



## **Master of Arts Thesis**

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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**

**Submitted by:**

Michal Kubáň

S20023229

michal.kuban01@gmail.com

**Supervised by:**

Ondřej Kučera

(Palacký University in Olomouc)

Dr. Stefan van der Poel

(University of Groningen)

**Olomouc, 15 July 2011**

**Signature**



**MA Program Euroculture  
Declaration**

I, 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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Date: .....30 July 2011.....

## **Preface**

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## Introduction

“Celebrate ‘Treason Day’, 1st December, by burning an [European Union (EU)] flag.”<sup>1</sup> To protest against the signing of the Lisbon Treaty and the growing influence of the European Union (EU), a group of internet users, calling themselves “We are the states”, are haranguing their co-users and fellow citizens using this shock formula. More than just a word of provocation, they organized an event, on the 1<sup>st</sup> 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 2 meter wide. Even though, the initial plan was not carried out as 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. Apart from that, the European Union has been frequently the object of such acts of vindication. All through the history burning flags has been associated with protesting against the administration of a country, the most famous examples can be found during the movement against the war in Vietnam in the United States. In fact, this is quite surprising phenomenon. 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 supports the sense of perceiving the activity of burning a flag as meaningful and even dangerous act. 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.<sup>2</sup> This interest of law for this activity and the seriousness of the punishment reinforce the initial question: Is burning a mere flag such a subversive activity? Does it really have to be punished? Why could not people act with their national flag as they feel and why not burn 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 mean ignoring the most important part of its essence: a flag is the first and foremost the emblem of a country, a physical representation of a nation. If this reading key is applied, then the event of the “We are the states” group

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

2 French Republic, Article 433-5-1 of the Penal Code, Legislative part, Book IV, Title III, Chapter III. Section, Official Journal of the French Republic, 19 March 2003, <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI000006418556&dateTexte=&categorieLien=cid> (accessed 14 April 2011)

suddenly becomes clearer. Far from willing to burn a flag, they want to metaphorically set on fire what is represented by the flag - the European Union. Therefore burning a flag equals to no less than attacking the country itself. On the other hand for a person waving the flag of his country, for example, during an 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 European Union. This process is developing on the level of 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 means more than what it seems? 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 being 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 members. 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? The answers to this new set of questions can be found in the recent history. Not that long ago, a controversy rose concerning the non-presence of the EU flag on the state buildings in one of the member states, namely the 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. This refusal of displaying flag put the Czech Republic to the group of Eurosceptics. 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.

### **Aims 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



as within the framework of the sample of the selected EU member-states. The Lisbon Treaty does not regulate the use of the European symbols within its 27 member-states and thus the interpretation of the use of the European flag, the European anthem, Europa Day and the motto of the EU may differ in each member state. As suggested, the controversy which happened in the Czech Republic draws 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 visible 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 detailed research. 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 the Czech state flag and their presentation during official events are also explored, for example, if the EU flag is gradually replacing the Czech flag in the national institutions or not.

Seven years after the joining to the EU, the Czech Republic seems to be considered as one of the Eurosceptic country. In the 20<sup>th</sup> century the Czech nation underwent several dramatic events, starting with the establishment of Czechoslovakia in 1918, German occupation in the period 1939-1945, Communist coup d'état in 1948, Prague Spring followed by the Soviet invasion in 1968, and finally Velvet Revolution in 1989. In the 1990s Czech nation with its long experience of totalitarian system of Communist regime had to find its own place in the new map of integrating Europe. Czechs straightaway decided to 'return to democratic Europe' and re-establish its interwar democratic tradition and enter to market economy. This process was finished in 2004 when the Czech Republic entered to the European Union. In this period the Czech nation experienced diverse feelings; happiness from re-implementation of democracy, the new opportunities, on the other side, disillusion from long period of waiting for the accession, problems caused by economic transition. The attitude of the Czech nation and its political elites towards the European Union has been shifting. Therefore, the

position of the Czech nations towards the European Union will be evaluated. Is the Czech Republic really Eurosceptic? If yes, what are these internal factors which set the position of Czechs towards the European Union? In order to speak about Eurosceptism, the role of Václav Klaus, the main and loudest opponent of the European Union, is analysed. Is the Czech Republic really an Eurosceptic country or if it is due to president Klaus who imposes a Eurosceptic face to the Czech Republic, compared to the other EU member states? Is it fair to accuse the country of Euroscepticism just because it does not display the European flag? This driving question will be answered on the basis of the case study, the research conducted on the example of the Czech Republic.

Since this thesis aims to be 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. To explain this, the thesis is intended to provide an independent study of the Czech case from the internal Czech point of view showing the reality of the country and its approaches towards displaying of the flag. Nevertheless, as the description of the specific Czech reasons and reality would be rather self-centred, a study providing approaches of 8 chosen EU member states is carried out.

In the Lisbon Treaty, 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 extent they fulfil their declarations in the Lisbon Treaty, 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 national institutions of the selected sample of EU member-states? These are two driving questions which orientates the second part of the research.

## **Hypotheses**

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 the 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?

## **Structure of the Thesis**

The first chapter gives general information about a symbol as such and its 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 contexts. A long sheet of the history of European community consisted in finding new symbols to represent itself and enhance a feeling of common belonging throughout the EU. Thus, this chapter also 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 last part of the first chapter focuses on 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 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 its own symbol, i.e. the flag, in order to overcome the crisis of confidence in its integration. Furthermore, several examples show 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.

The third chapter analyses the Czech attitudes towards the EU in pre-accession and after accession period and thus it belongs to the main pillars of this thesis. It also

evaluates the attitude of the Czech mass and elite towards the EU in terms of Czech national identity. Through this it assesses the level of Euroscepticism in the Czech Republic and understands whether the Czech Republic is really an Eurosceptic country. It also analyses the Eurosceptic position of Vaclav Klaus towards the EU.

The fourth chapter covers the case study, particularly, it deals with the use and interpretation of the 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 European flag in the Czech Republic will be discussed as well as the controversy which occurred during the Czech EU presidency around the EU flag. The fourth chapter ends in the discussion.

The last chapter evaluates different interpretations of the use of the European flag within the selected sample of eight member-states countries and thus gives results for the final comparison of the selected sample of the EU member-states and the Czech Republic. The outcome of this evaluation as well as a debate is provided in the last chapter of this thesis since it appropriately fits into the final conclusion of this thesis.

The last chapter consists in a conclusion in which the outcomes of the study are summarized and which attempts to draw the future goals of the European Union in terms of its symbols and promotion.

## **Methodology**

The first part of the study covers the Czech institutions and the second part of the study deals with a sample of eight selected EU countries, mainly with the departments which are in charge of public relations and communication (press and protocol departments). The information about the institutions mentioned above were collected through the combination of three methods: computer-assisted personal interviews, semi-structured interviews with the representatives of the government and ministries, and content analysis.

The content analysis of the website of the selected Czech institutions was used in order to examine the scope and size of the information provided by the Czech

institutions about the use of the European flag in the Czech Republic. It has to be underlined that due to the lack of legal rules and regulation concerning the use European flag in the Czech Republic the surveyed institutions do not provide full-range information about the use of the European flag. Thus, for this study-case, it has been decided to collect data through semi-structured interviews. However, because of several practical reasons, the exchange was carried out via emails. This method does not completely answer to the criteria of a semi-structured interview but it is considered as such since it is very similar to it: a set of questions was prepared and then sent to the respondents.<sup>3</sup> If the answers given required more additional questions, another email was sent until everything became clear. Despite the drawbacks mentioned previously, one of the semi-structured interviews was also conducted through the telephone.<sup>4</sup>

The Czech institutions included in the target group are: the Office of the President of the Czech Republic<sup>5</sup>, the Ministry of the Foreign Affairs of the Czech Republic<sup>6</sup>, the Office of the Government of the Czech Republic<sup>7</sup> and the Permanent Representation of the Czech Republic to the European Union<sup>8</sup>. 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. Furthermore, 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. 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.

While conducting a research with these institutions 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 also has to keep its interests in international policy. Thus, the fact that the

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3 See APPENDIX 1: Preliminary Interview Questions – Czech institutions

4 With Mr. Karel Kortánek, as the Director of Department of Protocol and Foreign Relations Office in the Government of the Czech Republic

5 Petr Macinka, for the Press Department of the Office of the President of the Czech Republic

6 Ms. Alena Hlaváčková, who works at the Press Department of the Ministry of the Foreign Affairs of the Czech Republic

7 Mr. Karel Kortánek, as the Director of Department of Protocol and Foreign Relations Office in the Government of the Czech Republic

8 Ms. 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.

national institutions could favour the Czech position than the European one should not be ignored.

The purpose of the second part of the research on the selected institutions was to obtain specific information concerning the European flag in the surveyed (eight) countries and their position towards the national flags via computer-assisted personal interviewing. It is assumed that since the Lisbon Treaty 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. The Lisbon Treaty is not really expansive concerning the use of the European symbols, which can be perceived as a limitation of the study. This is why all the representatives were first asked via email exchanges the same set of questions, abstraction being made of the national differences, to be able to compare the answers and draw a general tendency.<sup>9</sup> Then, if some national characteristics were underlined, additional questions followed to deepen the collect of data on that point.

Following the gradual enlargements, the EU 27 member-states represent a high number of countries to study. The sample of countries from all parts of Europe and from different period of the enlargement of Europe has been selected. Thanks to this, the attitude of old and new member states can be followed.

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 parts 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 does not require any further explanation since they are still somehow those giving their impulses to the EU politics.

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 sampled countries. Slovakia and Slovenia, which became members in 2004, are elected as sample of post-

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9 See APPENDIX 2: Preliminary Interview Questions – Selected Sample of the EU Member-States

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 analysed through the case of Bulgaria and its use of the European flag.

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. 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 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. All data for the selected three Czech institutions have logically been collected in Czech since it is the working language of these institutions. The answers given were then translated into English. As in the case of the selected sample of the EU member-states, 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.

# 1. The European Flag

## 1.1. General role of a symbol and its use from political perspective

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. Literarily anything can be a symbol: a word or phrase, a gesture or an event, a person, a place, or an object. An object becomes a symbol when people endow it with meaning, value or significance. Symbols earn their signification from the arbitrary imposition of men.<sup>10</sup> 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. 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.<sup>11</sup>

The meaning of the message carried by a 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. 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<sup>12</sup>.” At first look Firth’s statement can be applied to the EU symbols. The European symbols were invented, and were then introduced to the European society 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 their current 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 the attempt of understanding the phenomenon of birth of symbols Elder and Cobb distinguish three main impetuses causing the creation of symbols.<sup>13</sup> The first is the

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

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

12 Raymond Firth, *Symbols: Public and Private* (Ithaca: Cornell University Press, 1973), 427.



need to summarize and index knowledge and experience. New symbols are generated when people find themselves in new situations or are confronted with unfamiliar circumstances. The second stimulus for the creation of symbols comes from the need to communicate. Effective communication needs that experience, knowledge, and feeling to be summarized and reduced in eagerly recallable forms. New symbols are created to 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 themselves challenged or its status threatened. Elder and Cobb claim that these symbols generated for such purposes often employ stereotypes and play upon conceptions of enemy.<sup>14</sup> While a flag has a literal meaning in that it designates a place and a state, it also connotes a variety of meanings about people, nation and governance.

Elder and Cobb point out that the affect associated with a symbol presupposes that the symbol is used in a manner connected with the meaning a person attributes to it.<sup>15</sup> A flag designates a precise region that forms the limited area of a state. It also embodies notions about how a society is believed to operate, and certain moral and social values that ostensibly are held by those who mobilise the flag to represent them.

Another factor which also develops hierarchy among symbols is the notion of “symbol weight” created by Merelman.<sup>16</sup> 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 may be applied. For example, the 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. Empirical experience has shown that indeed high-order symbols are the object of widespread and intense affective sentiments.<sup>17</sup> In a steady political system, affective orientation toward high-order symbols will normally be acquired earlier and held longer than those directed toward lower-order ones. For instance, children naturally

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14 Roger Cobb and Charles Elder, *The Political Uses of Symbols* (New York: Longmann, 1983), 32.

15 Ibid., 38.

16 Richard Merelman, “Learning and Legitimacy,” *American Political Science Review* 60, n.30 (1966):556.

17 Roger Cobb and Charles Elder, “Symbolic Identification and Political Behaviour,” *American Politics Quarterly* 4, no. 3 (1976): 305-332.

develop emotional attachments towards the flag.

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 towards it are likely to be across persons and groups.<sup>18</sup> The longer the symbol exists in the society the more it is recognized as a permanent feature of a society. For example, the visibility and recognition of the European flag by its citizens appears to be a first step toward a feeling of belonging to the European Union. A Eurobarometer conducted at the beginning of the year 2004 surveyed the awareness of the European flag.<sup>19</sup> When the respondents were shown a photo of the European flag, 94 per cent of them state that they had seen it before. The level of recognition is five points higher than the recorded score in the Eurobarometer 2002. These numbers are very high and it showed that almost entire population of the EU is very familiar with this symbol, i.e. the European flag. However, the recognition of the European flag tends to reduce slightly with age because 98 per cent of respondents of the age 15-24 age group and 90% of the 55 and over age group have already seen and thus recognized this symbol. The level of the education plays also the significant role in terms of recognition of complex symbol. For example, in the case of the European flag, 88 per cent of those having studied up to the age of 15 recognise it, while 98 per cent of respondents having studied up to the age of at least 20 recognise it. There is a clear difference of 10 points. It means that the more people are educated the more are aware of the European matters. The symbol itself can attach the individual to whole hierarchy of other symbols in the same project. In 2004 almost 95 per cent of respondents in a conducted Eurobarometer correctly identified the flag with a European dimension (Europe, the Common Market). Furthermore, one out of two interviewees identified with this flag.

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 or even a community symbol. Merelman gives examples of authorities from American history such as Abraham Lincoln, George Washington.<sup>20</sup> As

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18 Rogger Cobb and Charles Elder, "Symbolic Identification and Political Behaviour," *American Politics Quarterly* 4, no. 3 (1976): 6.

19 European Commission, "Public Opinion Archives - Eurobarometer 62," Full Report May 2005, [http://ec.europa.eu/public\\_opinion/archives/eb/eb62/eb62\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm) (accessed 10 March 2011)

20 Richard Merelman, "Learning and Legitimacy," *American Political Science Review* 60, no. 30 (1966): 556.

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.

Nowadays, the most direct link between society and politics is connected with mass media. The type of surveillance the media provide is typically geared to the interest and concern of its audience. Elder and Cobb emphasize that symbols are critical in communicating the frustration underlying these 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.<sup>21</sup> 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 stirred by the movement and the application of those symbols are familiar ones, the movement is likely to benefit from the interest aroused. In reality, it is the case of the European Community, where 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 an 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. The more remote the power is from its centre the greater the need and the greater the possibility of using symbols to suggest and justify authority is.<sup>22</sup> 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. In addition, political leaderships and authority are supported by other elements. Myths and rituals serve to strengthen political power within all the 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"<sup>23</sup>. 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

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21 Roger Cobb and Charles Elder, *The Political Uses of Symbols* (New York: Longmann, 1983), 17.

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

23 Thomas Anton, "Roles and Symbols in the Determination of State Expenditures," *Mid-West Journal of Political Science* 11 no. 1 (1967): 38.

and highlight the acts of governments. However, reciprocal process is not observed only in the national governments, but also within the European community.

Symbols may also be served differently when they serve to the masses or to elites. Edelman in his work observed that organized elites communicate in politics through referential symbols and have a tendency to perform instrumentally.<sup>24</sup> He defines referential symbols as “economic ways of referring to the objective elements in objects or situations: the elements recognized likewise by different people.”<sup>25</sup> 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. On the other hand, the unorganized masses communicate through condensational symbols and expressive behaviour. In this case the condensational symbols refer to the symbols which are based on emotions.<sup>26</sup> Organized elites operate symbols for specific materials ends, using them to arouse or to calm the mass public.<sup>27</sup> The flag of the Council of Europe was in 1955 adopted as the flag of the EU (then the European Economic Community at that time) adopted by European Parliament in 1985. 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 the 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 a significant role in the usage of symbols. Symbols themselves may be regarded as important and characteristic elements of political culture. Indeed, the common core of meaning which is given to the symbol is based on cultural premises and prescriptions. The new political process itself may be used to prompt cultural change and open up new possibilities for political action.<sup>28</sup> 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

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24 Jacob Edelman, *The Symbolic Uses of Politics* (New York: University of Illinois Press, 1985), 22 – 23.

25 Jacob Edelman, *The Symbolic Uses of Politics* ( New York: University of Illinois Press 1985), 6.

26 Ibid.

27 Ibid., 89 – 95.

28 Roger Cobb and Charles Elder, *The Political Uses of Symbols* (New York: Longmann, 1983), 82.

vital to the stability and productivity of the political system.<sup>29</sup> 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.<sup>30</sup> 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 symbolic images. Symbols often support overstated self-images and superficial, inaccurate and ill-conceived assumptions regarding other nations. On the other hand, there are many flags, logos and symbols of the international humanitarian organisations, non-governmental organisations which entail feelings of peace and security. Governments often mobilise political symbols. From wars to welfare reform governments appeal to commonly understood symbols to promote their agenda. This mobilisation of symbols is not limited to convert attempts at change; it often also appears in more mundane forms of communication. If a flag signals the system of government in a particular state then it also signals the theoretical underpinnings of that system and indicates by extension that those who utilise the flag ostensibly hold those concepts to be important. For those who claim some ownership over it, a flag as stands as a symbol tie with emotions, linked spatially and temporally.

To sum up, anything can be a symbol but people have to endow it with meaning, value or significance. Symbol can be invented or reconstructed when people realize that the current symbols are not able to capture or give impression of their new experiences and feelings. Symbols are always related to an authority either the state or a leader. Organized elites operate symbols for specific materials ends, using them to mobilize the mass public. A flag has a literal meaning in that it designates a place and a state. It also defines a variety meanings about people, nation and governance. The longer the symbol exists in the society the more it is recognized as a permanent feature of a society and has a widespread and intensive effect on individuals which are affected by this symbol. The visibility and adoption the EU flag as the symbol of the European Community by its citizen was the first step toward the feeling of belonging to the European Union. However, the way to the final design of the EU flag was long and complicated as it will be showed in the following chapter.

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29 Ibid., 112.

30 Ibid., 114.

## 1.2. History of the European Flag

The flag of Europe is nowadays the flag of the European Union and the Council of Europe. Throughout the years of its existence it has become widely accepted around the world. 12 stars in ring are nowadays a symbol of Europe and its values. However, the path to its adoption as the official flag of the European Union has been quite long and complicated. The creation of the flag is highly connected with 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.<sup>31</sup> 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 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 a symbol or a flag had more practical and operational rather than prestigious reasons. 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.”<sup>32</sup>

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 in terms of the flag. According to the international law a flag belongs to a state or another subject of international law system.

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31 Council of Europe, “Key Dates,” <http://www.coe.int/aboutcoe/index.asp?page=datescles&l=en> (accessed 7 February 2011).

32 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), [www.ena.lu](http://www.ena.lu) (accessed 6 February 2011), 111.

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,<sup>33</sup> “said Salvador de Madariaga, Spanish statesman and founder of the College of Europe in Bruges. If a consensus on the need of a 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 the 1920s ideas for a Pan-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.<sup>34</sup>

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.<sup>35</sup>

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 emblem may be selected for the organization. In fact, this was not the only attempt to

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33 European Navigator, 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](http://www.ena.lu) (accessed 4 February 2011).

34 European Navigator, “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](http://www.ena.lu/european_flag_questions_answers_2005-2-21621) (accessed 6 January 2011). See APPENDIX 4: A Pan-European Flag

35 APPENDIX 5: Proposal for European flag by Salvador Madegeria

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 designs of flags to the Secretary-General and the Director of Information.<sup>36</sup>

Another suggestion was made by a cartographer from Bad Godesberg who submitted 12 proposals for flags for the Council of Europe.<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup>

In the end, from all the proposals 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. The second suggestion was a constellation of stars – originally proposed by pro Salvador de Madariaga.<sup>40</sup>

Finally, on 8 December 1955, the Committee of Ministers of the Council of Europe adopted the European flag designed by Arsène Heitz.<sup>41</sup> However, this final

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36 APPENDIX 5: Samples of proposal by Arsène Heitz

37 APPENDIX 6: Twelve proposals for European Flag

38 European Navigator, 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.

<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. (accessed 25 January 2011)

39 European Navigator, Consultative Assembly of the Council of Europe, Recommendation 88 on the emblem of the Council of Europe, 1995 (Strasbourg)

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta55/EREC88.htm>. (accessed 17 March 2011)

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

41 Committee of Ministers of the Council of Europe, Resolution (55) 32 of the Committee of Ministers of the Council of Europe on the Emblem of the Council of Europe, 9 December 1955, in Documents of the Committee of Ministers 1955, II, (1955):205. [www.ena.lu](http://www.ena.lu). (accessed 11 January)



design did not completely reach a consensus and no end was put to the debate.

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.<sup>42</sup> Members 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.<sup>43</sup> The competition was never run, and from 1961 onwards, the discussion regarding a possible change the European flag was left in abeyance.<sup>44</sup>

Adopting a representative flag itself was not enough for the Council of Europe which also wanted other European institutions to adopt the same flag. This led to 1983, the year when the European Parliament took up the request. In fact, this process dated back to elections of the new European Parliament in 1979. While starting to reflect and look for its own symbols, the Members of Parliament came to conclusion that the flag with 12 stars 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 symbols of the organisation - the flag and the anthem - may be used by the European Communities.<sup>45</sup> 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.<sup>46</sup> The European flag also functions as the emblem of the European Commission - the EU's executive arm.<sup>47</sup> Other EU institutions and bodies

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42 Carlo Gialdo, *I Simboli dell'Unione europea* (Bandiera - Inno - Motto - Moneta – Giornata. Roma: Istituto Poligrafico e Zecca dello Stato, 2005) , 41-71. Translated by the CVCE. [www.ena.lu](http://www.ena.lu) (accessed 6 February 2011), 111.

43 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

44 *Ibid.*, 131.

45 Parliamentary Assembly of the Council of Europe, Recommendation 994 (1984) on the future of European co-operation, Article IV: General policy of the Council of Europe, (Strasbourg 2006), [www.ena.lu](http://www.ena.lu) (accessed 30 March 2011)

46 Council of Europe, The European flag: questions and answers (2005), 21 February 2006, Strasbourg, [http://www.ena.lu/european\\_flag\\_questions\\_answers\\_2005-2-21621](http://www.ena.lu/european_flag_questions_answers_2005-2-21621) (accessed 12 January 2011 )

47 In 1996, the Council of Europe and the European Commission jointly published a graphics guide

use a logo of their own in addition to the European flag.<sup>48</sup> Nonetheless, all the new EU institutions and agendas over time have been gradually inspired by the EU flag.<sup>49</sup>

### 1.3. 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.<sup>50</sup> 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.<sup>51</sup>

The European Union claimed that 'the number of stars has nothing to do with the number of Member States. There are twelve stars because the number twelve traditionally symbolizes the symbol of perfection, completeness and unity.'<sup>52</sup> 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 of the number of the stars differs from the one claimed the European Union.

At the occasion of the celebration of the 40<sup>th</sup> 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 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.”<sup>53</sup>

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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](http://www.ena.lu) (accessed 11 January 2011)

48 Except European Agency for Reconstruction.

49 See Annex II

50 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).

51 See APPENDIX 8: Description of the First Flag.

52 Ibid.

53 The Origin of the Flag, Video, (00:03:42, Couleur, Son original) Council of Europe, 2005, Strasbourg, [http://www.ena.lu/temoignage\\_paul\\_levy\\_creation\\_drapeau\\_europeen-1-20734](http://www.ena.lu/temoignage_paul_levy_creation_drapeau_europeen-1-20734) Translated by author, (accessed 10 January 2011).

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 follows: “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”<sup>54</sup>. 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 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 flags 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 Government<sup>55</sup> and selected 12 designs out of 1400 entries from 63 countries.<sup>56</sup> The final twelve designs were presented in Berlin and The Hague.

The recent example of the contestation of the European flag occurred in the United Kingdom on the eve of the European Day. On May 7<sup>th</sup>, 2011, Downing Street announced that, it will not fly the EU flag over Number 10 during Europe Day unlike previous years.<sup>57</sup> 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

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54 Committee of Ministers of the Council of Europe, Resolution (55) 32 of the Committee of Ministers of the Council of Europe on the Emblem of the Council of Europe, 9 December 1955, in Documents of the Committee of Ministers 1955, II, (1955):205.

[http://www.ena.lu/resolution\\_55\\_32\\_committee\\_ministers\\_council\\_europe\\_december\\_1955-2-17805](http://www.ena.lu/resolution_55_32_committee_ministers_council_europe_december_1955-2-17805) (accessed 11 January 2011).

55 The Hague - Design and Government, <http://www.designdenhaag.eu> (accessed 4 February 2011).

56 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).

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

Liberal Democratic 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.<sup>58</sup> The government's own published guidance still does suggest that departments should mark the day by flying the EU flag.

#### **1.4. 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. Foret in his work discloses that twelve stars are the most repeated items used to represent Europe, particularly as a global political entity, as an institutional system or in its relation with the rest of the world.<sup>59</sup> 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 or 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 economical connotation. This wave or flooding of European flags, 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 paper flags 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

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58 Gerri Peev, "Downing Street won't fly EU flag as Cameron snubs Europe Day... but Lib Dems WILL hoist banner." *Daily Mail*, 9 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).

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

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 at the same time by 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 reactive 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.<sup>60</sup>

“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.<sup>61</sup> The European

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60 Council of Europe, *The symbols of the EU - Graphical specifications for the European Emblem*. (n.d.) [http://europa.eu/abc/symbols/emblem/graphics2\\_en.htm#parties](http://europa.eu/abc/symbols/emblem/graphics2_en.htm#parties) (accessed March 15th, 2011).

61 EUROPA, “the portal site of the European Union,”

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 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 on the national and low administrative level.<sup>62</sup> The European flag is present in every speech present 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.<sup>63</sup> 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”.

Actually, in the Final Act on the Treaty of sixteen member states<sup>64</sup> 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 an accepted and promoted as ‘symbols to express the sense of community of the people in the European Union and their allegiance to it’.<sup>65</sup> 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

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[http://europa.eu/abc/symbols/emblem/graphics1\\_en.htm#symbol](http://europa.eu/abc/symbols/emblem/graphics1_en.htm#symbol) (accessed 11 January)

62 Council of Europe, Council of Europe's Emblems - The European flag, Council of Europe, [http://web.archive.org/web/20070807045151/http://www.coe.int/T/E/Com/About\\_Coe/flag.asp](http://web.archive.org/web/20070807045151/http://www.coe.int/T/E/Com/About_Coe/flag.asp) (accessed 5 May 2011)

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

64 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, *Official Journal of the European Union*, 17 December 2007, C 306, Volume 56, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011), 267

65 European Union, Treaty of Lisbon, Final Act, *Official Journal of the European Union*, 17 December 2007, C 306, volume 5, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011): 267.

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.

To sum up, the European flag has some specific qualities among other national flags. Firstly, it was not created on the basis of the historical consequences but it was invented for practical and representatives purposes. Secondly, the European flag is different than national ones from the perspective of its legal recognition. Thirdly, the debate about the final design of the European flag was long-lasting. Only 16 out of 27 member-states committed to use the European flag as common symbol of the EU. However, the legal of value of this confirmation is diverse in each country as well the interpretation use of the European flag. Hence, particularly, the interpretation of the use can lead to high diversity even within the whole European Union.

## 2. Understanding the Role of the European Flag

In the previous part it has been shown exceptional qualities of the European flag and a critical role of a symbol 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 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.

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.<sup>66</sup>

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



## 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 acknowledged 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. Focusing on the European flag as a 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.<sup>67</sup>

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 that 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 the 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.

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

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

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.<sup>68</sup> As the very specific example serves 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 multiple significations.<sup>69</sup> In the context Kerzer uses the term ‘cult’ and gives the 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.<sup>70</sup> 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.<sup>71</sup>

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.<sup>72</sup> 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.<sup>73</sup> The searching for a proper tradition is obvious concerning the European flag. In 1955, the Council of Europe opted for a new

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68 See chapter History of the European Flag

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

70 *Ibid.*, 85.

71 François, Foret, “Symbolic Dimension of EU Legitimization,” *Media, Culture and Society* 31, no. 2 (2009): 314.

72 *Ibid.*, 313.

73 Eric Hobsbawm, introduction to *Inventing Traditions*, by Eric Hobsbawm and Terence Ranger, (Cambridge: Cambridge University Press, 1983), 1.

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 delaminating a sphere of belonging and limit of sovereignty. For example, at the border the flag indicates the limits where ‘otherness’ starts. The term “Otherness” refers to a negative entity which the individual, groups, ethnic communities or nations construct their identities. For example: “We are different because we are not like “them”.”<sup>74</sup> Coming from the European member-states with the Euro passport is easily to enter the EU Member-state. The European flag at the border evoke for us the feeling of the being of the member of the Euro family, i.e. the European Union. On the contrary, when the people from non EU member-states come and see the European flag at the border, for them it may suggest the feelings of isolation and something which is hard to reach due to the strict EU visa policy. In this case, the EU flag, generally all the symbols point out the places of power when displayed on public buildings, at borders, on school buildings, courts, ministries, local municipalities, police stations, state administrations buildings etc. Therefore, the flag is also used during political rituals and ceremonial to highlight the power of the authorities, governments and political leaders.

## 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.<sup>75</sup> The flag is also at 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. The flag represents a community or an organisation. Once a community is recognized on its international level by authorities, a flag is immediately its main representative element.

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

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74 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.

75 See chapter History of the European Flag

interpretations. These rules can be interpreted as an international law or simply international agreements between the countries, within international organisations and groups.

In the current period, every organisation willing to reach its own international or even local 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.<sup>76</sup>

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”<sup>77</sup>. For example, since the middle Ages families of the nobility have started to create and cultivate their own coat of arms as a symbol of their authorities within their geo regions. This marking by the coat of arms symbolised the power of the owner and established the hierarchical level of the owners, with the monarch at the higher position. This marking by coat of arms symbolized the power of owner and established the hierarchical level of the owners where monarch was on the top.

The symbols serve also as a 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.<sup>78</sup>

The limitation of symbolisation was met less directly by European institutions. 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.<sup>79</sup> 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 represented only 61% of the

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

77 François, Foret, “Symbolic Dimension of EU Legitimization,” *Media, Culture and Society* 31, no. 2 (2009): 317

78 François Foret, “Symbolic Dimension of EU Legitimization,” *Media, Culture and Society* 31, no. 2 (2009): 316.

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

citizens. In fact, this percentage of participants does not show that much of a change that the first European Parliament election which were held in 1979 and in which 63% of people participated.<sup>80</sup> 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 widely promoted, was perceived as a warning for the European community. The lack of interest about the EU matters was obvious. Solutions had to be found to mobilize the community of citizens around the European community and activate it for the European matters. One of the tools considered as likely to 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.<sup>81</sup> 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 depositary of the general interest and legitimacy.<sup>82</sup> 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 indicate this use of the flag to the United States of America and to lesser extent in the United Kingdom. He argues that the European Union itself would be belongs to the group of weak states but with a restricted civil society.<sup>83</sup>

Touching this topic of is it necessary to mention also another European symbol, the Europe Day. This day, celebrated on the 9<sup>th</sup> 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

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80 European Parliament, “Turnout trends at European elections - table 1979-2004,” 4 July 2004. [http://www.europarl.europa.eu/elections2004/ep-election/sites/en/results1306/turnout\\_ep/turnout\\_table.html](http://www.europarl.europa.eu/elections2004/ep-election/sites/en/results1306/turnout_ep/turnout_table.html) (accessed March 7th, 2011).

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

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

83 Ibid. 643.

matters, in the same way as the EU flag. However, neither the EU nor the EU member-states act as organizers of the symbolic action on this occasion. It could presume that no one is interested in this occasion. 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 blue background and does not know the reason for the display as well as for the meaning of the celebration.<sup>84</sup>

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.<sup>85</sup>

Across the EU, much discontentment was voiced against the presence of the EU flag on some buildings. For example, in the United Kingdom, the City Council in New Castle 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'.<sup>86</sup> It is on this ground, of the EU not being a nation, that the flag of the EU was treated as a mere advertising.

The second example of the disapproval to displaying the EU flag in the United Kingdom comes from the year 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

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84 François Foret, "Symbolic Dimension of EU Legitimization," *Media, Culture and Society* 31, no. 2 (2009): 317.

85 *Ibid.*, 330.

86 Daily Mail, "Council forced to take down EU flag," *Daily Mail*, 27th June 2006. [http://www.dailymail.co.uk/news/article\\_392784/Council-forced-EU-flag.html](http://www.dailymail.co.uk/news/article_392784/Council-forced-EU-flag.html) (accessed March 6th, 2011).

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 feelings of adhesion to the EU community; it also creates negative feelings 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.

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 a 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 delimitates a sphere of belonging and a limit of sovereignty.

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 perceive it. Kertzer defines the term 'ritual' as an analytical category that helps people to deal with the chaos of

human experience and put it into a coherent framework.<sup>87</sup> 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.<sup>88</sup> Kertzer argues that “the symbolism of the flag and the ritual it creates, are the basis of a feeling of identity and national identity”<sup>89</sup>. 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.<sup>90</sup> 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 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 states together. 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 declarative form. The complexity and uncertainties of meaning of symbols represent the sources of their strength.<sup>91</sup>

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.<sup>92</sup> 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 symbolizes 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

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

88 *Ibid.*, 104.

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

90 David I. Kertzer, *Ritual, Politics and Power* (New Haven: Yale University Press, 1988), 4.

91 David I. Kertzer, *Ritual, Politics and Power* (New Haven: Yale University Press, 1988), 10.

92 François Foret, “Symbolic Dimension of EU Legitimization,” *Media, Culture and Society* 31, no. 2 (2009): 324.



resist a flag and 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.<sup>93</sup>

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.<sup>94</sup> 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.

### **2.3.1. Perception 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.<sup>95</sup> In national politics Annick Percheron verified that the word ‘flag’ gets a much higher attention and credit than terms related to political contest like ‘party.’ Generally, words like “republic”, “democracy” and ”flag” have a strong affective importance which makes it very difficult to say that one does not like it.<sup>96</sup> Working with the results from the Eurobarometers it can give clear view to the reception of the European flag.

The level of the recognition of the EU flag as the symbol of the EU community falls with age and rise of education, but remains very significant for all social-

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

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

95 François Foret, “Symbolic Dimension of EU Legitimization,” *Media, Culture and Society* 31, no. 2 (2009): 317.

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

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 their lives.<sup>97</sup>

In Eurobarometer 67, in the year 2007, the European flag was known to almost all Europeans 95%,<sup>98</sup> 1% percentage less (94%) in 2004,<sup>99</sup> and 80% in 1992.<sup>100</sup> Furthermore, 85% of people interviewed consider that it is a good symbol for Europe and 78 % believed that it stood for something good.<sup>101</sup> Although supported by a large majority, these opinions are less empathically held in the United Kingdom (92%) and Austria (95%). In 2007, half of the 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.<sup>102</sup>

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.<sup>103</sup> As a result, it is obvious that the 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 the European flag was perceived in some of the non-EU member states. The EU flag was identified by more than nine out of ten

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97 European Commission, "Public Opinion Archives - Eurobarometer 38," December 1992, [http://ec.europa.eu/public\\_opinion/archives/eb/eb38/eb38\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb38/eb38_en.pdf) (accessed 10 March 2011)

98 European Commission, "Public Opinion Archives - Eurobarometer 67, November 2007, [http://ec.europa.eu/public\\_opinion/archives/eb/eb67/eb67\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.htm) (accessed 11 March 2011).

99 European Commission, "Public Opinion Archives - Eurobarometer 62, May 2005, [http://ec.europa.eu/public\\_opinion/archives/eb/eb62/eb62\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm) (accessed 10 March 2011).

100 European Commission, "Public Opinion Archives - Eurobarometer 38," December 1992, [http://ec.europa.eu/public\\_opinion/archives/eb/eb38/eb38\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb38/eb38_en.pdf) (accessed 10 March 2011)

101 European Commission, "Public Opinion Archives - Eurobarometer 67," November 2007., [http://ec.europa.eu/public\\_opinion/archives/eb/eb67/eb67\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.htm) (accessed 11 March 2011)

102 Ibid.

103 Ibid.

respondents in Croatia and the Former Yugoslav Republic of Macedonia (96% and 95% respectively) and by three-quarters of Turkish respondents (75%).<sup>104</sup>

As it was mentioned in the previous chapter, one of the functions of the ability of political symbols is 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.<sup>105</sup> 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 significant political system that generates rights, 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 they wanted to project and which 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. His analyses are based on opinion polls and focus groups where individuals were exposed to the symbols.<sup>106</sup> 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.

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104 Ibid.

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

106 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 (2003): 1150.

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 latter one refers to the feeling that fellow Europeans are nearer to each other than to non-European because of the common heritage.<sup>107</sup>

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.<sup>108</sup> 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.<sup>109</sup> It has a 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 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.<sup>110</sup>

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, the majority of the people identify with Europe in terms of what it means to them as citizens.<sup>111</sup> It means that they would feel offended as Europeans 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

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107 Michael Bruter, "Time bomb?: The Dynamic Effect of News and Symbols on The Political Identity of European Citizens," *Comparative Political Studies* 42, (2009): 1500.

108 Michael Bruter, *Citizens of Europe?: The Emergence of a Mass European Identity* (Basingstoke: Palgrave Macmillan, 2005), 8-9.

109 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 (2003): 1156.

110 *Ibid.*, 1167.

111 Michale Bruter, Winning Hearts and Minds for Europe: The Impact of News and Symbols on Civic and Cultural European Identity, *Comparative Political Studies* 36 (2003): 1158.

public speech on TV.<sup>112</sup>

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 assess 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 results said that elite and institutional messages have a very clear impact on citizens' identity.<sup>113</sup> 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 the 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 which has implication on the cultural component. On the 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 European Union along with the traditional model of the state, provided with all the traditional symbolic attributes of any national political system.<sup>114</sup>

The very fact that symbols seem 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.<sup>115</sup>

When trying to understand why symbols of European unity seem to affect the cultural rather than civic components of citizens' 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. Therefore, with subsequent development and enlargement of the European Community the idea of the

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112 Ibid.

113 Ibid., 1160.

114 Ibid., 1166.

115 Michael Bruter, *Citizens of Europe?: The Emergence of a Mass European Identity* (Basingstoke: Palgrave Macmillan, 2005), 131.

common symbols of the European Union has been developed and has been served to promote the European identity.

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.

It has been argued by Kertzer that symbolism of a flag and the ritual it creates, are the basis of a feeling to national identity. The European institutions provided the European symbols, particularly the European flag, in order that these symbols would stimulate a mass European identity. 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 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. It also increased in the EU 2004 candidate states. According to Bruter it the mass European identity can be expected to progress even further since the European Union will be more united after ratifications of the Treaty of Lisbon by all member-states.<sup>116</sup>

Bruter’s findings show that the running of this new European integration has a clear effect on the establishment of a European identity whenever they have been introduced. This approves the theory of European political thinkers that that creating a specific European imagery would help in creating a mass European identity. However,

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116 Michael Bruter, *Citizens of Europe?: The Emergence of a Mass European Identity* (Basingstoke: Palgrave Macmillan, 2005), 171.

the analysis shows that levels of European identity are still very different in the various member-states.<sup>117</sup> As for the rise 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 consequences 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. However, in general, it is well-knew that European institutions, national ones, and the mass media do not always, carry the same messages or pursue the same political objectives.<sup>118</sup>

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117 Ibid.

118 Ibid., 172.

### **3. The Czech attitudes towards the EU in pre-accession and post-accession period**

In the aftermath of the Velvet Revolution, the Czech Republic was given an opportunity to join the European Union. This became the reality in 2004 when the Czech Republic joined the European Union. Nowadays, seven years after the accession to the EU, the Czech Republic proves to be an active actor in European politics. For example, it takes part in all the meetings of the Council, Commission and European Parliament and participates in all collective European decisions for which it is also co-responsible. The position of the Czech Republic regarding the European Union is influenced by both external and internal factors. The external factors include the actions of other member states, EU-level decisions, and international development. The internal factors contain public opinion, national identity and the view of political parties and elites. There is also a specific factor, Vaclav Klaus, the Czech president who belongs to the most Eurosceptic statesmen in present Europe.

#### **3.1. Czech identity as moderator of attitude towards the EU**

In the Czech Republic the attitudes of mass and elites towards the EU and other member states are formed through the national identity which has been itself shaped by the difficult and complex history of the Central European region. Czech history is considered to be discontinuous because for centuries it has been ‘interrupted’ by various forms of foreign oppression, by various forms of ‘foreign’ decision concerning the Czech future. The Czech nation survived four hundred years of Habsburg oppression, six years of Nazi German occupation, and forty-three years of communism and Soviet oppression. It also underwent two failed attempts to establish an independent democratic state, the first falling victim of the German aggression in 1939, and due to second communist machinations which led to a Communist coup d'état in February 1948. These historical experiences of failures, oppression and occupation tend to be perceived by most Czechs as tragedies caused by others, not by themselves.<sup>119</sup>

History partially explains the relative weakness of the Czech national identity. Indeed, the Czech nation has undergone numerous foundations and then destruction on

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119 Jiří Brodský, “Little Czech, Big Europe,” *Central Europe Review* 20, no. 2. (2000)  
<http://www.pecina.cz/files/www.ce-review.org/00/20/brodsky20.html> (accessed 9 July 2011)



its own state, changes of borders, and different forms of government. Communism and totalitarian experiences also damaged the collective identities of Czech and other Central and Eastern European states.<sup>120</sup> Why? The consequences of this historical development in Central and Eastern Europe, particularly such an experience with a totalitarian system, resulted in the fact that many Czechs have lost any sense of attachment to the state or capability to identify with it.<sup>121</sup> This disaffection from state institutions has caused mistrust from government and many Czechs became rather sceptical towards the state and its policy. Therefore, surveys prove that the Czech Republic belongs to the group of countries which have a very weak sense of patriotism.<sup>122</sup>

The geographical position of the Czech Republic also has played a significant role for the development and formation of the Czech national identity.<sup>123</sup> Thanks to its Central European location, the Czech lands have been traditionally seen as a cross-road of political, cultural movements of this geo-political graphical region.<sup>124</sup> The idea that the Czech Republic is something “in between” gives the Czechs the role of mediator between the Slavonic and Germanic cultures. In addition, the idea that the Czech Republic is bridge between the “East” and “West” which was supported by the second Czechoslovak president Eduard Beneš may also be perceived.<sup>125</sup> His idea of Czechoslovakia as a bridge between the ‘capitalist West’ and ‘socialist East’ was soon swallowed by the expansiveness of Stalin’s Soviet Union.

In 1989, after the Velvet Revolutions, Czechs sought their place and identity in a "new Europe". The fall of the Berlin Wall, and from the ideological perspective the end of the bipolar world caused difficulties for the whole group of countries of the former Soviet Union. Czechoslovak identity began creating itself in opposition to the former one, which was highly soaked by the communist ideology and system of Soviet Union.

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120 Petr Drulák, “Introduction: The Return of Identity to European Politics”, ed. Petr Drulák (ed.), *National and European Identities in EU Enlargement: Views from Central and Eastern Europe*, (Prague: Institute of International Relations, 2001), 14.

121 Jiří Musil, “Češství v Evropě nezanikne,” *Lidové noviny*, 15 January 2000.

122 Klára Vlachová and Blanka Řeháková, “Národ, národní identita a národní hrdost v Evropě”, *Sociologický časopis* 40, no. 4, (2004): 502.

123 Michal Baun and Dan Marek, *The Czech Republic and the European Union* (London and New York: Routledge, 2010), 28.

124 Ladislav Holý, *The Little Czech and the Great Czech Nation: National Identity and the Post-Communist Transformation* (Cambridge: Cambridge University Press, 2003), 129. Jiří Brodský, “The Czech Identity and Returning to Europe,” *SienQuarterly* 4, (2003): 9-22.

125 Benjamin, Kuras, *Češi na vlásku: příručka národního přežívání* (Praha, Baronet Publishers, 1999), 9.

Czechs with the reference to the democratic traditions and values of interwar Czechoslovakia Czech nation began to conceptualize itself with Europe. For Czechs, the slogan “return to Europe” meant return to a “normal order”. Indeed, 43-years long of Communist experience was seen by Czech as a break from continuing democratic traditions of interwar Czechoslovakia.<sup>126</sup> For Czechs it was a return to Europe to which they feel like they have always belonged and with which they have always claimed to be historically and culturally tied. However, this return to Europe was followed by a growing national tension between Czechs and Slovaks resolved itself in a peaceful solution.

The break-up of Czechoslovakia into two independent states meant a challenge for the Czech identity and for Czech nation. The border with Slovakia was a new historical experience that made Czechs identify themselves with the Western part of Europe. As for Slovak it was the birth of their new identity - Slovak. However, the Slovak identity was, historically really new. It was not problematic for the majority of Czechs to define their identity, because of it had been synonymous with the democratic pre-war Czechoslovakia.

As any other national identity the Czech national identity has also both positive and negative characteristics. Czechs have always perceived themselves as cultured, democratic and well-educated people. Other positive characteristic of the Czech nation is ability and capacity to learn, and a high adaptability to changing circumstances.<sup>127</sup>

The negative features of Czech national identity were smallness, messianism - EU, communism, envy, scepticism, finger-pointing, perpetual classification. Some of them made problems for the EU accession efforts. For example, among the biggest negative features of Czech national identity one can underline the word Czech "littleness" (smallness). It is based on the notion that one is powerless to change anything. It is the consequence of the negative historical experience of Czechs. Another feature which is related to Czech national identity is messianism. It is the ability to accept something without any question, with the feelings that it will bring something better and together with relying on others rather than oneself. The Czechoslovak history brings numerous examples. For example, it was a communism (as an opposite of

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126 Jiří Brodský, “Little Czech, Big Europe,” *Central Europe Review* 20, no.2 (2000) <http://www.pecina.cz/files/www.ce-review.org/00/20/brodsky20.html> (accessed 9 July 2011).

127 Ladislav Holý, *The Little Czech and the Great Czech Nation: National Identity and the Post-Communist Transformation* (Cambridge: Cambridge University Press, 2003), 114.

fascism) after the Second World War, and democracy (as opposition to totalitarian system).<sup>128</sup> The idea of joining the European community in 1989 can be considered as a messianic perception of the new order for Central and Eastern European countries, as being something that could promised change and prosperity. However, these optimistic expectations soon met with disappointment and a certain post-Velvet revolution disillusion. This pessimistic mood in the Czech society was caused by high expectations which were reached, such as low economic development, slow pre-accession negotiations and thus not quick entry to the EU. This mood in the society stirred up some other negative features of Czech national identity such as pessimism, and self-criticism.<sup>129</sup> The impact of disillusion and its consequence could be demonstrated, rather than followed by the decline of national pride in the year 1995 and 2003.<sup>130</sup>

As matter of fact, the Czech attitude towards the EU in the pre-accession period was thus shaped by the Czech national identity. Particularly, the lack of national self-confidence was apparent in the frequently asked questions: “What do we have to offer the EU?” However, envy, scepticism, finger-pointing and perpetual dissatisfaction as other characteristic features of Czech nation identity evoked negative feelings before the EU accession. It was because of the fact that Czechs thanks to its historical experience saw political power as an alien process.<sup>131</sup> After two failures of democracy in Czechoslovakia during the 20<sup>th</sup> century the negative feelings of new power were rational among the Czechs. Some of them took the chance of the EU membership in a ‘messianic way’; others perceived it as inevitable process which needs to be done. However, there was one positive feature which was perceived as an advantage. The capability of Czechs to adopt the characteristics and influences of countries between which their country stands and theirs openness to new different cultural environment. Many Czechs were afraid of losing their national identity. In a survey, conducted in late 2001, more than 35 per cent of Czech respondents agreed that as a consequence of the EU accession the Czech Republic would lost at least part of its national identity. Almost 14 per cent thought that Czechs would lose completely their national identity. Another

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128 Jiří Brodský, “The Czech Identity and Returning to Europe,” *SienQuarterly* 4 (2003): 11.

129 Jiří Brodský, “The Czech Experience of Identity,” In Petr Drulák (ed.) *National and European Identities in EU Enlargement: Views from Central and Eastern Europe* (Prague: Institute of International Relations, 2001), 36.

130 Klára Vlachová and Blanka Řeháková, “Národ, národní identita a národní hrdost v Evropě,” *Sociologický časopis* 40, no. 4 (2004): 502.

131 Jiří Brodský, “The Czech Experience of Identity,” In Petr Drulák (ed.) *National and European Identities in EU Enlargement: Views from Central and Eastern Europe* (Prague: Institute of International Relations, 2001), 34-36.

30 per cent considered the impact of EU membership on Czech national identity as neutral. About 12 per cent felt that by joining the EU the Czech national identity would be strengthened.<sup>132</sup> To sum up, the national identity and its negative and positive features have been playing the significant role in terms of shaping the position of the Czech Republic as a member state toward the European Union.

### **3.2. Position of Czech Public towards the European Union**

The EU accession was a highly delicate political issue in the Czech Republic. However, the number of the Czechs supporting EU membership was steadily higher than the number of people who were against it. After joining the EU, Czech public opinion has levitated near the EU average on most issues, although it had a tendency to be more Eurosceptical than the public opinion of other new member states. The period of 1990s up to EU accession had showed certain waves of pro-European and anti-European approach.

After the Velvet Revolution most Czechs enthusiastically supported the government's effort to join the European Union and “return to Europe”. An opinion poll conducted in November 1992 found that 84% of Czechs wanted full European Community membership. The same survey showed that 45% of Czechs perceived the image of European Community as fully positive, with only 3% viewing it is fully negative.<sup>133</sup> However, in the following years the public opinion began reflecting the practical impact of the political and economic reforms as well as the difficulties of adopting EU directions and standards. Certain frustration grew over the lack of a specific accession date and defined accession terms, which made the EU membership seem as a “moving and long-distance target” and complicated the efforts of the government and political elites to explain the accession process to the public. The euphoria after the Velvet revolution was gradually replaced by rational approach to the EU accession and by a fear from oncoming economic reforms. Hence, the Czech society became more divided in its view on EU memberships between supporters and

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132 Český rozhlas. “Czech national identity,” Interview conducted by Dita Asiedu, *Český rozhlas*, 28 October 2003, <http://radio.cz/en/article/46797> (accessed 5 July 2011)

133 European Commission, Comprehensive Monitoring Report on the Czech Republic's Preparations for Membership, 5 November, [http://ec.europa.eu/development/body/organisation/docs/CMR\\_CZ.pdf](http://ec.europa.eu/development/body/organisation/docs/CMR_CZ.pdf) (accessed 8 July 2011)

opponents.<sup>134</sup>

According to a survey conducted in August 1996, several months after the Czech Republic had applied for membership, 46% of Czechs wanted to join the EU, 13% were against joining the EU and 41% were undecided. The survey proved that the typical supporters of EU membership were people who were middle-aged with higher levels of education, income and center-right political orientation. The opponents were over 60 years of age, with lower job qualifications and left-wing political orientation.<sup>135</sup> This profile of EU membership supports and opponents remained constant until the accession.

In April 2002, the Czechs did not strongly believe that the EU was interested in admitting the country as a new member. According to CVVM research, conducted by Czech polling agency, 40% do believe so, while around the same numbers of respondents said that they believed the opposite and 17 % could not answer.<sup>136</sup> A Eurobarometer survey conducted at the beginning of the year 2004 found that a higher level of acquired education was linked with a stronger support for the EU membership, with students expressing the highest level of support for the accession, almost 64%.<sup>137</sup>

Compared to other candidate countries, the Czech Republic was also among the least optimistic nations when it comes to the anticipated costs and benefits of EU memberships. After Estonia, the Czech Republic was the second pessimistic country among the other candidate states. According to the pre-accession Eurobarometer survey, only 46% of Czechs were optimistic about the consequences of EU membership for their country.<sup>138</sup> A majority of Czechs thought that the EU membership would not improve their salaries, with only one-third believing that it would, while a large majority (72%) believed that imports to the Czech Republic would rise after accession.<sup>139</sup> These concerns were accompanied by other worries associated with the EU

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134 Michal Baun and Dan Marek, *The Czech Republic and the European Union* (London and New York: Routledge, 2010), 30.

135 STEM, "Jak vidíme vstup naší země do EU?," 19 December 2011, <http://www.stem.cz/tisk.php?id=211> (accessed 8 July 2011)

136 Centre for Public Opinion Research (CVVM), May 2002, <http://ihned.cz>, (accessed 7 March 2011)

137 European Commission, "Public Opinion Archives - Eurobarometer 61," March 2004, [http://ec.europa.eu/public\\_opinion/archives/eb/eb61/nat\\_cz.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb61/nat_cz.pdf) (accessed May 5 2011)

138 European Commission, "Public Opinion Archives - Eurobarometer 61," March 2004, Annex Tables 9, 2-4, [http://ec.europa.eu/public\\_opinion/archives/eb/eb61/nat\\_cz.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb61/nat_cz.pdf) (accessed May 5 2011).

139 Naděžda Hořáková, "Ekonomické dopady vstupu ČR do EU I," 8 June 2004, CVVM, [http://www.cvvm.cas.cz/upl/zpravy/100362s\\_eu40608.pdf](http://www.cvvm.cas.cz/upl/zpravy/100362s_eu40608.pdf) (accessed 7 July 2011), and Jan Červenka, "Ekonomické dopady vstupu ČR do EU II," 8 June 2004, CVVM, [http://www.cvvm.cas.cz/upl/zpravy/100364s\\_ev40608.pdf](http://www.cvvm.cas.cz/upl/zpravy/100364s_ev40608.pdf) (accessed 7 July 2011).

membership, including increased crimes and immigration a more competitive job market, and increased government bureaucracy.<sup>140</sup>

Czechs mainly saw the EU as an important player in international areas (the fight against terrorism, environmental protection, foreign policy and defence), while they were more sceptical about the impact of the EU accession on everyday basis - particularly economic matters. However, high expectations from EU subsidies via the structural funds increased the position that EU membership would be overall economically beneficial for the Czech Republic.<sup>141</sup>

After accession, the image of the EU in the Czech Republic and support for the EU membership improved in the initial years of membership. Afterwards, by 2009, the support of the EU fell into below pre-accession levels. However, in both elements, the image of the EU and support for the EU membership, the Czech Republic has been consistently below the averages for the EU and the new Central and Eastern European member states.<sup>142</sup>

Nevertheless, most Czechs believed that EU membership is beneficial for the country, with this number rising from 42% in the fall of 2004 to 64% in spring 2008. In 2009, it decreased slightly to 63% in 2009.

The level of trust in the EU in the Czech Republic has increased since accession. In 2009, 59% of Czechs trusted the EU, - an increase from 42% in March 2004 - placing the Czech Republic above the EU27 average (52%).<sup>143</sup> In 2010, 51% of Czechs trusted the EU, and again it was above the EU average.<sup>144</sup> Despite the fact that a majority of Czechs perceived the EU more positively than negatively, they are not very enthusiastic. The Table 1 shows that Czechs, despite being above average (61%), as far as the EU-27 is concerned (59%) they are in 16th position.

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140 Ivan Gabal, Frühwirt, Jan, Eva Kružíková and Mezřický, Václav, *Czech Republic and European Union: Time to Change Priorities - From Negotiations to Membership*, (Gabal & Analysis & Consulting, Prague 2001),  
[http://www.gac.cz/documents/nase\\_prace\\_vystupy/GAC\\_CRaEU\\_time\\_tochange\\_priorities\\_ENG.pdf](http://www.gac.cz/documents/nase_prace_vystupy/GAC_CRaEU_time_tochange_priorities_ENG.pdf)  
(accessed 7 July 2011)

141 European Commission, "Public Opinion Archives – Eurobarometer 21, March 2004,  
[http://ec.europa.eu/public\\_opinion/archives/eb/eb61/eb61\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb61/eb61_en.pdf) (accessed 6 July 2011)

142 Baun, Michal and Dan Marek, *The Czech Republic and the European Union*. (London and New York: Routledge, 2010), 30.

143 European Commission, "Public Opinion Archives - Eurobarometer 72, Full Report, November 2009  
[http://ec.europa.eu/public\\_opinion/archives/eb/eb72/eb72\\_vol1\\_fr.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_vol1_fr.pdf) (accessed 2 July 2011)  
European Commission, "Public Opinion Archives - Eurobarometer 61, Full Report, May 2004,  
[http://ec.europa.eu/public\\_opinion/archives/eb/eb61/eb61\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb61/eb61_en.pdf) (accessed 7 July 2011)

144 European Commission, "Public Opinion Archives – Eurobarometer 74, Full Report,  
[http://ec.europa.eu/public\\_opinion/archives/eb/eb74/eb74\\_publ\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_publ_en.pdf) (accessed 6 July 2011), 43.

**Table 1**

EU 27 (average)	59%
1. Ireland	86%
5. Poland	78%
6. Slovakia	76%
8. Spain	78%
<b>16. Czech Republic</b>	<b>61%</b>
17. Germany	57%
23. Austria	44%
27. Hungary	40%

Source: Eurobarometer 67 – Full Report, 2007.<sup>145</sup>

According to Table 2 despite the fact that they are more Czech who perceived the E more positively than negatively, we that the general evolution from 2003 to 2007 shows a majority of people who are neither satisfied nor dissatisfied.

<b>TABLE 2 - Evolution of satisfaction with EU membership</b>						
	Jan. 2003 (%)	Mar. 04 (%)	Jun. 05 (%)	May 06 (%)	Jan. 07 (%)	Mar.07 (%)
Satisfied	37	30	36	36	33	32
Neither Satisfied nor dissatisfied	33	40	37	40	45	36
Dissatisfied	21	18	20	20	17	27

Source: Cadová - Hořáková, Naděžda. "Členství České Republiky v Evropské Unii Očima veřejnosti"<sup>146</sup>,

145 European Commission, "Public Opinion Archives - Eurobarometer Eurobarometer 67, November 2007, Full Report," 2007. [http://ec.europa.eu/public\\_opinion/archives/eb/eb67/eb67\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb67/eb67_en.pdf) (accessed 16 July 2011)-

146 Klára Cadová and Naděžda Hořáková, "Členství České Republiky v Evropské Unii Očima veřejnosti [EU Membership of the Czech Republic in the Eyes of the Czech Public]." CVVM, 5 May 2006, [http://www.cvvm.cas.cz/upl/zpravy/100578s\\_pm60505.pdf](http://www.cvvm.cas.cz/upl/zpravy/100578s_pm60505.pdf) (accessed 5 July 2011).

In 2010, 43% of respondents in the Euro zone countries consider that national interests are indeed taken into account by the European Union, compared with only 35% of respondents in non-euro zone countries.<sup>147</sup> Almost 64% of Czechs are the most likely to consider that national interest are not properly taken into account in the EU. So there is still certain fear that the Czech national interest is not properly represented in the European Union. Czechs were not alone in this position. Eurobarometer 74 recorded much higher percentage of representation in Latvia (74%), Greece (71%), and Finland (69%). However, The Czech Republic belongs to the group of 19 countries where the trust in the EU predominated. In autumn 2010, for the first time in the history the Eurobarometer recorded a situation where distrust in the EU outweighed trust. 43 per cent of Europeans trusted in the EU. 50 per cent of Czechs tended to trust the EU, 42 % distrusted and 8% did not know. The question of trust in the European Union is strongly influenced by socio-demographic variables. Although the majority of the Czech public is pro-European, it is necessary to point out the relative lack of interest in European topics in the Czech political arena, as is shown in the low participation in the European Parliament elections in 2004 and 2009 (29% in both elections).<sup>148</sup> In general, Czech voters concentrate on internal affairs such as reform of the public health system, tax reform. Unlike France, Belgium, Germany Spain, EU topics in the Czech Republic, do not represent anything relevant to internal political affairs.

### **3.3. The Role of Vaclav Klaus**

The question of a Czech national identity in public discourse has been mostly addressed by Václav Havel and Václav Klaus, both of them see the European Union from different perspective and they have represented the Czech Republic on the international level. However, both of them have kept their strong position toward the European Union. Václav Havel - the former a leading dissident and ideological leader of the Velvet Revolution, from 1993-2003 non-party president of the Czech Republic. Václav Klaus the founder of Civic Democratic Party and prime minister in the period of 1992-1997, the first post-communist minister of finances and one of the main architects of the project of Czechoslovak coupon privatization. Furthermore, Klaus specialized in

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147 European Commission, "Public Opinion Archives – Eurobarometer 74, Full Report, [http://ec.europa.eu/public\\_opinion/archives/eb/eb74/eb74\\_publ\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_publ_en.pdf) (accessed 6 July 2011),

148 European Parliament, "Turnout trends at European elections - table 1979-2004," 4 July 2004, [http://www.europarl.europa.eu/elections2004/ep-election/sites/en/results1306/turnout\\_ep/turnout\\_table.html](http://www.europarl.europa.eu/elections2004/ep-election/sites/en/results1306/turnout_ep/turnout_table.html) (accessed March 7th, 2011).



economy; he is a determined advocate of monetarism and Thatcherism.<sup>149</sup> In 2003 Klaus he became the president of the Czech Republic.

After the Czechoslovak breakup the Czechs had to start reforming its own state and successfully transform from a centrally planned economy to a market economy, from communist to democratic political arrangement. Vaclav Klaus, the prime minister at the time, pointed out that Czechs found themselves in a process of reformulation of their state and national interests and searching for own identity without losing own national identity on their road to Europe. On the contrary, since the early 1990s, Havel as the president often publicly presented his support for the EU, which he viewed as an historic opportunity for the unification of Europe.<sup>150</sup> He supported the creation of a federal Europe, arguing that it was possible and useful to transfer a part of national sovereignty to the EU.<sup>151</sup> He often claimed to features of national identity that are negative and are disturbing for Czech membership in the EU. Havel also believed that the EU should create its own constitution which would be understandable for its citizens.<sup>152</sup> In 2003, Havel left the presidency, since then he has rarely commented on Czech policy, only in specific issues. However, when it comes to the EU, Havel always supported the Lisbon Treaty, he warned that if the Czech Republic rejected the Constitutional Treaty it would be relegated to the EU periphery. While the Lisbon Treaty was reviewed by the Czech Constitutional Court, Havel even declared that if the court found problems which went against the Czech constitution, the Constitution of the Czech Republic should be changed according to Lisbon Treaty.<sup>153</sup> This case serves the clear sample of Havel's pro-European approach.

Klaus's position towards the EU is diametrically opposite. His views on the European integration have narrowed down into a Euro sceptical approach. Already during the candidacy of the Czech Republic for the EU membership Klaus expressed at

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149 Milada, Poliřensk, "Czech National Identity and the European Constitution: a Chance and/or a Challenge (a Historical Perspective)," n.d. (Prague: New Anglo-American College). [www2.tku.edu.tw/~tiexm/conference\\_paper/session2/Polisenska.pdf](http://www2.tku.edu.tw/~tiexm/conference_paper/session2/Polisenska.pdf) (accessed 11 May 2011).

150 Vclav Havel, "Projev prezidenta Republiky Vclava Havla v Evropskm parlamentu," *Hrad*, řtrasburk, 8 March 1994, <http://old.hrad.cz/president/Havel/speeches/index.html> (accessed 2 July 2011).

151 Vclav Havel, "Historick řance pro naři zemi - nepromarnme ji!," *Mlad Fronta Dnes*, 24 March 2001, <http://old.hrad.cz/president/Havel/speeches/2001/2403.html> (accessed 14 July 2011).

152 Vclav Libnsk, "Evropsk vize Vclava Havla v dvojm kontextu," *Europeum*, 8 November, <http://www.europeum.org/cs/component/content/article/23-integrace--5/641-evropska-vize-vaclava-havla-v-dvojim-kontextu> (accessed 15 July 2011).

153 Lukř Pacht, "Havel podpořil evropskou stavu," *Europeum*, 3 January 2005, <http://www.europeum.org/cs/component/content/article/44-lucembursko/889-havel-podpoil-evropskou-ustavu> (accessed 17 July 2011).

different official occasions criticism focusing particularly on the oversized Brussels administration, on the “Euro-bureaucrats” who lost their national identities, and on the national interest not respected enough by the European Union structures. Klaus criticized that the European Union had highly socially oriented policy, and continually point out that the European Union is as too leftist and socialist.<sup>154</sup> Within the few years Klaus become the country's most vocal critic of European integration. Although Klaus supported the EU membership, he knew that for the Czech Republic joining the EU is unavoidable. “We are in the center of the Europe...we cannot get out of the European integration even if we want to” said Klaus.<sup>155</sup> In fact, he did not like the direction of the EU which he thought “it was moving towards the creation of a European superstate that could threat Czech sovereignty and the Czech national identity.” Klaus emphasized that “it is pure mistake to create all-European entity...”<sup>156</sup>

In 2003, Klaus became president but he continued to criticize the EU. He became well-known critic of the EU when he started fiercely opposed the EU constitutional treaty. Unlike Havel, Klaus believed that Constitutional treaty would create a super state in which nation states would be downgraded to the status of provinces and regions.<sup>157</sup> The similar negative view had Vaclav Klaus of the Lisbon Treaty. He opposed the EU Constitution, which he considered as “radical document with far-reaching consequences for freedom and welfare of individual citizens and for the future of nation-states”<sup>158</sup>. He believed that Lisbon Treaty changed the legal status of the EU and entire character of the EU. He said that: “Following Czech national interest I should never sign the treaty.” When Ireland said no in the first referendum in June 2008, Klaus declared that the ratification process in the Czech Republic should be abandoned. He argued that Irish ordinary voters said NO and there was no need to continue with ratification process. Czech President Vaclav Klaus called the Irish referendum result a “victory of freedom and reason” and said “ratification cannot

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154 Polišenská Milena, “Czech National Identity and the European Constitution: a Chance and/or a Challenge (a Historical Perspective),” Prague: New Anglo-American College, [http://www.2.tku.edu.tw/~tiexm/conference\\_paper/session2/Polisenska.pdf](http://www.2.tku.edu.tw/~tiexm/conference_paper/session2/Polisenska.pdf) (accessed 17 July 2011).

155 Václav. Klaus, “ODS a Evropská unie,” *Lidové Noviny*, 1 May 2002, <http://www.klaus.cz/clanky/2222> (accessed 17 July 2011)

156 Lidové Noviny, “Odmitám zapírat sve vlastenectví,” Interview with Václav Klaus, 3 June 1999.

157 Václav. Klaus, “Václav Klausovo desatero o Evropské ústavě,” *iDNES.cz*, 1 March 2005, [http://zpravy.idnes.cz/domaci.aspx?o=0&klic=307000?r=nazory&c=A050301\\_112111\\_nazory\\_mhk](http://zpravy.idnes.cz/domaci.aspx?o=0&klic=307000?r=nazory&c=A050301_112111_nazory_mhk) (accessed 11 July)

158 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): 422.

continue<sup>159</sup>. In his view, all of Europe should thank the Ireland for rejecting the Lisbon Treaty.<sup>160</sup>

However, Klaus was the key person in the final ratification process, since his signature as the head of state was required on all international treaties, regarding the process of ratification the Lisbon Treaty it had to sign by all 27 head of EU member states. The Senate of the Czech Republic approved the Lisbon Treaty in May 2009. Nevertheless, Klaus waited until the second Irish Referendum before signing the treaty. In October 2009 the Irish People voted for the Lisbon treaty and eight days later Polish President Kaczynskij signed the treaty. As result, Klaus was the last head of state in the EU, who did not signed the Lisbon Treaty. In the same month Klaus declared that he would not sigh the Lisbon Treaty unless the Czech Republic received the guarantees that the treaty's Charter of Fundamental Right could not guarantee that Germans and Austrian expellees could reclaim their lost properties in the Czech Republic.

By this demand Klaus touched the popular fears of Germany and he skilfully opened the discussion about the sovereignty of the Czech Republic in the EU. His demands were supported by the Social Democrats and the Communist. Finally, the EU gave the Czech Republic an opt-out from the Charter of Fundamental Rights. Subsequently, Klaus signed the Lisbon Treaty on 3 November 2009. The reason why Klaus dislikes the Lisbon Treaty is due to his general disagreement with the way which the European Union taking in the integration process and not due to real fear of Sudeten German property claims.<sup>161</sup> The main reason why Klaus eventually signed the Lisbon Treaty is his constitutional duty of his office as a President of the Czech Republic. It is not in his competence to reject this kind of international treaty since it was ratified by a qualified majority in the Chamber of Deputies and the Senate of the Czech Republic. Klaus had to face the criticism for not respecting the Czech constitution from Czech politicians and legal experts. Klaus could no longer avoid himself from finalising the Czech ratification process. According to legal experts, if he would have tried to do so, he would have been confronted with a constitutional complaint for failing to fulfil his

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159 Euroactiv, "The Irish EU Treaty referendum," 9 June 2008, <http://www.euractiv.com/en/future-eu/irish-eu-treaty-referendum/article-172508?display=normal> (accessed 14 2011)

160 EUportál, "Celá Evropa by měla Irům poděkovat za odmítnutí Lisabonské smlouvy," Interview conducted by Petr Kolář, 16 June 2008, <http://www.klaus.cz/clanky/112> (accessed 16 July 2011)

161 Mats Braun, "Understanding Klaus: The Story of Czech Eurorealism," *Politics and Institutions EPIN*, Working Paper 26, (2009):6

constitutional duties.<sup>162</sup>

Klaus has maintained a closed and defensive position towards the EU - closed since he perceived the EU as a threat to Czech national identity, defensive in the sense that he claims that his only priority is the defence of Czech national interests. However, his “care” of Czech national interest draws an international attention. “We are well aware of the problems connected with the speedy and in many respect artificial European unifications; we know well the risk and operations of large supranational bodies controlled by bureaucrats”<sup>163</sup>. He has subliminally compared the EU and European Parliament as if they were new versions of the Soviet Union. He emphasized the paternalistic and bureaucratic role of the EU as if it were the same as the USSR.

The historic dismantling of communism brought us freedom and sovereignty. Our gradual approaching the European Union, adjusting to its requirements and in 2004 formal entering into it was a process with many different characteristics than the first one. It has brought us less freedom, less democracy, less sovereignty, more of regulation, more of extensive government intervention.

That is not the usual interpretation of the European integration process. What is usually seen or heard is the unstructured, unanalytical, almost naive pro-integrationist argumentation. It bothers me, because I consider march towards an “ever-closer”, supranationalist, regulated and harmonized Europe to be a mistaken ambition and the misunderstanding of the true substance of European integration to be a dangerous intellectual defect.<sup>164</sup>

Moreover, Klaus said he believed that “attempts to speed up and deepen integration” could “endanger all the positive things achieved in Europe in the last half a century”<sup>165</sup>. Furthermore, in spite of Klaus's critique of the EU and its institutions, he accepts the fact that there is no better alternative to the EU but also confesses that EU accession was “one of the most important events in the history of the Czech state,” He also admitted

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162 CT24, “Ústavní právník: Pokud Klaus Lisabon neratifikuje, měl by abdikovat,” 7 May 2009, *CT24*, <http://www.ceskatelevize.cz/ct24//domaci/54056-ustavni-pravnik-pokud-klaus-lisabon-neratifikuje-mel-by-abdikovat/> (accessed 18 July 2011)

163 Václav Klaus, Official Speech, “Address delivered by President Václav Klaus to the members of Diplomatic Corps on the occasion of the Czech National Day,” *Klaus.cz*, 28 October 2004, <http://www.klaus.cz/clanky/1025> (accessed 16 July 2011)

164 Václav Klaus, Official Speech, “Freedom and Democracy in Contemporary Europe: An Insider’s View,” 5 March 2007, *Klaus.cz*, <http://www.klaus.cz/clanky/1804> (accessed 16 July 2011)

165 Neu Europe, “Czech President Klaus compares EU to Soviet Union,” *New Europe*, 23 February 2009, <http://www.neurope.eu/articles/Czech-President-Klaus-compares-EU-to-Soviet-Union/92962.php>, (accessed 15 July 2011).

the benefits of the EU membership which according to him are the consequences of the liberalized European and not the EU membership.

For us, the EU membership has had no alternative. We want to be good and reliable partners to our friends, colleagues and neighbours, to all 24 co-members. We do not want to be free-riders. We are aware of the benefits of EU integration and we consider benefits from our mere presence in a liberalized European space to be much more important than potential explicit financial benefits coming from the European institutions.<sup>166</sup>

In in term of historical development, Klaus perceives the EU as if it were the oppressor. He is taking the example from Czech history, such as Habsburg Empire, the Third Reich, or Soviet Union. Hence he sees the EU as negative element. He has had a mistrusting attitude that those negative images of the past were going to be repeated in the present with the EU, like the “betrayal of Munich” in 1938 (the Munich Pact) or the “betrayal of Moscow” in 1968, after the invasion of Czechoslovakia. At the moment, this entails the fear of an imagined next betrayal of Brussels, established by the Eurobureaucrats who will create a superstate or superpower called the European Union.

To sum up, in the Czech Republic the attitudes of mass and cultural and political elites towards the EU and other member states were shaped by the Czech national identity which has been itself framed by the difficult history of Czech lands. Mostly the negative features of the Czech national identity always appear when the Czech nation has to face the new challenges and questions regarding to its own future.

After the Velvet Revolution, the high number of Czechs supported the EU membership and after joining the EU, the Czech public support for the EU has hovered around the EU average on the most issues. Nevertheless, Czechs had a small tendency to be more Eurosceptic than the public opinion in other member-states.

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166 Václav Klaus, Official Speech, “Integration or Unification of Europe: Notes for the Berlin Speech,” 20 November 2004, <http://www.klaus.cz/clanky/7> (accessed 14 July 2011)

## 4. The European Flag in the Czech Republic

### 4.1. General Use of the EU Flag in the Czech Republic

Before analysing the use of the European flag in the Czech Republic, it is necessary to evaluate whether the use of the European flag does not go against the Czech legal system or even the Czech constitution. 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.<sup>167</sup> 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.<sup>168</sup> Due to the narrow focus of the thesis, this chapter will discuss mainly the Czech national flag.

At present time there are no specific provisions of the European Union which regulate the use of the European flag in the Czech Republic.<sup>169</sup> Generally, this means that the European flag may be used within the limits which are set by domestic national laws of the member-states.<sup>170</sup>

The Act No. 352, Collection 2001, the Act on the use of state symbols of the Czech Republic and amending certain laws, defines the use of the Czech national flag.<sup>171</sup> 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, only in this case, the use of the EU flag is regulated.<sup>172</sup> (Act with the exception provision of § 33 paragraph 1 of the Act. No. 62, collection 2003 Coll. Elections to the

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

168 See Pavel, “*Symbols of the Czech Republic*” (Praha: Úřad Vlády České Republiky, 2007)

169 Petr Placák, “Evropská vlajka a legislativa ČR” (n.d.), EUROSKOP,  
<http://www.euroskop.cz/689/sekce/evropska-vlajka-a-legislativa-cr/> (accessed 2 May 2011).

170 Information center, EUROPE DIRECT, e-mail message to author, April 4 2011.

171 Act No. 3, collection 1993 on the State Symbols of the Czech Republic, as amended by Act No. 154, collection 1998 (hereinafter the “Law on State Symbols”) Act No. 352, collection 2001 on the use of state symbols of the Czech Republic and amending certain laws, as amended by Act no. 213, collection 2006 (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).

172 Petr Placák, “Evropská vlajka a legislativa ČR” (n.d.), *Euroskop*,  
<http://www.euroskop.cz/689/sekce/evropska-vlajka-a-legislativa-cr/> (accessed 2 May 2011).

European Parliament and amending certain laws governed the issue of the use of the European flag in the Czech Republic or in its 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”<sup>173</sup>.

The road to the current position of the European flag within the system was complicated. As it was mentioned in the first chapter 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.<sup>174</sup> 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 number 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”<sup>175</sup>.

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.<sup>176</sup>

The rejection of the Constitution of Europe by the French and Dutch voters in May and June 2005 brought the ratification process to an 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, the Treaty of Lisbon 16 countries declared that the European symbols

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173 Ibid.

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

175 Constitution of the Czech Republic, Constitutional Act No. 1, collection 1993 of the Czech National Council of 16th December 1992 as amended by Acts No. 34, collection 1997, no. 300, collection 2000, no. 448, collection 2001, no.395, collection 2001 and no. 515 collection 2002, Constitution of the Czech Republic, 12 May 2005, <http://www.vlada.cz/scripts/detail.php?id=8073> (accessed 26 April 2011)

176 Ibid, Article 10a.

remained for them the symbols of the European Community.<sup>177</sup> However, the Czech President held on the ratification process and the adoption of the treaty by the whole community on the ground that he the Lisbon Treaty consistent with the constitutional order of the Czech Republic. It lasted until November 3<sup>rd</sup> 2009 when the Czech constitutional court rejected a Vaclav Klaus' complaint about the treaty, ruling that it was in line with that country's constitution.<sup>178</sup> The Lisbon Treaty was finally ratified with its opt-outs.<sup>179</sup> These opt-outs amend the role of Charter of the Fundamental Right of the European Union in accordance with the constitutional and legal traditions of the member-states.<sup>180</sup>

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.

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.

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

178 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 1 May 2011). See Baun, Michal and Dan Marek, *The Czech Republic and the European Union* (London and New York: Routledge, 2010), 151.

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

180 "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-ex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0231:0271:EN:PDF> (accessed 14 January 2011)



## 4.2. Use of the EU Flag in the Czech Republic during the EU Presidency

The Czech EU presidency 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.<sup>181</sup> 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.<sup>182</sup>

During the Czech EU Presidency in 2009, which lasted from 1<sup>st</sup> January 2009 – June 30<sup>th</sup> 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.<sup>183</sup> His attitude towards the EU was formed in the 1990s and developed into a confirmed position in the second half of the decade.<sup>184</sup> Despite his limited constitutional powers he was nonetheless capable of embarrassing the Czech EU presidency. For example, on 14 February 2009 Klaus compared the EU with the Soviet Union in his speech.<sup>185</sup> Since the year 2004 Klaus did

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

182 Czech Government, "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, [http://www.vlada.cz/assets/evropske-zalezitosti/dokumenty/summary\\_the\\_concept\\_of\\_the\\_communication\\_and\\_presentation\\_.pdf](http://www.vlada.cz/assets/evropske-zalezitosti/dokumenty/summary_the_concept_of_the_communication_and_presentation_.pdf) (accessed 2 May 2011).

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

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

185 The New York Times, "Czech president compares EU to Soviet-era dictatorship", *The New York*

not want the European flag to be flown at Prague castle.

Reflecting widespread doubts about the Czech EU presidency, Sarkozy whose country had just concluded a dynamic EU presidency in the second half of 2008, openly questioned the Czech government and the EU.<sup>186</sup> Klaus opposed to Sarkozy when he made a comment of the fact that the Czech President did not fly the European flag when the Czech Presidency started.<sup>187</sup> Klaus 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”<sup>188</sup>. Karel Schwarzenberg, a Czech diplomat, hit back as the diplomatic war of words between Paris and Prague threatened to overshadow the smooth transfer of the EU presidency.<sup>189</sup> “There is no law binding the Czech Republic to hang the EU flag over Prague Castle. Furthermore, Prague Castle is a symbol of the Czech state and not the EU”, he explained. A statement from the office of Klaus added to this declaration that: “The Castle is a symbol of Czech statehood. There is no reason to change this historic tradition”<sup>190</sup>.

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.<sup>191</sup> 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 castle.<sup>192</sup>

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*Times*, Europe, 9 November 2009, <http://www.nytimes.com/2009/02/19/world/europe/19iht-19czech.20309598.html>, (accessed 28 March 2011)

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

187 Kateřina Koubová, “Sarkozy okřikl Klause,” *IDNES.cz*, 17 December 2008, ANOPRESS [ONLINE DATABASE] [www.idnes.cz](http://www.idnes.cz) (accessed 15 March 2011).

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

189 *iDnes*, “Klaus nevyvěsí vlajku EU na Hradě ani během předsednictví,” *iDNES.cz*, 13 October 2011. [http://zpravy.idnes.cz/klaus-nevyvesi-vlajku-eu-na-hrade-ani-behem-predsednictvi-pm0-domaci.asp?c=A081013\\_184043\\_domaci\\_dp](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).

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

191 Marcela Augustová, and Roman Pistorius. “Setkání prezidenta s předsedou Evropské komise. 8 January 2009, ANOPRESS Digital Database (accessed 25 March, 2011)

192 Marek Kočovský, “Klaus sklídl kritiku Sarkozyho,” *24 hodin.cz*, 17 December 2008. ANOPRESS [ONLINE DATABASE] <http://www.24hodin.cz/> (accessed 17 March 2011).

The rejection of displaying the European flag evoked reactions across the country not only from political officials. Some of them tried to physically protest against the rejection of displaying the European flag. 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.<sup>193</sup> 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 the European flag is not flying on the Prague castle. When I travelled around Europe, I noticed that on the all the seats of government buildings in the EU member-states fly beside national flags also the European flag."<sup>194</sup> Havel proposed that the European flag should have flown at the Prague Castle permanently.<sup>195</sup>

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"<sup>196</sup>, explained the spokesperson of the Institute of the Conservation of the Czech Republic. 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 a 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 visiting country is displayed.<sup>197</sup>

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193 "Greenpeace screen EU flag on Prague Castle" CzechNews. 7 January 2009.

<http://aktualne.centrum.cz/czechnews/clanek.phtml?id=626523> (accessed 28 March 2011).

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

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

196 iDNES.cz "Státní hrady a zámky ozdobí modrá unijní vlajka," *iDNES.cz*, 1 January 2009, ANOPRESS [ONLINE DATABASE] [www.idnes.cz](http://www.idnes.cz) (accessed 27 March 2011).

197 Právo, "Chybí parlamentu i části ministerstev," *Právo.cz*, 17 December 2008. ANOPRESS [ONLINE DATABASE] <http://pravo.novinky.cz/> (accessed 23 March 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.<sup>198</sup>

The discussions about the European flag which occurred during the Czech EU presidency proved that the EU flag evoked 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.

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198 Ibid.

### **4.3. 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. The Office of the President of the Czech Republic gives 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.<sup>199</sup>

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.<sup>200</sup> 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.

“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”<sup>201</sup>. 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 the 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 pointed out the fact, that the European Union is not a state. 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, his answer may

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199 Act No. 114, collection 1993, 24 March 1993, Legal Conditions, Office of the President of the Republic, (accessed 6 March 2011), <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>

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

201 See APPENDIX 9: The Office of the President of the Czech Republic

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.

“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”<sup>202</sup>. This event was recorded. The video depicted 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.<sup>203</sup>

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.<sup>204</sup> “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”, added Macinka.

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’.”

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202 Ibid.

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

204 Ibid.

#### **4.4. 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 on the international level, within the European Union, with non-European states as well also with international institutions. 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, Collection 2001, 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.<sup>205</sup> 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”<sup>206</sup>. 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-state flags.<sup>207</sup> 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.<sup>208</sup> 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.<sup>209</sup>

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.

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205 See APPENDIX 11: The Ministry of the Foreign Affairs of the Czech Republic

206 APPENDIX 11: The Ministry of the Foreign Affairs of the Czech Republic

207 Ibid.

208 Ibid. s

209 Ibid

## 4.5. 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.<sup>210</sup> 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. 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.<sup>211</sup> 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.<sup>212</sup>

A cell phone interview was conducted with Karel Kortánek, the Director of the Department of Protocol and Foreign Relations Office in the Government of the Czech

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210 The activity of the Office of the Government is governed by Law No. 2, Collection 1969 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, Collection 2002, 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, <http://www.vlada.cz/en/urad-vlady/office-of-the-government-53367/> (accessed 24 March 2011)

211 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 2 May 2011)

212 Pavel Sedláček, *Symbols of the Czech Republic* (Praha: Úřad Vlády České Republiky, 2007)



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.<sup>213</sup> Kortánek also refers to the Act Number 352, Collection 2001, ‘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 justifies 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”<sup>214</sup>. 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.

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.<sup>215</sup>

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

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213 APPENDIX 10: The Office in the Government of the Czech Republic

214 Ibid.

215 Ibid.

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.<sup>216</sup> 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”<sup>217</sup>.

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.

#### **4.6. Permanent Representation of the Czech Republic to the EU**

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 tasks 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. To each of these meetings and conferences equals an opportunity to express the adhesion of the country to the European symbols. The function of Permanent Representative of the Czech Republic to the European Union is occupied by her Excellency, Milena Vicienová.<sup>218</sup>

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216 Michal Baun and Dan Marek, *The Czech Republic and the European Union* (London and New York: Routledge, 2010), 51.

217 Ibid.

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

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,<sup>219</sup> the Deputy of Prime Ministry, and the Ministry of Foreign Affairs.<sup>220</sup>

Since April 1<sup>st</sup> 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.<sup>221</sup> 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.<sup>222</sup> 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 both parties are presented on the table.

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219 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.

220 Michal Baun and Dan Marek, *The Czech Republic and the European Union* (London and New York: Routledge, 2010), 54.

221 APPENDIX 12: Permanent Representation of the Czech Republic to the EU

222 Ibid.

## 4.7. 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 on-going relevancy of the political symbol – i.e. the European flag. It is not by chance that the debate on the symbols underwent a pick related to the Czech case. In this republic, the EU flag is still criticized by 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 belonged to the Soviet bloc. Since 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 Czech nation remembers the negative experience of ‘Other’ ideological powers which oppressed Czechoslovakia. It was the German occupation and then the Communist regime which left negative and totalitarian experience. The memory of these oppressions by “ideological superpowers” for geographically small country like the Czech Republic always rises when the Czech nation has to face the new challenges about its own future. Therefore, the displaying flag of another new entity launched several debates about the Czech identity and the role of the Czech Republic in the European Union. Furthermore, as it was mentioned in the chapter 3.3. Klaus often

compared the EU with the USSR and he used this term 'EUSSR' in order to spread his Eurosceptic position.

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.<sup>223</sup> 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 negative experience which sometimes appear and use used by opponents of the European Union. 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.

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223 Michal Baun and Dan Marek, *The Czech Republic and the European Union* (London and New York: Routledge, 2010), 151.

## **5. 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 and 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 email addresses 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 been taken into account the position and history of the country in the EU.

### **5.1. 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. 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.<sup>224</sup> 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 are displayed together on the main

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224 Governo Italiano, Presidenza del Consiglio - Ufficio del Cerimoniale 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. (translated by author) [http://www.governo.it/Presidenza/cerimoniale/ufficio\\_cerimoniale/bandiera\\_esposizione.html#esposizione](http://www.governo.it/Presidenza/cerimoniale/ufficio_cerimoniale/bandiera_esposizione.html#esposizione) (accessed 3 May 2011) See APPENDIX 11.

Italian institutions.<sup>225</sup> 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.<sup>226</sup> The Italian republic expresses 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.<sup>227</sup>

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 all levels.<sup>228</sup> To sum up, the European flag is absolutely omnipresent in all the levels of the Italian Republic and thus serves as a great example for the promotion of the European Union and its symbol embodying the most pro-European trend.

## 5.2. 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. Thirdly, as previously 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 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.

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225 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](http://www.governo.it/Presidenza/cerimoniale/ufficio_cerimoniale/bandiera_esposizione.html#esposizione) (accessed May 3 2011)

226 Ibid.

227 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)

228 Ibid.



This specific law was passed five years before the accession of Spain to the European Union.<sup>229</sup> 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 its government 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 meetings 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.

### **5.3. Bulgaria**

Bulgaria as a new member states has its 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 9<sup>th</sup> of May – the flags of respectively the NATO and the EU will appear 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 and institutions: 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 are carried out, as well as in suitable official premises.”

The border checkpoints, ports and airports are also covered by the EU flag. *The*

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229 SEE APPENDIX 2: Preliminary Interview Questions – Selected Sample of the EU Member-States

*article 6 and 7 of decree number 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.*<sup>230</sup>

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.<sup>231</sup> 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.<sup>232</sup>

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.

#### **5.4. 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 of member-states which established 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.<sup>233</sup> The Decree clearly defines the area of application of the use of the EU flag in places already holding a symbolic position.<sup>234</sup> Besides the state institutions in Slovenia, the European flag is displayed at border crossing areas. Furthermore, the EU flag is also flown on diplomatic and consular buildings of the Republic of Slovenia abroad.<sup>235</sup>

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230 See APPENDIX 2: Preliminary Interview Questions – Selected Sample of the EU Member-States

231 Ibid.

232 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 7 May 2011) SEE APPENDIX 15: Bulgaria

233 See APPENDIX 16: Slovenia

234 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 16: Slovenia

235 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

According to the Article 6 of the Decree there is no difference between the use of the European flag during meetings among heads of European governments and meetings 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.

## 5.5. Finland

Flying the flags of the European Union has become common in Finland in the recent years. According to Emilia Autio from the Protocol Services, the Ministry of the Foreign Affairs, 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 differs depending on the specific context. “In other words, for each potential occasion we take the decision case-by-case”, explained Autio.<sup>236</sup> 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 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.<sup>237</sup>

In comparison with Slovenia the EU flag is not presented where the Prime minister or President is having speech at the national level. The logo and the EU flag are used during the EU-related event but not at those which have 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

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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 16: Slovenia

236 See APPENDIX 17: Finland.

237 Ibid.

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."<sup>238</sup> The Ministry of Interior has not gathered information on the use of the EU flag otherwise<sup>239</sup>.

## 5.6. 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), and 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.<sup>240</sup> 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."<sup>241</sup> 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

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238 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. )

239 Information provided by Ulla Tulonen. See APPENDIX 17: Finland.

240 Bernard Bulcke, contacted via email

241 Armistice Day

Local authority and municipalities.<sup>242</sup> 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.

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 European or not, country when 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

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242 See APPENDIX 18: Belgium

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.

## **5.7. Germany**

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.<sup>243</sup> 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

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243 APPENDIX 19: Germany

institutions flag and the European flag.<sup>244</sup>

When the Federal government is visited by a high-ranking representatives of international or supranational organizations (NATO, UNHCR) the flag of the guest is flown next the European flag.<sup>245</sup> Flags of foreign states and other jurisdictions are hoisted generally between the European flag and the federal (public) flag.<sup>246</sup> Practically, a flag should be displayed only if the guest holds the position of Prime minister.<sup>247</sup> 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.<sup>248</sup> To sum up, the federal law applies all the structure of the Federal Republic of Germany.

## 5.8. Slovakia

When focusing on the Czech Republic, it is interesting to analyse also its so-called brother land Slovakia. Present-day the Slovak Republic gained its rank of independent state on 1 January 1993 after the peaceful dissolution of the former Czechoslovakia. These 75 years of common coexistence, together with an accession to the EU which occurred the same year – 2004 – gives 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.<sup>249</sup> 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,

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244 Decree - Section IV. APPENDIX 19: Germany

245 Decree - Section V. paragraph 2, point a. APPENDIX 19: Germany, See 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](http://www.protokoll-inland.de/PI/DE/Beflaggung/Aussenbeflaggungen/EU_Gaststaat_Bund/eu_gaststaat_node.html), translated by author, (accessed May 10th 2011).

246 Decree - Section V, paragraph 2, point b. See APPENDIX 19: Germany,

247 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](http://www.protokoll-inland.de/PI/DE/Beflaggung/Aussenbeflaggungen/EU_Gaststaat_Bund/eu_gaststaat_node.html) (translated by author) (accessed May 10th 2011)

248 Decree, Section IV paragraph 3

249 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).

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 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.<sup>250</sup> 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.

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250 Article IV, point 2. See APPENDIX 20: The Slovak Republic.



## Conclusion

Throughout its presidency of the EU, the 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 the Czech Republic as a deeply Euro-sceptic country refusing to display the EU flag on its national territory? Is it fair to accuse a country of Euroscepticism just because it does not display the European flag?

This is the attitude and hasty conclusion that this thesis aimed to resist 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 be unsatisfactory to some fierce opponents to the Czech presidency who took the EU flag as their hobbyhorse. Indeed, the Czech Republic does not stand amongst the EU member-states because of a specific regulation concerning the use of the EU flag. Because of the absence of regulation on the use and interpretation of the EU flag in the EU legislation, every member state interprets the use of the EU flag in its own way. 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, the 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.

In the Czech Republic the attitudes of mass and cultural and political elites towards the EU and other member states have been formed through the national identity which has been itself shaped by the difficult and complex history of Czech lands. Mainly the negative features of the Czech national identity always appear when the Czech nation has to face the new challenges and questions regarding to its own future. The lack of capability to identify with a state, smallness, envy, scepticism, finger pointing, particularly the lack of national confidence - these are one of the negative features of the Czech national identity which are used by the Czech opponents of the

EU in order to set up pessimistic feelings in the Czech society. In the long-term historical perspective, Klaus, under the traumas of the past, imagines the EU as if it were the Habsburg Empire, the Third Reich, or Soviet Union. Therefore, he perceives the EU as a negative fear. He has a mistrusting attitude, sometimes fearful, that those negative images of the past were going to be repeated in the present with the EU, like the “betrayal of Munich” in 1938 (the Munich Pact) or the “betrayal of Moscow” in 1968, after the invasion of Czechoslovakia. He has subliminally compared the EU and European Parliament as if they were new versions of the Soviet Union. Furthermore, he emphasized the paternalistic and bureaucratic role of the EU as if it was the same as the USSR. Hence, he used this negative feature of the Czech national identity i.e. a trauma from the past, in order to generally promote his Eurosceptic position and strengthen group of Eurosceptic across the Europe.

After the Velvet Revolution, the high number of Czechs supported the EU membership and after joining the EU, the Czech public support for the EU has hovered around the EU average on the most issues. Nevertheless, Czechs had a tendency to be more eurosceptic than the public opinion in other member-states. Since the first years of 1990s Vaclav Klaus became the most critical towards the European Union. Besides his critique of European bureaucracy, a creation of European superstate, he drew the international attention of EU member-states by his rejection to ratify Lisbon Treaty. Although, on the basis of his constitutional duties, he ratified the Lisbon Treaty he has maintained his closed and defensive position towards the EU. Thanks to his position as a head of state and his loud critique of the EU he attracted opponents of the European Union across the Europe. Nevertheless, the conducted polls show that the level of Czech support for the EU demonstrates normal numbers as any other EU member-states

In comparison with other member-states from former Soviet Union, it has to be asked why they are not perceived also as the Eurosceptic countries. The answer is simple. Some of these member-states in Central and Eastern Europe had to experience similar path to the European Union as the Czech Republic, i.e. a beginning enthusiasm, a disillusion, a long period of waiting, and finally the accession. Some of their political leaders were critical towards the EU, but non-of them has reached such a high public reception as the president of the Czech Republic. In fact, this long process of putting Klaus’ signature on the Lisbon Treaty marked the whole country as an eurosceptic country.

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 in other countries, the Czech Republic, as represented by the Ministry of the Foreign Affairs, is still willing to present itself as a EU member. In this regard the Czech Republic is one among other EU member states which display less the EU flag. Indeed, some differences in the use of the EU symbols are perceptible. Nevertheless there is a certain 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 levels, 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 on buildings or during 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 a proof of an extreme singularity in the ensemble of member-states. Thus, it can be argued 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 and 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 drawing a scheme for the use visual promoters of the European identity, i.e. the European symbols. Each member state 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 this question is worth investigating into. Thus, the first limit of this thesis is that it does not include all the member states in its analysis. 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 passing through an exploration of the impact of the flag and its fellow symbols on the individuals. By the high recognition of the European symbols among citizens of the EU member-states it has been proved that the consumed energy of the European Union to promote the European identity was successful. These efforts made by the EU were successful even behind the frontier of the EU since the European flag has been widely recognized by non-EU member states such as Croatia, Macedonia and Former Yugoslav Republic. These results have outlined several questions which should be asked and which should enrich the research into the European symbols.

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## **APPENDIX 1: Preliminary Interview Questions – Czech institutions**

How 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 use the EU symbols?

To what extent is the EU flag anchored in the Czech legal system?

To what extent is the EU flag anchored in the legal system of the 12 EU selected EU countries?

Is there any difference between the anchorage of the EU flag in the Czech legal system and the legal system of the 12 selected countries?

Is the EU flag replacing the role of the Czech national symbols in Ministry of Foreign Affairs of the Czech Republic, the Office of the Government of the Czech Republic, the Office of the President of the Czech Republic

Is the EU flag screened together with the Czech national flag and national emblem in front of 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?

To what extent are the logo and the EU flag used in official documents of these three surveyed institutions?

To what extent is the EU flag screened during the official visits of the EU member states and non-EU member in the Office of the President of the Czech Republic?

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?

What is the relation between the EU flag and Czech state symbols and to what extent are they presented during the official state events?

## **APPENDIX 2: Preliminary Interview Questions – Selected Sample of the EU Member-States**

### **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?

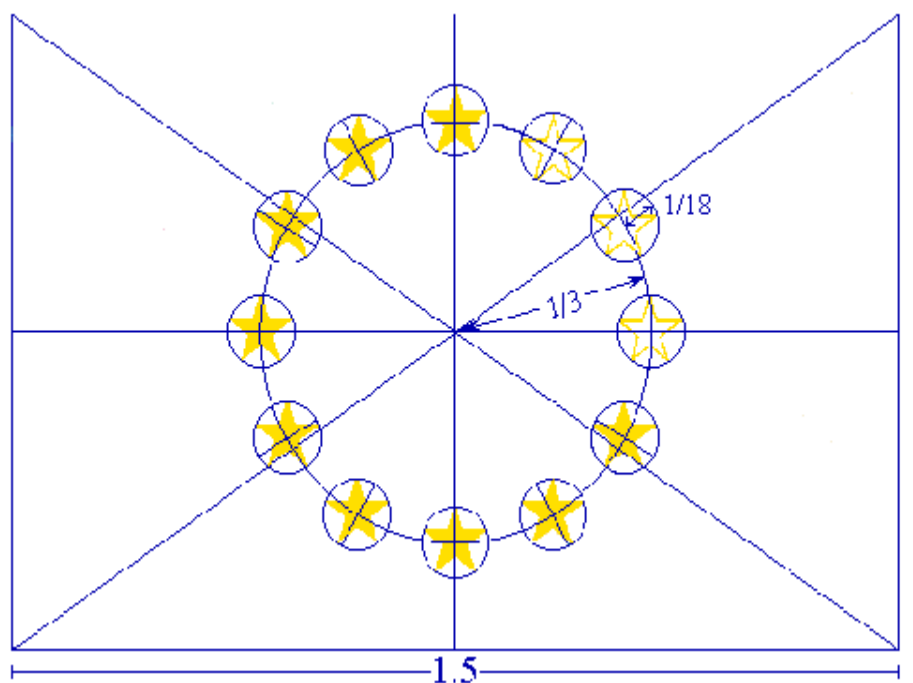
Do the selected countries present themselves as members of the EU to non- EU members by displaying the EU flag or using the EU logos during international meetings?

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?



### APPENDIX 3: 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.<sup>251</sup>



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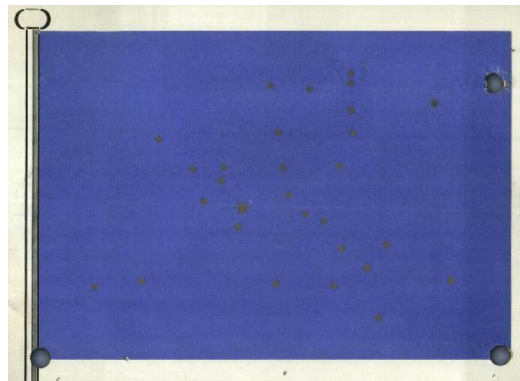
251 Europe, "Graphical specifications for the European Emblem," The portal site of the EU, [http://europa.eu/abc/symbols/emblem/graphics1\\_en.htm#symbol](http://europa.eu/abc/symbols/emblem/graphics1_en.htm#symbol) (accessed 11 January)

## APPENDIX 4: A Pan-European Flag

In 1950, the President of the Pan-European 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.<sup>252</sup>



## APPENDIX 5: Proposal for European Flag by Salvador Madegeria



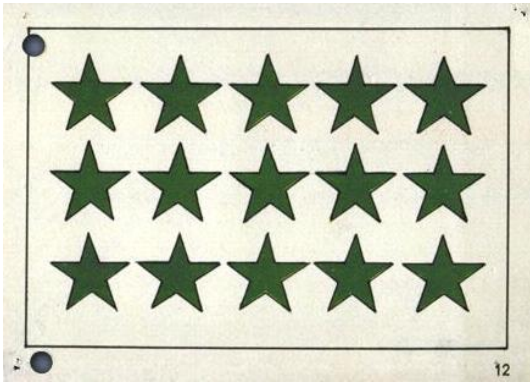
Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191. [www.ena.lu](http://www.ena.lu) Accessed 4 February 2011

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<sup>252</sup> Council of Europe, "European flag - Drapeau européen. Selected flag designs. [ON-LINE]. [s.l.]: *Council of Europe*, Library and Archives, [12.01.2006]. <http://info.coe.int/archives/hist/flag/default.asp>. (8 March 2011)

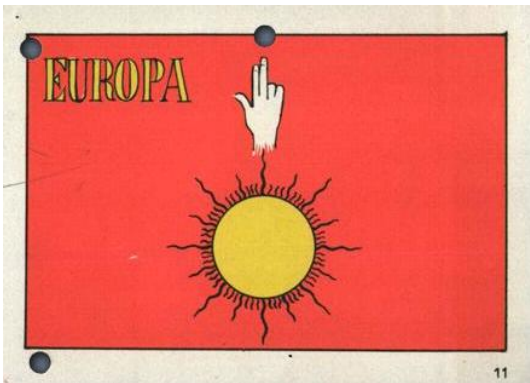
## APPENDIX 6: Twelve Proposals for European Flag

Submitted to the Consultative Assembly of the Council of Europe (December 1951)<sup>253</sup>



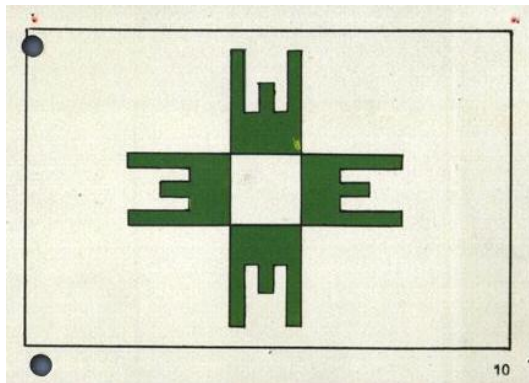
Proposal number 12

Proposal n. 11

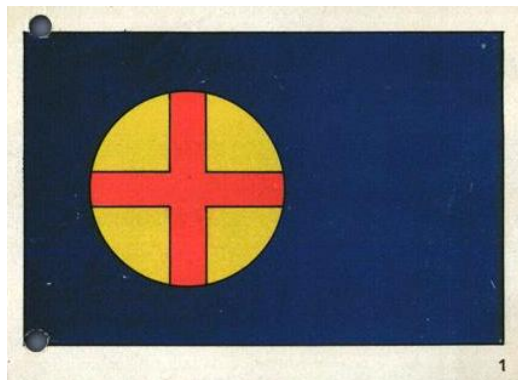


Proposal n. 11

Proposal n. 10



Proposal N. 1.

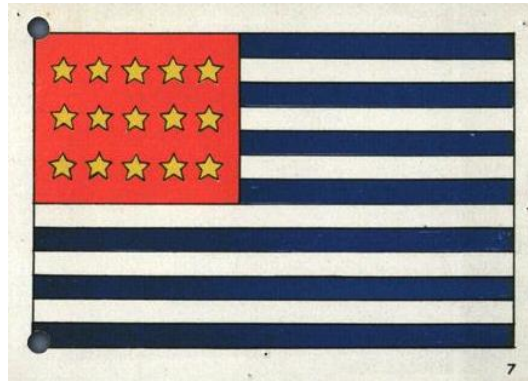


253 Archives historiques du Conseil de l'Europe - Historical archives of the Council of Europe, Strasbourg, F-67075 Strasbourg Cedex. Le drapeau - The Flag, 2191.

Proposal n. 8

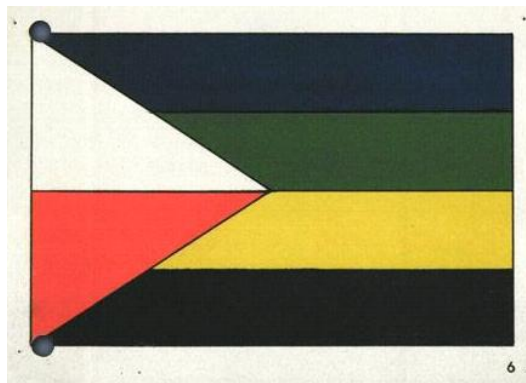


Proposal n. 7



1. Proposal 8

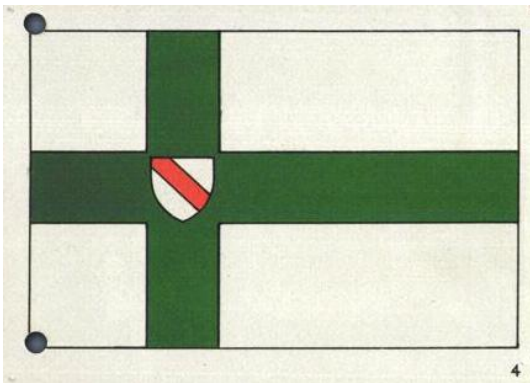
2. Proposal 6



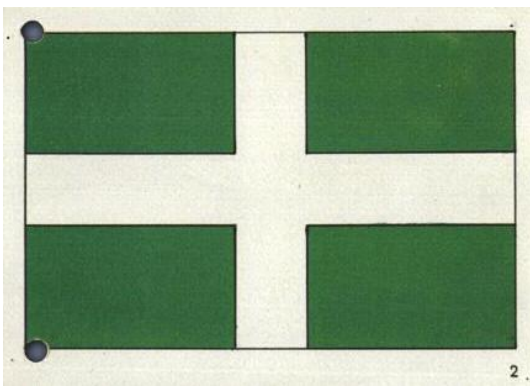
3. Proposal 5



4. Proposal 4



5. Proposal 2



6. Proposal 8



## APPENDIX 7: Samples of Proposals Submitted by Arsène Heitz

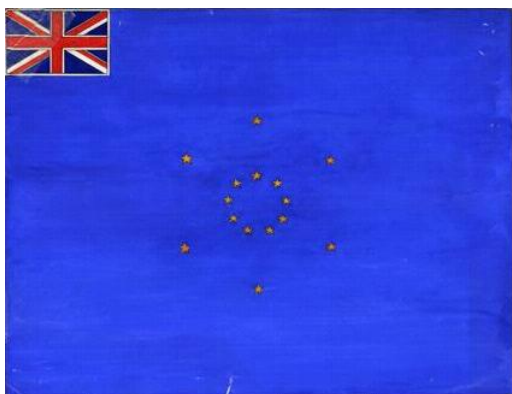


7. Proposal 1



1. Proposal 2

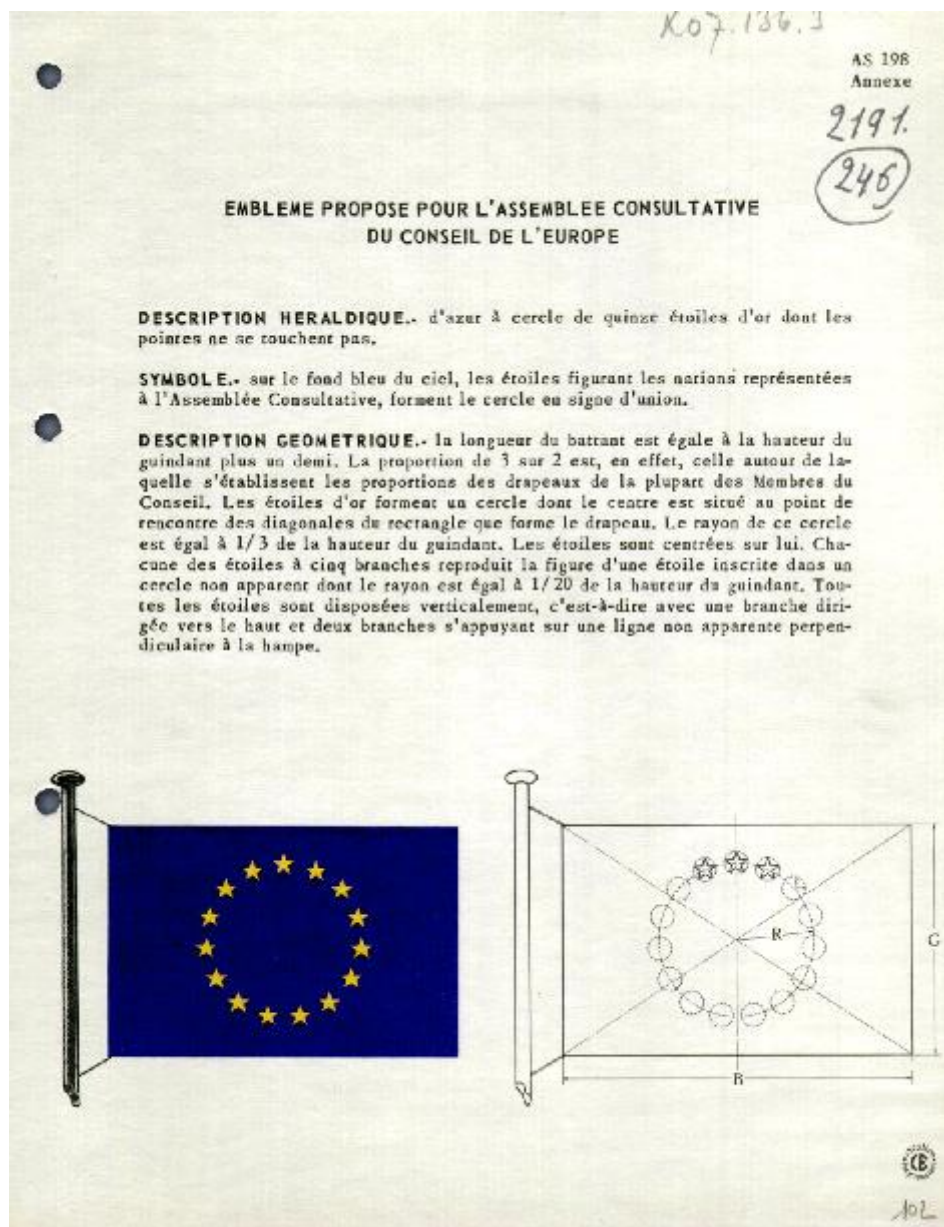
2. Proposal 3





## APPENDIX 8: 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.<sup>254</sup>



<sup>254</sup> Council of Europe, "Description of the First 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](http://www.ena.lu) (accessed 7 February)

## **APPENDIX 9: 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 13<sup>th</sup> 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)<sup>255</sup>*

*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").*

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255 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 10: 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 26<sup>th</sup>.

*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 11: 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 29<sup>th</sup> 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 12: 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 29<sup>th</sup> 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 1<sup>st</sup> 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 13: 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](http://www.governo.it/Presidenza/cerimoniale/ufficio_cerimoniale/bandiera.html)

Cordially,

The service



## **APPENDIX 14: 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 5<sup>th</sup> 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  
Bd. du Régent, 50/52 - 1000 Bruselas  
tfno: 00 32 2 609 64 21  
00 32 474 74 20 56

## **APPENDIX 15: 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, 20<sup>th</sup> 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 shown 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 16: Slovenia

Computer-assisted personal interviewing conducted with Dušan Jurček, as for the Protocol of the Republic of Slovenia, on April, 22<sup>th</sup> 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 Slovenia<sup>256</sup>**

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

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256 1623. Decree on the use of the European Union's flag and anthem in the Republic of Slovenia  
[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\\_Sloven\ia.pdf](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_Sloven\ia.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 17: 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](mailto: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 18: 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 7<sup>th</sup> 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,

## **APPENDIX 19: 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

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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) may be 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

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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 flagstuffs 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.

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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 20: The Slovak Republic**

Source: Public portal Slovakia, (accessed 8 July 2011)

<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 honnorous 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 overnments 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 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 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.