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Commission recommends to start negotiations with Turkey under certain conditions

On the basis of a comprehensive report assessing the situation as regards human rights, democracy, the rule of law and the protection of minorities, the European Commission today recommended to start accession negotiations with Turkey Provided that certain key legislation which is in preparation enters into force. The Commission suggests a three pillar strategy to approach the negotiations, First strengthened cooperation to reinforce and support the reform process in Turkey, second negotiations adapted to the specific challenges related to Turkey's accession and finally a substantially strengthened political and cultural dialogue bringing people together from EU Member States and Turkey. While convinced that the accession process will be essential in guiding further reforms in Turkey, the Commission underlines that accession negotiations are by its nature an open-ended process. The objective, accession, is clear but it cannot be guaranteed beforehand. The Commission also presented an assessment of the effects of a possible accession of Turkey to the European Union, which concludes that such a prospect, while challenging for the EU and Turkey, could offer important opportunities for both if it is well managed.

Meeting in Copenhagen in December 2002, the European Council stated that "if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay". This was reaffirmed by the European Council in Brussels in June 2004. Today's decision by the Commission follows this request.

The main elements of the Commission's recommendations

Turkey has **substantially progressed** in its political reform process, in particular by means of far reaching constitutional and legislative changes adopted over the last years, in line with the

priorities set out in the Accession Partnership. However, the Law on Associations, the new Penal Code and the Law on Intermediate Courts of Appeal have not yet entered into force.

Moreover, the Code on Criminal Procedure, the legislation establishing the judicial police and the law on execution of punishments and measures are still to be adopted.

Turkey is undertaking strong efforts to ensure proper implementation of these reforms. Despite this, **legislation and implementation needs to be further consolidated and broadened**. This applies specifically to the zero tolerance policy in the fight against torture and ill-treatment and the implementation of provisions relating to freedom of expression, freedom of religion, women's rights, ILO standards including trade union rights and minority rights.

In view of the overall progress of reforms attained and provided that Turkey brings into force the outstanding legislation mentioned above, the Commission considers that **Turkey sufficiently fulfils the political criteria and recommends that accession negotiations be opened**. The irreversibility of the reform process, in particular its implementation will need to be confirmed over a longer period of time.

A strategy consisting of three pillars should be followed. **The first pillar** concerns cooperation to reinforce and support the reform process in Turkey, in particular in relation to the continued fulfilment of the Copenhagen political criteria. In order to guarantee the sustainability and irreversibility of the political reform process, the EU should continue to monitor progress of the political reforms closely. This will be done on the basis of a revised Accession Partnership setting out priorities for the reform process. A general review of progress of the political reforms will take place on a yearly basis starting from end 2005. The pace of the reforms will determine the progress in negotiations. **The Commission will recommend the suspension of the negotiations** in case of a serious and persistent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded. The Council would decide on such a recommendation with a qualified majority.

The second pillar concerns the specific way of approaching accession negotiations with Turkey. Accession negotiations will take place in the framework of an Intergovernmental Conference where decisions need unanimity and full participation of all EU members. The negotiations will be complex. For each chapter of the negotiations, the Council should lay down benchmarks for the provisional closure and, where appropriate, for the opening of negotiations, **including a satisfactory track record of implementation of the *acquis***. Existing legal obligations in line with the *acquis* must be fulfilled before the opening of negotiations on related chapters. Long transition periods may be required. In addition, in some areas, such as structural policies and agriculture specific arrangements may be needed and, for the free movement of workers, permanent safeguards can be considered. The financial and institutional impact of Turkey's accession will be important. The EU will need to define its financial perspective for the period from 2014 before negotiations can be concluded.

Furthermore, the Commission will monitor, during the negotiations, the ability of the Union to absorb new members, and to deepen integration, taking fully into account Treaty objectives as regards common policies and solidarity.

The third pillar entails a substantially strengthened political and cultural dialogue bringing people together from EU Member States and Turkey. Civil society should play the most important role in this dialogue, which should be facilitated by the EU. The Commission will present proposals on how to support such a dialogue.

The Commission is convinced that the negotiation process will be essential in guiding further reforms in Turkey. **It is by its very nature an open-ended process whose outcome cannot be guaranteed beforehand**. Regardless of the outcome of the negotiations or the

subsequent ratification process, the relations between the EU and Turkey must ensure that Turkey remains fully anchored in European structures. Turkey's accession would need to be thoroughly prepared in order to allow for a smooth integration which does not endanger, but enhances, the achievements of fifty years of European integration.

Assessing issues arising from Turkey's membership perspective

Parallel to the Regular Report on Turkey and its recommendation, the Commission also presented a detailed Impact Study on "Issues raised by Turkey's possible membership in the European Union". The Study concludes that the accession of Turkey would be challenging for both the EU and Turkey. If well managed, it would offer important opportunities for both. The necessary preparations for accession would last well into the next decade. The EU will evolve over this period, and Turkey should change even more radically. The *acquis communautaire*, i.e. the whole body of EU policies and legislation, will develop further and respond to the needs of an EU of 27 or more. Its development may also anticipate the challenges and opportunities of Turkey's accession.

For further information: http://europa.eu.int/comm/enlargement/report_2004/