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A N N A L E S  
UNIVERSITATIS MARIAE CURIE-SKŁODOWSKA  
LUBLIN – POLONIA

VOL. XXII, 1

SECTIO K

2015

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Faculty of Political Science, Maria Curie-Skłodowska University, Lublin, Poland

MARIA MARCZEWSKA-RYTKO

*Accession referenda in the fifth EU enlargement\**

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ABSTRACT

The aim of the article is to analyze accession referenda in the fifth EU enlargement. The article consists of four parts: the European enlargements; legal grounds for referenda in the candidate countries for EU membership in 2003; information and pre-referendum campaigns; the character, voter turnout and results of accession referenda. During the process of accession of individual countries to the European Communities/European Union accession referenda were held only in some of the states. The referendum was used in the first enlargement. The accession referendum was not invoked in the second enlargement. The institution of the referendum was not employed in the third enlargement. The fourth enlargement invoked the institution of the referendum. The fifth enlargement took place in 2004. Accession negotiations concerned two groups of states: the Luxembourg and the Helsinki group. In the fifth enlargement, the referenda for accession to the EU were held in nine countries: Malta, Slovenia, Hungary, Lithuania, Slovakia, Poland, the Czech Republic, Estonia and Latvia. The political elites in the candidate countries were in favor of accession. Euroskeptical movements were essentially marginal. In some countries which used the referendum in the process of accession there were requirements concerning a minimum voter turnout necessary for referendum results to be valid and binding. Some of the countries arranged a two-day voting.

**Key words:** referendum, accession referenda, Central and Eastern Europe, the European Union enlargement

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\* The article is the result of a research project No. 2014/15/B/HS5/01866 funded by the National Science Centre.

## INTRODUCTION

During the process of accession of individual countries to the European Communities and then to the European Union, accession referenda were held only in some of the states.<sup>1</sup> They were not mandatory for the governments concerned. The referendum was not invoked in the founding states of the European Communities. In 1967, three institutions: the European Economic Community (EEC), the European Community of Steel and Coal (ECSC) and the European Community for Atomic Energy (EURATOM) established the joint Council and joint Commission thereby starting the European Community. It was composed of six countries: France, Germany, Italy, Belgium, the Netherlands, and Luxembourg. The grounds for the commencement of cooperation were three signed treaties. The aim of the article is to analyze accession referenda in Central and Eastern Europe. The article consists of four parts: the European enlargements; legal grounds for referenda in the candidate countries for EU membership in 2003; information and pre-referendum campaigns; the character, voter turnout and results of accession referenda.

## THE EUROPEAN ENLARGEMENTS

The referendum was used in the first enlargement. Four countries applied: Denmark, Ireland, the United Kingdom, and Norway, economic reasons being a significant factor. Two member states of the EFTA (European Free Trade Association): Denmark and the United Kingdom, and Ireland submitted applications for admission in 1961. A year later, such an application was submitted by Norway. France's objection to the UK's membership and rejection of the latter country's application in 1963 resulted in the suspension of negotiations with the other countries. The agreement with the UK was not reached until the successful conclusion of negotiations began in 1970. The other countries also resumed negotiations. On 22 January 1972, the treaty of accession of the four countries to the EEC and EURATOM and the treaty of accession to the ECSC were signed. The accession treaties became effective on 1 January 1973 and out of four countries applying for membership of the Commu-

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<sup>1</sup> Compare A. Albi, *EU Enlargement and the Constitutions of Central and Eastern Europe*, Cambridge University Press, New York 2005; *European Union Accession Referendums*, (ed.) J.-M. de Waele, Editions de l'Université de Bruxelles, Brussels 2005; *EU Enlargement and Referendums*, (ed.) A. Szczerbiak, P. Taggart, Routledge, London 2005; A. Albi, *Referenda w sprawie członkostwa w UE w krajach Europy Środkowej i Wschodniej: konsekwencje dla unijnej procedury zmian traktatowych*, Centrum Europejskie Natolin, Warszawa 2004; M. Marczevska-Rytka, *Referenda akcesyjne w integrującej się Europie. Próba refleksji*, [in:] *Polska we współczesnym świecie. Między zaściankiem a przestrzenią wolności*, (ed.) A. Kasińska-Metryka, R. Bäcker, Wydawnictwo Adam Marszałek, Toruń 2007, pp. 61–87.

For more on integration see K. Łastawski, *Od idei do integracji europejskiej*, WSP TWP, Warszawa 2003; V. M. Reyes, *Reguly gry, czyli o negocjacjach akcesyjnych i łączeniu się Europy*, Scholar, Warszawa 2000.

nities, three became the Community members. They were: Denmark, Ireland, and the United Kingdom, in which ratification treaties on Community accession were accepted in the accession referenda. It should be pointed out that the accession referendum in the UK was held only two years after this country was admitted into the European Communities structures. In the case of accession-seeking Norway the result of the referendum was negative (see Table 1).

Table 1. Accession referenda in the first enlargement

Country	Date of referendum	Voter turnout (%)	Yes (%)	No (%)
Denmark	October 2, 1972	90.14	63.29	36.71
Ireland	May 10, 1972	70.88	83.10	16.90
The United Kingdom	June 5, 1975	64.03	67.23	32.77
Norway	September 26, 1972	79.22	46.49	53.51

Source: My own list on the data C2D – Centre d'études et de documentation sur la démocratie directe.

The next enlargement in 1981 was connected with the admission of Greece as a member of the European Communities. Greece applied for membership of the Communities in 1975. Accession negotiations lasted four years. A significant factor was both economic reasons and the need to restore and consolidate the democratic system in this country. The treaty was signed on 28 May 1979 and Greece's accession became effective as of 1 January 1981. The accession referendum was not invoked in the second enlargement. The decision was taken by the Greek parliament.

The third enlargement took place in 1986. Accession negotiations involved two countries: Spain and Portugal, which applied for membership of the Communities in 1997. In this case, a crucial factor was political reasons, i.e. the need to consolidate the democratic system and to prevent the return of totalitarian governments. The feeling of anxiety of the Community members aroused without doubt by the increase in the operating costs related to the admission of the two countries. Similar anxieties concerned the candidate countries, which had to bear considerable expenses during the adjustment process. The treaties were signed on 12 June 1985, and on 1 January 1986 Spain and Portugal became members of the European Communities. The institution of the referendum was not employed in the third enlargement. As in the case of Greece, the decisions on accession were taken by the parliaments of the two countries.

The fourth enlargement took place in 1995. Accession negotiations were conducted with the following countries: Austria, Finland, Sweden, and again with Norway. Austria applied for membership in 1989, Sweden in 1991, and Finland and Norway in 1992. It should be stressed that the fourth enlargement was based on the principles adopted in the Maastricht Treaty on the European Union signed on 7 February 1992. The Treaty established new rules of admission of member states to the European Union. The provisions of Article O read as follows: "Any European State may apply

to become a Member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the 16 Member States and the Applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements” [*Traktat o Unii Europejskiej*]. The fourth enlargement invoked the institution of the referendum [Halbersztat, *Demokracja bezpośrednia*].

The positive results of the referenda in Austria, Finland and Sweden were decisive for the accession of these countries to the European Union. In the case of Norway, however, its citizens opposed accession to the EU structures (for detailed data see Table 2).

Table 2. Accession referenda in the fourth enlargement

Country	Date of referendum	Voter turnout (%)	Yes (%)	No (%)
Austria	June 12, 1994	82.35	66.58	33.42
Sweden	October 13, 1994	83.32	52.74	47.26
Finland	October 16, 1994	-	56.89	43.11
Norway	November 28, 1994	89.04	47.82	52.18

Source: My own list on the data C2D – Centre d’études et de documentation sur la démocratie directe.

The fifth enlargement took place in 2004. Accession negotiations concerned two groups of states: the Luxembourg and the Helsinki groups. The Luxembourg group (Group 5+1) comprised such states as Poland, the Czech Republic, Hungary, Estonia, Slovenia, and Cyprus. This first group of Central and Eastern European states commenced accession negotiations as a consequence of the European Council’s decision in session in Luxembourg in December 1997. The negotiations started in March 1998 and finished in December 2002. The Helsinki group embraced six states negotiating their membership of the European Union on the second round after obtaining positive recommendation during the European Council’s summit in Helsinki in December 1999. They were Bulgaria, Lithuania, Latvia, Romania, Slovakia, and Malta. Four countries: Lithuania, Latvia, Slovakia, and Malta concluded negotiations in December 2002.

The sixth enlargement covered two states: Bulgaria and Romania became members of the European Union as of 1 January 2007 (The Territorial enlargements of the European Communities and the European Union).

## LEGAL GROUNDS FOR REFERENDA IN THE CANDIDATE COUNTRIES FOR EU MEMBERSHIP IN 2003

The Maltese Constitution did not provide for a referendum [*Konstytucja Malty*]. The ratification of the Treaty would be effected by the parliament elected in the general election in September 2003. Eventually, the principles of holding a referendum were defined in the Act [*Referenda Act*].

The Constitution of the Republic of Slovenia referred to a referendum in several Articles (Art. 90, 91, 99, 139, 170) [*Konstytucja Republiki Słowenii*]. Pursuant to Art. 90 of the Constitution, the result of a referendum is regarded as positive if the issue being voted on is supported by the majority of voters. On 7 March 2003, the National Assembly passed a special referenda act, whose adoption required a qualified two thirds majority of votes in the Assembly, owing to which the result of the referendum was binding.

The Constitution of the Republic of Hungary referred to the institution of the referendum in the following Articles: 26, 28c, 28e, 44 and 70 [*Konstytucja Republiki Węgierskiej; Act C 1997 on Electoral procedure; Węgry chcą modyfikacji konstytucji; Referendum akcesyjne 12 kwietnia 2003*]. For a referendum to be valid, at least 25% of those entitled to vote had to take part.

The legal grounds for invoking the decision of the citizens in a referendum are the provisions of Art. 4 of the Constitution of the Republic of Lithuania [*Konstytucja Republiki Litewskiej*]. It stipulates that the nation exercises supreme power either directly or through elected representatives. The importance of the referendum is attested to in Art. 9. It stipulates that the most significant problems of the State and the nation have to be decided by a referendum. The decision to hold a referendum is taken by the Seimas (Parliament) in cases specified by law. At least 300,000 entitled citizens may also request holding a referendum. A separate statute specifies the manner of ordering and holding referenda. Art. 33, Chapter II: The individual and the State is the extension of the principle stipulated in Art. 4. The functions of the Seimas include adoption of resolutions on referenda (Art. 67). Provisions of the laws may also be adopted by referendum (Art. 69). Art.71 stipulates that a law or any other act adopted by referendum must, within five days, be signed and officially promulgated by the President of the Republic. If he fails to do so, the laws will come into force after they are signed and officially promulgated by the Speaker of the Seimas. Under Art.148, the Constitution's Art.1 (The State of Lithuania shall be an independent and democratic republic) may only be amended by referendum in which at least three-fourths of the electorate of Lithuania would vote in favor of such an amendment. The provisions of Chapter I and XIV may only be amended by referendum. The final provisions of the Constitution refer to a referendum four times. Regarding the accession referendum, in February 2003 legal measures were introduced in the law as a matter of urgency to facilitate the participation of citizens in voting.

The Constitution of the Republic of Poland refers to the institution of the referendum in the following Chapters: II Art. 62; III Art. 90; IV Art. 125; V Art. 144; VII Art. 170; XI Art. 228 and XII Art. 235 [*Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku*; Grabowska 2003: 102–116; *Ustawa z dnia 14 marca 2003 r. o referendum ogólnokrajowym*; Owczarek 2004: 97–110; Piłat 2004: 153–168; Dubicka 2004: 77–98; Kuciński 2004: 151–166; Uziębło 2004: 205–224]. Especially worth noting are Articles 90 and 125. Article 90 stipulates:

1. The Republic of Poland may, by virtue of international agreements, delegate to an international organization or international institution the competence of organs of State authority in relation to certain matters.
2. A statute, granting consent for ratification of an international agreement referred to in para. 1, shall be passed by the Sejm by a two-thirds majority vote in the presence of at least half of the statutory number of Deputies, and by the Senate by a two-thirds majority vote in the presence of at least half of the statutory number of Senators.
3. Granting of consent for ratification of such agreement may also be passed by a nationwide referendum in accordance with the provisions of Article 125.
4. Any resolution in respect of the choice of procedure for granting consent to ratification shall be taken by the Sejm by an absolute majority vote taken in the presence of at least half of the statutory number of Deputies.

Art. 125 provides:

1. A nationwide referendum may be held in respect of matters of particular importance to the State.
2. The right to order a nationwide referendum shall be vested in the Sejm, to be taken by an absolute majority of votes in the presence of at least half of the statutory number of Deputies, or in the President of the Republic with the consent of the Senate given by an absolute majority vote taken in the presence of at least half of the statutory number of Senators.
3. A result of a nationwide referendum shall be binding, if more than half of the number of those having the right to vote have participated in it.
4. The validity of a nationwide referendum and the referendum referred to in Article 235, para. 6 shall be determined by the Supreme Court.
5. The principles of and procedures for the holding of a referendum shall be specified by statute.

By virtue of the resolution of the Sejm of 17 April 2003 concerning the accession treaty, the holding of a referendum was voted in favor [*Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 17 kwietnia 2003 r.*].

Art. 2 of the Constitution of the Czech Republic of 16 December 1992 passed by the Czech National Council stipulates that the people as the source of all power exercise it through legislative, executive, and judicial bodies [*Konstytucja Republiki Czeskiej z 16 grudnia 1992 r.*]. A constitutional act may also specify the conditions under which the people may exercise State authority directly. Art. 39, para. 4 specifies

that the concurrence of three-fifths of all Deputies and three-fifths of all Senators present is required for the adoption of a constitutional act or for giving assent to the ratification of treaties. Art. 21, para. 1 of the Charter of Fundamental Rights and Freedoms of the Czech Republic, which is part of the Republic's constitutional order, provides that the citizens have the right to participate in the management of public matters directly or through election of their representatives. A minimum voter turnout for a referendum to be valid is not provided for.

The institution of the referendum is referred to in the Constitution of the Republic of Slovakia of 1 September 1992 already in Part One of Chapter One, titled Basic Provisions [*Konštytucja Republiki Słowackiej*]. Art. 2, para. 1 stipulates that citizens exercise State power through their elected representatives, or directly. Art. 7 of the same part specifies that the decision on entering into a state union with other states, or on withdrawal from this union, has to be made by a constitutional law which must be confirmed by a referendum. The importance of the referendum in the Slovak legislation is confirmed by the whole of Part Two in the chapter on legislative power, being devoted to referendum. Article 93 stipulates the subject of a referendum: it is used to confirm a constitutional law on entering into a union with other states, or on withdrawing from that union (para.1) and decisions on other important issues of public interest (para. 2). Basic rights and freedoms, taxes, levies and the State budget may not be the subject of a referendum (Art. 93, para. 3). Article 98 specifies the conditions for a referendum to be valid. The results of a referendum are valid if more than one-half of eligible voters participated in it and if the decision was endorsed by more than half of the participants in the referendum (Art. 98, para. 1). The proposals adopted in the referendum are promulgated by the National Council of the Slovak Republic in the same way as it promulgates laws (Art. 98, para. 2). The result of a referendum may be amended or annulled by the National Council by means of a constitutional law no sooner than three years after the referendum was held (Art. 99, para. 1). A referendum on the same issue may be repeated no sooner than three years from the day it was held (Art. 99, para. 2). Art. 100 stipulates that the manner in which the referendum will be carried out will be specified by statute.

The Constitution of the Republic of Estonia refers to the institution of the referendum in the following Chapters: III Art. 56; IV Art. 65; VII Art. 104, 105, 106; and XV Art. 162, 163, 164, 168 [*Konštytucja Republiki Estonii z dnia 18 czerwca 1992 roku*]. No requirement for a minimum voter turnout was specified for the accession referendum. The referendum would be valid if the majority of voters endorsed accession [*Parlament wyznaczył referendum akcesyjne na 14 września*]. The final decision would be taken by the Estonian parliament.

The Constitution of the Republic of Latvia referred to the institution of the referendum in the following articles: 48, 50, 73, 74, 75, 77, 78, and 80 [*Konštytucja Republiki Łotwy*]. A referendum on Latvia's accession to an international organization was not provided for. This was also the case with the law on referenda. Consequently, it proved necessary to amend the two documents. The amendments were adopted

during the parliamentary session on 8 May 2003 (Art. 68 and 79). Referenda are also referred to in the amendment of 23 September 2004 (Art. 72). The condition for referendum results to be adopted was if at least one-half of those who voted in the last parliamentary election.

#### INFORMATION AND PRE-REFERENDUM CAMPAIGNS

In Malta, there were two opposing camps of the supporters and opponents of integration with the European Union [Żukowska 2004; *Referenda akcesyjne na Malcie, w Słowenii i na Węgrzech*]. The former gathered around the ruling National Party, and the other concentrated around the opposition Labor Party. The information campaign was conducted by the “Malta-EU” Information Center. The campaign utilized public and non-public mass media (Cini). The benefits of Malta’s accession to the EU were emphasized and the arguments of the integration opponents were refuted. The surveys carried out in February 2003 by several public opinion poll centers suggested that 45 do 55 % of the Maltese declared they would vote in favor of accession to the EU structures [Serwis prasowy UKIE]. 29–36% of those polled were against EU membership, while ca. 19–24% of those surveyed were undecided.

In Slovenia, the information campaign called *Strategy for Slovenia Accession to the European Union* became part of a wide-scale campaign, underway since 1997, of informing about the European Union. It was implemented by the Public Relations and Media Office, especially the Department for the European Union. Thanks to a special free infoline (the so-called Eurotelephone) and an electronic thematic information service it was comparatively easy to obtain information on the European Union and accession. Moreover, the so-called Euro-buses were used, which functioned as mobile e-information centers with access to the Internet and libraries concerned with the EU.

In Hungary, the pre-referendum campaign was conducted both by the government and both coalition parties: the Hungarian Socialist Party and the Alliance of Free Democrats [Musiał-Karg 2005: 99–113]. The government campaign was conducted by the Public Foundation for Information on European Union. During the first stage of the campaign, they informed citizens about the European Union, while in the second stage, society was encouraged to support Hungary’s membership of the EU. During the national holiday on 15 March, a special pontoon bridge was built on the Danube. The promotion campaign used the catchphrase: “The bridge of Europe, which unites”. The Protestant and Catholic Churches supported the idea of accession. Opponents of the integration joined the ranks of the civil movement “Union for the Nation”, in which the main role was played by the former (and present-day) Prime Minister Viktor Orbán. Hungary’s EU membership was also opposed by the “Hungarian Movement for the Defense of the Homeland”, “Movement for Better Hungary”, and the “Movement for Free Hungary”, and the party of the extreme right: Hungarian National Front. On the basis of the Szonda Ipsos opinion poll, conducted

from 3 to 13 January 2003 on 1,500 respondents, 56% of those surveyed were in favor of joining the EU, while in October 2002 the number of supporters was 67% [*Gwałtownie zmalała większość zwolenników członkostwa w UE*]. At the same time, the number of accession opponents increased (from 12 to 22% of respondents). The survey results published in the “Nepszabadsag” daily showed that the number of Hungarians convinced that EU membership would be beneficial to their country dropped (from 62% to 45%).

In Lithuania, all the major political forces supported integration with the European Union. The conduct of the government information campaign was assigned to specialist advertising companies [Dziewulski, Otachel 2003]. The campaign encouraged people to vote in the referendum. Mass events were organized, during which information leaflets, flyers, and posters were distributed. Two main slogans were used: “Let’s Be Europeans” and “Vote against Poverty, Vote for the European Union”. The survey carried out by the Lithuanian agency Vilmorus in the spring of 2003 showed that out of 55% of those intending to vote in the referendum, 66% of respondents were in favor of accession while 13% were against it [Dziewulski, Otachel 2003].

Slovakia’s accession was supported by all the major political forces. The information campaign was comparatively short: it lasted only about two weeks [*Słowacja: kampania referendalna ruszyła*]. During the campaign there were meetings with the citizens and text messages were sent to mobile phone owners. In the pre-referendum opinion polls the Slovaks generally declared their support for accession. It should be emphasized, however, that less than half of those having the right to vote declared that they would vote in the referendum [Dziewulski, Otachel 2003].

In Poland, the main political forces declared their support of integration with the European Union [*Assumption for an information campaign before the European referendum “Poland in the European Union”*; Kuźelewska 2003: 38–50; Piasecki 2004: 147–170; Jonczek, Kempisty 2003/2004: 197–219; *Tak dla Polski: referendum akcesyjne*; Nikolski 2005]. As Krzysztof Jasiewicz observed, the attitude of the electorate was essentially identical with the attitude of leaders of individual political parties [Jasiewicz 2003: 46–47]. The referendum campaign was conducted by the president, the government, political parties, associations, foundations, and other non-governmental organizations. The slogans of the presidential campaign were: “YES for Poland”; the government’s campaign – “I’m voting YES”; the campaigns of: SLD (Left Democratic Alliance) – “Poland in the European Union. Yes!”; PiS (Law and Justice) – “A Strong Poland in Europe”; Samoobrona (Self-Defense Party) – “European Union? The Choice is Yours”; Civic Initiative YES in the Referendum – “YES in the Referendum”; UP (Union of Labor) – “Europe – Union – Labor”; PO (Civic Platform) – “Europe is Our Chance. Poland is Our Home”; Civic Movement “the Charter of the Future” and the Club – Senate Bloc 2001 – “You are Polish, You are European. You Want Strong Poland. Vote in the referendum. Vote YES” [Lewanowicz 2003; Gacki, *Kampania referendalna*]. The basic objectives of the referendum campaign were: to make the Poles realize the significance of the decision

taken in the referendum and to mobilize them to take part, so that voter turnout would exceed 50%; provide reliable information on EU membership and the accompanying development opportunities; present actions meant to enhance Poland's position in the EU; show the appropriate preparedness of the State authority institutions as well as the social and professional environment to utilize this membership [*"Polska w Unii Europejskiej"*].

In the Czech Republic, a definitely negative position towards integration with the EU was taken by the Communist Party of Bohemia and Moravia. The Democratic Civic party, in turn, did not explicitly support accession. A neutral stance on the Czech Republic's accession to the EU was adopted by President Vaclav Klaus. It should be emphasized that out of the other leaders of the candidate states he was the only one who did not try to encourage citizens to vote for the Republic's accession to the European Union. Support for the accession to the EU structures was the lowest in the candidate countries [Dziewulski, Otachel 2003].

Estonia adopted a strategy for respect for different viewpoints on accession to the EU structures. Consequently, only information materials about the European Union were published. In August 2003, the leading Estonian politicians had a series of meetings with Estonia's inhabitants in order to encourage them to vote in the referendum. The Evangelical Church backed up supporters of accession. The opposition Center Party declared itself against Estonia's entry into the EU structures. The results of opinion polls of August 2003 show that over 60% of those polled supported accession, while ca. 30% were against [Dziewulski, Otachel 2003].

A characteristic feature of the Latvian campaign was an explicit support for accession by the main political forces and both the Catholic and the Protestant Churches [Buka, Daukscht 2005: 49–66]. The information strategy called *Latvia in Europe* was adopted in March 2003 at the expense of 1.5 million euros. The campaign was also conducted by eight non-governmental organizations, which obtained financial assistance from the European Commission Mission in Latvia. The survey of December 2002 conducted on a sample of a thousand people showed that 47.7% of those polled were in favor of entry into the EU structures [*Mniej niż połowa Łotyszy chce do Unii Europejskiej*]. At the same time, 33.2% of those polled were against Latvia's accession to the EU, with 19.1% having no opinion on the matter. The results of the survey were published on 14 January 2003 by the Latvian Office for European Integration.

Table 3 shows the results of support by the societies in the applicant countries for accession to the EU structures in 1996–2002. The ranges of support and opposition are found in the results of survey conducted by national polling centers and by Eurobarometer.

Table 3. The level of support for accession to EU structures

Country	Support in 1996–1997 (%)		Support in 2000–2001 (%)		Support in 2002 (%)	
	yes	no	yes	no	yes	no
Slovenia	47–57	14–18	42–63	22	55–56	27–28
Hungary	47–56	9–15	54–70	10–15	72–76	6–10
Lithuania	35–40	6–13	47–50	20–21	50–57	17–25
Slovakia	46–62	9	65–76	10–16	68–69	10–17
Poland	63–80	5–7	44–60	26	53–67	22–25
Czech Republic	43–49	11–15	38–54	14–22	41–51	17–36
Estonia	29–35	14–17	38–54	27–59	38–54	28–38
Latvia	34	13	38–53	31–37	37–42	38–43

Source: My own list on A. Albi, *Referenda w sprawie członkostwa w UE w krajach Europy Środkowej i Wschodniej: konsekwencje dla innej procedury zmian traktatowych*, Centrum Europejskie Natolin, Warszawa 2004, p. 11.

In general, it can be said that the political elites in the candidate countries were in favor of accession. It should be emphasized that Euroskeptical movements were essentially marginal. Nevertheless, as the data in Table 3 show, the public opinion in many countries remains skeptical about accession to the EU.

#### THE CHARACTER, VOTER TURNOUT AND RESULTS OF ACCESSION REFERENDA

In the fifth enlargement, the referenda for accession to the EU were held in nine countries. Table 4 shows the data concerning the dates of referenda and the character of their results (binding or not binding).

Table 4. The character of results of accession referenda

Country	Date of referendum	The character of accession referendum
Malta	March 8, 2003	consultation referendum (the authorities undertook to recognize it as binding)
Slovenia	March 23, 2003	consultation referendum (the authorities undertook to recognize it as binding)
Hungary	April 12, 2003	binding
Lithuania	May 11, 2003	binding
Slovakia	May 16–17, 2003	binding
Poland	June 7–8, 2003	binding
Czech Republic	June 13–14, 2003	binding
Estonia	September 14, 2003	binding
Latvia	September 20, 2003	binding

Source: My own list.

It should be stressed that in some countries which used the referendum in the process of accession there were requirements concerning a minimum voter turnout necessary for referendum results to be valid and binding. Table 5 presents the requirements in this respect pertaining to the accession referenda held in 2003. The

requirement of a minimum voter turnout was mandatory in Hungary, Lithuania, Slovakia, in Poland, and in Latvia.

Table 5. The requirement of a minimum voter turnout in accession referenda in 2003

Country	The requirement of a voter turnout
Malta	–
Slovenia	–
Hungary	25%
Lithuania	Over 50%
Slovakia	Over 50%
Poland	Over 50%
Czech Republic	–
Estonia	–
Latvia	Over 50%

Source: My own list.

Table 6 contains the questions asked in the accession referenda in 2003. It should be pointed out that in the case of Slovenia there were two questions (one of them was about NATO membership).

Table 6. Questions asked in accession referenda in 2003

Country	Question asked in the accession referendum
Malta	Do you agree that Malta should become a member of the European Union in the enlargement that is to take place on 1 May 2004?
Slovenia	1. Do you agree to the proposal that the Republic of Slovenia should become a member of the European Union? 2. Do you agree to the proposal that the Republic of Slovenia should become a member of the North Atlantic Treaty Organization (NATO)?
Hungary	Do you agree that Hungary should become a member of the European Union?
Lithuania	I am in favor of Lithuania's membership of the European Union (Yes or No).
Slovakia	Do you agree that the Republic of Slovakia should become a member state of the European Union?
Poland	Do you approve of the Republic of Poland's accession to the European Union?
Czech Republic	Do you agree that the Czech Republic should become a member of the European Union pursuant to the Agreement on the accession of the Czech Republic to the European Union?
Estonia	Are you in favor of the accession to the European Union and passage of the Act on Amendments to the Constitution of the Republic of Estonia?
Latvia	Do you support the membership of Latvia in the European Union?

Source: My own list.

Table 7 contains the data concerning voter turnout in the accession referenda. The presented data explicitly show that the highest turnout was reported in the Maltese referendum, the lowest in Hungary.

Table 7. Voter turnout

Country	Voter turnout (%)
Malta	90.86
Latvia	73.12
Estonia	64.06
Lithuania	63.37
Slovenia	60.41
Poland	58.85
Czech Republic	55.21
Slovakia	52.12
Hungary	45.59

Source: My own list on data C2D – Centre d'études et de documentation sur la démocratie directe.

Tables 8 and 9 also list the data on the number of votes cast in favor of 'yes' and 'no' in the accession referenda in 2003.

Table 8. The number of votes cast in favor of 'yes' in the accession referenda in 2003

Country	'Yes' (%)
Slovakia	93.71
Lithuania	91.07
Slovenia	89.64
Hungary	83.76
Poland	77.45
Czech Republic	77.33
Latvia	67.49
Estonia	66.83
Malta	53.65

Source: My own list on data C2D – Centre d'études et de documentation sur la démocratie directe.

Table 9. The number of votes cast in favor of 'no' in the accession referenda in 2003

Country	'No' (%)
Malta	46.35
Estonia	33.17
Latvia	32.51
Czech Republic	22.67
Poland	22.55
Hungary	16.24
Slovenia	10.36
Lithuania	8.93
Slovakia	6.29

Source: My own list on data C2D – Centre d'études et de documentation sur la démocratie directe.

## CONCLUSIONS

Several remarks might be made in order as a conclusion. First, the phenomenon termed ‘the deficit of democracy in the EU’ is often the deficit of democracy in its member states. In this sense, reference to the sovereign expressed in the referendum voting can exercise important social functions: involve society in the decision-making process concerning solutions of crucial importance for the other spheres of the State’s functioning, impel various political entities to take some steps intended to provide information on possible gains and losses; and legitimize both the governing entities and the vision of State they advance.

Second, three countries: Slovakia, Poland, and the Czech Republic arranged a two-day voting. This was largely due to their concern about voter turnout in the referendum and to the wish to enable as large a number of entitled voters as possible to vote. The results of the accession referenda were binding by law in several countries: in Hungary, Lithuania, Slovakia, Poland, the Czech Republic, Estonia, and in Latvia. In Malta and Slovenia, the referendum results were accepted as binding. Therefore, even when the legislation of a country defined the referendum as a consultation measure, the authorities undertook to recognize it as binding if, obviously, specific requirements were met (in some countries there were requirements of a minimum voter turnout necessary for recognizing a referendum as binding). This shows, I believe, the importance of invoking a referendum in the process of integration.

Third, the highest voter turnout was recorded in Malta (90.86%), in Latvia (73.12%) and in Estonia (64.06%), whereas the lowest turnout was in Hungary (45.59%). Support for EU membership also varied in individual states. The largest support was expressed in such countries as Slovakia (93.71%), Lithuania (91.07%), Slovenia (89.64%) and Hungary (83.76%). It should be emphasized that out of the states whose accession was planned for 2004, support for entry into the EU structures was the lowest in Malta (53.65%), Estonia (66.83%) and in Latvia (67.49%). This result was not surprising because long before the referendum there were opinions of analysts and journalists who questioned Malta’s and Estonia’s possible accession. At any rate, given the varied support for accession to the EU, a solution was adopted which entailed the cascading organization of referenda. Voting would start in the countries in which Euro-enthusiasm was the highest in order to encourage voting by citizens in the countries where the Euroskeptical attitude prevailed. An exception to the rule was Malta, in which voting began the series of accession referenda planned for 2003. The adopted solution appears to have largely influenced the comparatively high percentage of citizens voting in favor of EU membership.

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#### ABOUT THE AUTHOR

**Maria Marczevska-Rytko**, full Professor of Political Science and Religious Studies, the President of the Research Committee on Political Socialization and Education (RC21) of the International Political Science Association (IPSA, from 2012); the Head of Political Movements Department, Faculty of Political Science, UMCS. Her academic work involves problems of contemporary social and religious thought and political movements (especially direct democracy and populism). The author of five books in Polish *Populism. Problems of Theory and Political Practice in*

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*Latin America*, Lublin 1992; *Populism. Theory and Political Practice*, Lublin 1995; *Non-Christian Religions in Poland*, Lublin 1997; *Direct Democracy in Theory and Political Practice*, Lublin 2001; *Religion and Politics in Globalising World*, Lublin 2010; editor of eight books in Polish connected with European integration, populism at the turn of 20<sup>th</sup> and 21<sup>st</sup> centuries, direct democracy; two in English: *Religion in a Changing Europe. Between Pluralism and Fundamentalism. Selected Problems*, Lublin 2003 and *Democratic Thought in the Age of Globalization*, Lublin 2012; co-editor of one of five volumes of *Political Science Encyclopaedia*, Warszawa 2011, and five collective books (in Polish).