 May. The Ministry of Interior has not gathered information on the use of the EU flag otherwise.

It is not customary to screen the EU flag together with the Finnish flag during the speech of prime minister or president.

Your question # 4 could best be answered by the Protocol Services of the Ministry for Foreign Affairs, pro@formin.fi.

Best regards,

Ulla Tulonen,

Computer-assisted personal interviewing conducted with Emilia Autio, Attaché, Protocol Services, the Ministry for Foreign Affairs, April 29th 2011

My name is Michal Kuban and I come from the Czech Republic. Presently I am a student of Erasmus Mundus Master Programme Euroculture, I am currently writing my thesis on the role and use of the European flag by the European member countries. I received your contact email from Ulla Tulonen..

In this context, it would like to kindly ask you for an help and thus if you could answer the following questions:

There are no applicable rules written in stone regarding flying the EU flag together with the Finnish flag. In other words, for each potential occasion we take the decision case-by-case.

1. What is the policy of Finnish state in the official meetings and official events and / or summits held in Finland regarding the use of the European flag. For example, is there any difference in use of the European flag between a meeting among head of European governments and where the head of state is met with a representative of a non-European country?

During every (incoming) official visit of a Head of Government or Foreign Minister, the EU flag is used along with the Finnish flag regardless of whether the guest is from an EU Member State or not. Regarding official state visits, the standard practice is that only the state flags are flown (without the EU flag).

Is the EU flag screen together with the Finnish flag during the speech of prime minister or president during the meetings and speeches on the national level?

No.

2. To what extent does Finland present itself as member of the EU to non- EU members by screening the EU flag or using the EU logos during international meetings?

In any EU-related event Finland flies the EU flag and uses the logo.

Thank you very much for your help

Yours Sincerely

APPENDIX 17: Belgium

A computer-assisted personal interview was conducted with Nina de Meire, Head of Protocol of the Flemish Government.

Dear Mr. Kuban,

We have received your request and are happy to provide you with the answers (in red) on your specific questions.

1. Is there a special regulation concerning the use of the European flag in Flanders and in Flemish institutions?
2. Are there any rules and limitations for using the EU flag within Flemish institutions?
3. To what extent is the EU flag presented and used together with Flemish flag?

This answer relates to your first three questions.

There exists a ministerial order on the Flemish level (VR 2009/37) which stipulates the general guidelines regarding the use of official flags on Flemish public buildings. This order is directed to the Flemish Government; the services and institutions of the Flemish Government and finally to the provinces and local authorities. These guidelines apply within the territory of the Flemish language community and the bilingual community of Brussels.

This order combines the relevant federal and Flemish regional legislation into one document which makes it easier and more practicable to execute for the institutions involved.

Specific regulations found in this order affect the use of the European flag in Flanders and can be found in the following original pieces of legislation (“F” indicates federal legislation, “R” regional legislation in Flanders) :

- *Royal Decree of July 5th 1974 concerning the flagging of public buildings (Belgisch Staatsblad, July 10th 1974) as amended by Royal Decrees of October 15th 1983 (Belgisch Staatsblad, October 26th 1983), March 23th 1989 (Belgisch Staatsblad, April 7th 1989), September 6th 1993 (Belgisch Staatsblad, September 9th 1993) and April 2nd 1998 (Belgisch Staatsblad, April 4th 1998) “F”*
- *Decree of November 7th 1990 regarding the determination of the escutcheon, the flag, the anthem and the official holiday of the Flemish Community (Belgisch Staatsblad, December 6th 1990) as amended by Decrees of June 13th 1996 (Belgisch Staatsblad, July 10th 1996), July 15th 1997 (Belgisch Staatsblad, August 29th 1997) and May 18th 1999 (Belgisch Staatsblad, July 10th 1999)*

“R”

More concrete, this means that hoisting the European flag is mandatory on the following dates:

- *February 17th (at half-mast)*
- *April 7th*
- *May 1st, 5th, 9th*
- *June 6th, 11th*
- *July 2nd, 21th, 22th, 23th*
- *September 11th*
- *October 24th*
- *November 15th*
- *Day of the elections for the European Parliament*

On the Flemish holiday of July 11th, it is mandatory hoist the Flemish flag and is it allowed to put up other flags (e.g. the European flag).

On May 8th and November 11th, it is also allowed to hoist the European flag, while it is mandatory for the Flemish and Belgian flags then.

In general for us the Flemish flag has to hoisted when the Belgian or European flag have to be on top , even if it doesn't concern an official event.

The ministerial order VR 2009/37 also handles the order of precedence of the different flags. In Flanders , the order of precedence is the following:

- 1. Belgian flag*
- 2. Flemish flag*
- 3. European flag*
- 4. Flag Province*
- 5. Flag local authority (municipalities)*

4. Is the EU flag screen together with Flemish national flag during the speech of prime minister or president during meetings and speeches on the national level?

No, on a national level only the Belgian flag is up during the speech of the prime minister or the king.

5. What is the policy of Flemish government in official meetings and official events and / or summits held in Belgium regarding the use of the European flag? For example, is there any difference in the use of the European flag between a meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country?

6. Does Flemish government present itself as a region of Belgium and thus as member of the EU to non-EU members by screening the EU flag or using the EU logos during international meetings?

I would like to answer questions nr. 5 and 6 together because each question is related to the other one.

There is no specific regulation regarding this matter.

When the minister-president or a member of the Flemish Government receives an international delegation (EU and non-EU) the European flag is customary placed next to the Flemish one in the meeting room. For a bilateral meeting the flag of the visiting country or region is placed as well.

The fact that Flanders is a region of Belgium is also stressed by the fact that the Belgian flag is up as well during these kind of receptions.

7. Is there any specific legislation on the use and display of the European flag in the representative bodies of the State, such as municipalities, and other institutions? If yes, who is behind this legislation: the European Union, Minister-President of the Flemish Government, the government? If not, what is the reason for the institutions mentioned above for displaying the flag?

The ministerial order VR 2009/37 also applies to the provinces and local authorities.

On the days when it is not mandatory to put up the Belgian, Flemish or European flags, the provincial and local authorities have the autonomous choice to flag or not, which is so stipulated by the Flemish Government.

Computer-assisted personal interviewing conducted Daniel Niessen
Attaché de presse, German speaking region, Belgium, May 3rd 2011.

Dear Mr Kuban,

Enclosed, you find your answers to your questions:

1. No, the German-Speaking Community (DG) has no firm rules on this issue. There are only recommendations of the Belgian Ministry of the interior. We enclose a list of examples of the recommendations which are set up by the Ministry of the interior concerning the hissing of ALL flags (not only the European one):

"Pursuant to Article 1 of Royal Decree of July 5, 1974 and Article 1 of Royal Decree of 23 March 1989, amended by Royal Decree of 6 September 1993, amended by Royal Decree of April 2, 1998 regarding the flagging of public buildings, the flags must be displayed as follows:

17/02 (half-mast) In memory of deceased members of the Royal Family

07/04 Day tribute to the Belgian soldiers who died during peace support operations including humanitarian operations since 1945

01/05 Labor Day

05/05 Day of the Council of Europe

09/05 Day of the European Union

06/06 Anniversary of the birth of the King S.M.

11/06 Anniversary of the birth of Her Majesty Queen Fabiola

02/07 Wedding Anniversary of Their Majesties King and Queen

21, 22 and 23/07 1st, 2nd and 3rd day of national celebration

11/09 Anniversary of the birth of Her Majesty Queen Paola

24/10 United Nations Day

15/11 King's Day

European election day "

2. See answer 1

3. It is always hissed at the seat of the Minister-President and the Government of the German-speaking Community, as well as the Belgian flag and the DG-flag.
4. There is no official policy for the presence of any kind of flag for official speeches.
5. No. As written in answer 3, there is always a European flag together with our own flag at the seat of the Government. Moreover, the flag of the ambassador visiting our institution (from whichever country – European or not) is also hissed when he is visiting. At that moment, there is thus the European, the Belgian and the DG-flag as well as the one of the country of the ambassador visiting.
6. The representatives do not systematically take the flag of our Community, country or the European flag to meetings abroad. The hosts sometimes foresee this themselves but there is no official procedure from our side.
7. There is no specific regulation within the DG concerning the use of flags, neither for the Community nor its municipalities. As mentioned before, there are however recommendations set by the Ministry of the interior.

We hope that we could help you for your thesis and wish you good luck with it.

Yours sincerely,

Daniel Niessen
Attaché de presse

Preliminary questions

Dear Daniel Niessen,

1. Is there a special regulation concerning the use of the European flag in German speaking part of Belgium and in these German institutions?

2. Are there any rules and limitations for using the EU flag in the German institutions located in German - speaking part of Belgium?

3. To what extent is the EU flag presented and used together with the flag of German-speaking Community Government?

4. Is the EU flag shown together with Walloon national flag during the speech of prime minister or president during meetings and speeches on the national level?

5. What is the policy of German-speaking Government in official meetings and official events and / or summits held in Belgium regarding the use of the European flag? For example, is there any difference in the use of the European flag between a meeting among heads of European governments and a meeting where the head of state meets with the representative of a non-European country?

6. Does German-speaking Community Government present itself as a region of Belgium and thus as member of the EU to non-EU members by screening the EU flag or using the EU logos during international meetings?

7. Is there any specific legislation on the use and display of the European flag in the representative bodies of the State, such as municipalities, and other institutions? If yes, who is behind this legislation: the European Union, Minister-President of the German-speaking Government, the German-speaking government? If not, what is the reason for the institutions mentioned above for displaying the flag?

Thank you for your help,

Best wishes

Michal

APPENDIX 18: Germany

The Decree of the Federal Government concerning flag displays at official buildings of the Federation of 22 March 2005 took effect on 2 April 2005; it replaces the previous decree of 23 May 2000. The amendments concern the following issues:

Section II, paragraph 1c: Europe Day will no longer be celebrated on 5 May but on 9 May (cf. Treaty establishing a Constitution for Europe)

Section III: So as to harmonise orders as to the flying of flags at the regional and local level and to streamline competences in this respect, the authority to order flag displays has been shifted from the local and regional level to the Federal Ministry of the Interior (previous paragraphs 3 to 6 have been deleted).

Section III, paragraph 2: The previous regulations concerning the display of flags to mark the death of a foreign head of state have been replaced by a practical regulation; a regulation has been added concerning the display of flags to mark the death of accredited ambassadors in Germany.

Section IV, paragraph 1a: New title of the “Federal Employment Agency” has been incorporated (previously “Federal Employment Service”). Section V, paragraph 1: Clarification as to the types of flags to be displayed by federal authorities.

Please note that the “Federal Border Police” (“Bundesgrenzschutz”) is called “Federal Police” (“Bundespolizei”) as of 1 July 2005.

Decree of the Federal Government

Concerning flag displays at official buildings of the Federation of 22 March 2005

I. Area of application

(1) The provisions of this Decree shall apply to flag displays at official buildings of all the authorities and offices of the Federation and at those of the public-law corporations, institutions and foundations that are under the supervision of federal authorities. The special arrangement governing flag displays by the Federal President shall remain unaffected.

(2) Flags shall be displayed at all official buildings and at the installations and facilities of the Federal Armed Forces and the Federal Border Police, irrespective of the ownership of the property.

As in the case of official buildings, flags shall also be displayed at those parts of other buildings in which a federal office is located. If several authorities or offices of

- 2 -

the Federation are located in one official building, flag displays shall be the responsibility of the authority that manages the building.

(3) Flag displays at buildings and parts of buildings pursuant to paragraph (2) maybe dispensed with if

- a) the buildings in question are annexes or freestanding buildings of secondary importance,
- b) the buildings or parts of buildings are not suitable for flag displays, c) the buildings or parts of buildings are intended for residential or other non-official purposes, even if they are also used to handle official business; moreover, if a special flagpole has been erected on the official property and flags are flown there.

II. Regularly recurring general flag display days

(1) Flags shall be displayed on the following days without any special directive:

- a) on the Day of Remembrance for the Victims of National Socialism (27 January)
- b) on Labour Day (1 May)
- c) on Europe Day (9 May)
- d) on the anniversary of the promulgation of the Basic Law (23 May)

- e) on the anniversary of 17 June 1953
 - f) on the anniversary of 20 July 1944
 - g) on the Day of German Unity (3 October)
 - h) on the Day of National Mourning (second Sunday before the first Sunday in Advent)
 - i) on the day of the elections to the German Bundestag and j) on the day of the elections to the European Parliament. (2) Flags shall be flown at half-mast on the Day of Remembrance for the Victims of National Socialism and on the Day of National Mourning.
- (3) Flags shall be displayed daily at the official buildings of the highest federal authorities in Berlin and Bonn.

III. Directives to display flags on special occasions

(1) Any flag displays at the buildings, installations and facilities stipulated in section I paragraphs (1) and (2) in deviation from the arrangement specified in section II shall be ordered by the Federal Ministry of the Interior, in agreement with the competent specialist ministries if necessary or appropriate. In cases of special importance or significance, the Federal Government shall decide. (2) The flying of flags at half-mast on the occasion of the death of a foreign head of state shall be ordered by the Federal Ministry of the Interior in agreement with the Federal Foreign Office for the highest federal authorities in Berlin and Bonn for the

3 -

day of the official funeral service.

The flying of flags at half-mast on the occasion of the death of an ambassador accredited in Germany shall be ordered by the Federal Ministry of the Interior in agreement with the Federal Foreign Office for the Federal Foreign Office in Berlin and Bonn for the day on which the deceased is transported to the country of origin. (3) In the case of an occasion concerning only a single administration, the competent office of that administration may direct that flags be displayed at its building.

IV. Flags to be displayed

- (1) If flags are to be displayed pursuant to sections II or III,
- a) all the authorities and offices of the Federation, including the Federal Employment Agency, shall display the federal institutions flag and – provided the technical prerequisites exist – the European flag; b) the other public-law corporations, institutions

and foundations shall display the federal flag and – provided the technical prerequisites exist – the European flag.

(2) In cases of doubt concerning the entitlement to display the federal institutions flag, a decision shall be taken by the competent highest federal authority in agreement with the Federal Ministry of the Interior.

(3) On regional and local occasions, the flags of the Länder of the Federal Republic of Germany and the municipalities (associations of municipalities) may be displayed in addition to the flags specified in paragraph (1).

(4) Flags other than those specified in paragraphs (1) and (3) may only be displayed with the approval of the Federal Ministry of the Interior. The question of whether flags of foreign states and other territories as well as flags of international and supranational organisations may also be displayed on special occasions shall be decided by the Federal Ministry of the Interior in agreement with the Federal Foreign Office; for the sphere of the Federal Armed Forces – in the case of purely military occasions – such decision shall be taken by the Federal Ministry of Defence.

V. Manner in which flags shall be displayed

(1) Flags shall be displayed from vertical flagpoles. Only where this is not possible may horizontal or angled flagstaves be used. Flags should be used that can be hoisted and lowered on the flagpole or flagstaff. Flags may also be displayed in the form of a banner. The types of flags of the federal institutions flag and of the federal flag described in the Directive concerning Flags (Federal Law Gazette I, p.

- 4 -

1729) of 13 November 1996 may be used.

(2) Where other flags may also be displayed pursuant to section IV, paragraph (3), the European flag and the federal institutions flag or the federal flag shall be accorded the privileged positions on the left side of the building, installation or facility (as viewed by an observer in the street).

If other flags may also be displayed pursuant to section IV, paragraph (4), they shall be displayed in the following order – as viewed from the privileged position: a) flags of international and supranational organisations

b) flags of foreign states and other territories in alphabetical order of the official German short forms of their names c) the federal institutions flag or the federal flag d)

flags of the Länder of the Federal Republic of Germany in alphabetical order e) flags of the municipalities (associations of municipalities).

(3) The size of the flags must be in reasonable proportion to the size of the building and the size of the flagpole from they are to be displayed. If several flags are displayed at one building, they should all be the same size.

(4) If the federal institutions flag or the federal flag are to be flown at half-mast as a sign of mourning, the European flag shall also be flown at half-mast. Flags of other supranational and international organisations, foreign states and other territories shall be exempted herefrom.

Where flags are to be flown at half-mast as a sign of mourning, they shall first be hoisted to the peak and then immediately lowered to the half-mast position. If flags cannot be flown at half-mast, they shall bear black crepe streamers. (5) Flags shall be displayed from sunrise – but not, however, before 7:00 a.m. – until sunset.

(6) If flags are to be displayed for several days, they shall be lowered at sunset and hoisted again the next morning.

(7) If flags are illuminated, they may also continue to be displayed after sunset.

VI. Announcement of directives to display flags

(1) Directives to display flags on special occasions pursuant to section III paragraphs (1) and (2) shall be announced by the Federal Ministry of the Interior to the other federal ministries, which shall – where necessary – inform the authorities, = the offices and the public-law corporations, institutions and foundations under their purview. It shall inform the Head of the Office of the Federal President, the President of the German Bundestag, the President of the Bundesrat, the President of the Federal Constitutional Court, the President of the Federal Court of Audit and the President of the German Federal Bank.

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(2) If uniform practice by the Land and municipal authorities is desirable, the Federal Ministry of the Interior shall inform the Land governments and their representations to the Federation.

VII. Exceptional provisions

(1) At the New Guardhouse in Berlin – the Central Memorial of Federal Republic of Germany – the European flag, the federal flag and the flag of Land Berlin shall be

displayed daily. In the event that flags are to be displayed on a special occasion pursuant to section III, additional flags shall be displayed as well.

(2) The provisions governing flag displays at official buildings, installations and facilities of the Federal Armed Forces and of the Federal Border Police shall remain unaffected by the provisions in section V paragraph (1) and paragraphs (3) to (5). The Federal Ministry of the Interior may direct that flags be displayed daily by the Federal Border Police; the Federal Ministry of Defence may direct that flags be displayed daily by the Federal Armed Forces.

(3) Flag displays at official German buildings abroad shall be regulated by the Federal Foreign Office.

VIII. Final provisions

This Decree shall enter into force on the day following its publication in the Federal Gazette. At the same time, the Decree of the Federal Government concerning flag displays at official buildings of the Federation of 23 May 2000 (Federal Gazette, page 11621) shall cease to be in force.

Berlin, 22 March 2005

The Federal Chancellor

Gerhard Schröder

The Federal Minister of the Interior

Otto Schily

APPENDIX 18: Slovak Republic

Source: <http://www.civil.gov.sk/archiv/casopis/2004/9/0912ho.htm>

Use of the flag of the European Union

Recommendation of the Ministry of Interior for the offices of state and local government

In connection with our accession to the European Union Ministry of Interior of the Slovak Republic issued on 19 April 2004 under no. SVS 204-2004/00329 for national authorities and local self-government and for their legal persons and public bodies recommendation to use the EU flag. The published text of the full Recommendation also contains drawings concerning the placing of the flags. For reasons of space will include a drawing of the flag of the European Union. The complete material was published on the 23rd April in the Journal of Government in the amount of sixth

The Ministry of Interior of the Slovak Republic pursuant to § 11 point. b) Act no. 575/2001 of z. of government activity and organization of the central government, in accordance with the wishes of the European Union Member States to expand the use of the flag of the European Union as an important tool to build European identity makes this recommendation:

Art. I

Citation

Flag of the European Union since 1 May 2004 included the presentation of the flag of the Slovak Republic as an EU Member State.

Art. II

Image of the flag of the European Union

(1) The emblem is in the form of a blue rectangular flag of which the fly is one and a half times the length of the hoist. Twelve gold stars situated at equal intervals form an invisible circle whose centre is the point of intersection of the diagonals of the rectangle. The radius of the circle is equal to one-third of the height of the hoist. Each of the stars has five points which are situated on the circumference of an invisible circle whose radius is equal to one-eighteenth of the height of the hoist. All the stars are upright - that is to say, with the one point vertical and two points in a straight line at right angles to the mast. The circle is arranged so that the stars appear in the position of the hours on the face of a clock.

(2) How binding color flags are considered characteristics of the three color schemes: PANTONE, and CMYK WEB palette.

Blue: PANTONE REFLEX BLUE (PANTONE in the system), and 100% Cyan 80% Magenta (CMYK in the system), respectively. RGB: 0/0/153 (in the web palette);

Yellow: Pantone Yellow (PANTONE in the system), 100% YELLOW (in CMYK), RGB: 255/204/204 (in the WEB system palette).

(3) European Union flag is a symbol of the European Union. This is a free piece of fabric a prescribed ratio and the prescribed color, which is put on the pole. Pledge of the European Union is formed under the flag of the European Union, the letter is attached firmly to the mast and along with it when bunting to get worse. Koruhva European Union is a vertical type of the European Union flag is attached to the cross spars, and with it is put on the pole. Has the same form and table flag of the European Union. These recommendations for use of the flag of the European Union shall apply mutatis mutandis to the derived symbols.

Art. III

Using the flag of the European Union in the presence of state flags

(1) The European Union Flag is used only in presence of the national flag of the Slovak Republic, the national flag of the Slovak Republic is placed on the honourous place. In practice this means that the national flag of the Slovak Republic is placed in terms of looking at (the "front view") always on the left, while the EU flag is placed, on a frontal view, on the right of the flag of the Slovak Republic.

If the building is equipped with a single mast to hoist the flag, or a single device to display the national flag, the pennant or flag of the European Union has to be abandoned.

(2) In the case of simultaneous erection of the Slovak Republic flag, the flag of another country, whether European Union Member State or another State and the EU flag, state flag of the Slovak Republic is placed in the middle, to the left of the front view to display the flag of another country and right from the national flag of the Slovak Republic from the front view, display the flag of the European Union.

If in this case, only two masts are available, the erection of the flag of the European Union has to be abandoned and the flag of the other State shall be erected from the front view of the right of the flag of the Slovak Republic.

(3) In the case of the erection of the flag of the Slovak Republic, two flags of other countries and the EU flag, the flag of the Slovak Republic is put out from the front view left in the middle pair of flags, the right of the flag of the Slovak Republic is put out the first national flag of another State, from left front view from the national flag of the Slovak Republic is the second display the flag of another country (in alphabetical order) and the extreme right pole from the front view, displays the flag of the European Union.

If you are in this case, and there are only three masts, the erection of the flag of the European Union has to be abandoned, the national flag of the Slovak Republic shall

be erected in the middle, to the left of the front view, first display the flag of another State and the right of the flag of the Slovak Republic from the front view the second display the flag of another country in alphabetical order.

(4) In the case of the simultaneous erection of the flag of the Slovak republiky, the flags of three other states and the EU flag, the flag of the Slovak republic is erected on the center-right from the front view. On the left of the flag of the Slovak Republic, from the front view, is put out the first national flag of the other States. The extreme left pole is used to display the flag of the other third countries (in alphabetical order) and the extreme right pole, from the front view, displays the flag of the European Union.

If you are in this case and only four masts are available, the erection of the flag of the European Union has to be abandoned and the flag of the Slovak Republic shall be erected in the left middle frontal view. The right of the flag of the Slovak Republic from the front view is used for the first flag of the other States, from the front view to the left of the national flag of the Slovak Republic the flag of another country is displayed and on the rightmost pole the third flag is displayed (in alphabetical order).

(5) The procedure is the same with the erection of higher numbers of state flags in the presence of the flag of the European Union. Although any hoist of the flag of the European Union depends on the existence of a free mast. It is appropriate to keep on mind the flag of the European Union, thus it is recommended to ensure the necessary equipment in time.

(6) If during the simultaneous use of the state flag of the Slovak Republic and the European Union flag, and if there is an odd number of poles, the flag of the Slovak Republic must not be used in smaller numbers.

Art. IV

Using the flag of the European Union in the presence of the national flag of the Slovak Republic and in the presence of municipal flags

(1) The authorities of local governments and their legal persons, especially primary schools and secondary schools, use the flag of the European Union only in the presence of the national flag of the Slovak Republic and municipal flags, so that the national flag of the Slovak Republic is put in the middle. From the left side State flag of the Slovak Republic the flag of the European Union is displayed and on the right side of the flag of the Slovak Republic the flag of local governments is displayed.

If only two poles are available the use of the flags of the European Union has to be abandoned, and the state flag of the Slovak Republic shall be erected on the left pole from the front view, on its right the flag of local governments is displayed.

(2) If the territorial government and their legal entity use at the same time the State flag of the Slovak Republic, the European Union flag, the flag of local government and its own flag (for example the flag of a school), the flag of the Slovak Republic is placed on the centre-left from the front view, on the right of the flag of the Slovak Republic from the front view the flag of the European Union is displayed, on the

extreme left pole the flag of the local government is displayed and on the extreme right the school flag is put out.

In the event that only three masts are available, the erection of the flag of the European Union has to be abandoned and the flag of the Slovak Republic shall be erected in the middle, on the left from the front view, the flag of the territorial self-government is displayed and on the right from the front view the flag of the school is displayed.

(3) In cases where the flag of the Slovak Republic together with the European Union flag, the flag of another country and the flag of territorial governments are in odd numbers, the national flag of the Slovak Republic always occupies in the middle position. The flags of other States shall be erected from the front view always alternately on the left and right (in alphabetical order), on the leftmost pole from the frontal view the flag of the European Union is displayed and on the rightmost pole from frontal view the flag of the local government is displayed.

For an even number of flags, the state flag of the Slovak Republic is put out on the left in the middle from the front view, the flags of other States shall be erected always on the right and left of the flag of the Slovak Republic (in alphabetical order), the leftmost pole from the front view hoists the flag of the European Union and the rightmost pole of the frontal view displays the flag of local governments.

Art. V

Using the flag of the European Union together with the standard of the President of the Slovak Republic, the standards of the Region Chairman and the standards of the mayor

(1) If the President of the Slovak Republic is present in its headquarters in addition to his standard, the flag of the European Union is used in the presence of the national flag of the Slovak Republic. While the national flag of the Slovak Republic is placed in the middle, on the left of the flag of the Slovak Republic from the front view the flag of the European Union is placed and on the right of the flag of the Slovak Republic from the front view the banner of the President of the Slovak Republic is placed.

(2) If the President of the Autonomous Region is in his office, in addition to his standard, the flag of the European Union is used in the presence of the national flag of the Slovak Republic. While the national flag of the Slovak Republic is placed, from the front view, in the left in the middle pair of the four flags, on the right side of the flag of the Slovak Republic the flag of the European Union is placed, on the extreme left pole of the frontal view the flag of the Region is placed and on the extreme right pole the banner of the Region Chairman is placed.

(3) If the mayor is in his office, in addition to his standard the flag of the European Union is used in the presence of the national flag of the Slovak Republic. While the national flag of the Slovak Republic is placed, from the front view, on the left in the middle pair of the four flags, on the right of the state flag of the Slovak Republic the European Union flag is placed, at the extreme left pole of the frontal view the city

(municipality) flag is placed and on the extreme right pole the banner of the mayor is placed.