2018 Commission report on Turkey

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PURPOSE: to present a Commission staff working document on the Turkey 2018 report in the context of EU enlargement.

BACKGROUND: the **state of emergency** declared in the wake of the attempted coup of 15 July 2016 remains in force, aiming at dismantling the Gülen movement, designated by the Turkish authorities as a terror organisation responsible of the coup attempt, as well as at supporting the fight against terrorism, against the background of repeated attacks in Turkey. The EU, which immediately and strongly condemned the attempted coup, reiterated its full support for the country's democratic institutions, and recognised Turkey's legitimate need to take swift and proportionate action in the face of such a serious threat. However, the broad scale and collective nature, and the disproportionality of measures taken since the attempted coup under the state of emergency, such as widespread dismissals, arrests, and detentions, continue to raise serious concerns. **Turkey should lift the state of emergency without delay.**

Within the framework of accession negotiations, 16 chapters have been opened so far and one of these was provisionally closed. Under the currently prevailing circumstances, no new chapters are considered for opening. The Turkish government reiterated its commitment to EU accession but this has not been matched by corresponding measures and reforms.

On the contrary, Turkey has been moving away from the European Union.

CONTENT: regarding its **ability to assume the obligations of membership**, Turkey has continued to align with the *acquis*, albeit at a limited pace. There have been more instances of backsliding regarding a number of key aspects in the areas of information society, social policy and employment and external relations. Turkey is well advanced in the areas of company law, trans-European networks and science and research and it has achieved a good level of preparation in the areas of free movement of goods, intellectual property law, financial services, enterprise and industrial policy, consumer and health protection, customs union and financial control. Turkey is only moderately prepared on public procurement as important gaps remain in its alignment. Turkey is also moderately prepared in the area of statistics and transport policy where further significant efforts are needed across the board. Turkey has only reached some level of preparation on environment and climate change where more ambitious and better coordinated policies still need to be established and implemented. In all areas, more attention needs to be given to enforce legislation whilst many areas require further significant progress to achieve legislative alignment with the EU *acquis*.

Normalisation of bilateral relations with Cyprus: Turkey expressed support for the talks on the Cyprus settlement between the leaders of the two communities. However, Turkey has still not fulfilled its obligation to ensure full and non-discriminatory implementation of the Additional Protocol to the Association Agreement and has not removed all obstacles to the free movement of goods, including restrictions on direct transport links with Cyprus.

There was no progress on normalising bilateral relations with Cyprus.

A summary of the main chapters of the report is as follows:

Political and economic dialogue: the Commission, jointly with the European External Action Service, has maintained EU-Turkey relations in all key areas of joint interest based on a broad strategic engagement. The enhanced political dialogue between the EU and Turkey was maintained. Regular

discussions on foreign and security policy were held on a wide range of topics and regions including Syria, Iraq, Iran, Saudi Arabia, the Middle East and the Gulf, Afghanistan, Libya, Russia, Ukraine, the Western Balkans, the South Caucasus and Central Asia.

Regarding the **economic criteria**, the Turkish economy is well advanced and can be considered a functioning market economy. The economy supported by government stimulus measures, managed to recover from the contraction witnessed in the wake of the attempted coup of 2016 and achieved strong growth in 2017. However, high growth is coupled with significant macroeconomic imbalances. Turkey's economy continued to be characterised by a high level of informality. Turkey has made some progress and has a good level of preparation to cope with competitive pressures and market forces within the EU. Turkey is well-integrated with the EU market in terms of both trade and investment. Some progress was made in the energy sector, particularly in the gas market, and in increasing research and development spending. However, significant problems remained with regard to the quality of education. There was no progress in improving the transparency of state aid.

Judicial system: Turkey’s judicial system is at an early stage of preparation. There has been further serious backsliding in the past year, in particular with regard to the independence of the judiciary.

Corruption and organised crime: the country has some level of preparation in the fight against corruption, where no progress has been achieved. The legal and institutional framework needs further alignment with international standards. A broad, interparty political consensus and strong political will are required to fight against corruption decisively. Corruption remains prevalent in many areas and continues to be a serious problem. Turkey needs to improve its legislation on cybercrime, asset confiscation and witness protection. Data protection legislation is in place but it is not yet in line with European standards. In the fight against **terrorism**, a comprehensive legal framework on terrorism financing is in place.

Fundamental rights and freedom of expression: the Turkish legal framework includes general guarantees of respect for human and fundamental rights, which have however been further challenged and undermined by a number of emergency decrees. The serious backsliding on the freedom of expression continued, an area where Turkey is at an early stage of preparation. Criminal cases against journalists – more than 150 of them remain detained – human rights defenders, writers, or social media users, withdrawal of press cards, as well as the closure of numerous media outlets or the appointment by the government of trustees to administer them, are of serious concern. The Internet Law and the general legal framework continue to enable the executive to block online content without a court order on an inappropriately wide range of grounds. There was also serious backsliding in the areas of freedom of assembly, freedom of association, procedural and property rights. Measures adopted under the state of emergency also removed crucial safeguards protecting detainees from abuse thereby augmenting the risk of impunity, in a context where allegations of ill-treatment and torture have increased. Extreme poverty and a lack of basic necessities remain common among Roma households in Turkey. The rights of the most vulnerable groups and of persons belonging to minorities should be sufficiently protected. Gender-based violence, discrimination, hate speech against minorities, hate crime and violations of human rights of lesbian, gay, bisexual, transgender and intersex persons are still a matter of serious concern.