Turkey's progress towards accession. Recommendation and 2004 report

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PURPOSE : to present the European Commission's recommendation on Turkey's progress towards accession.

CONTENT : 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 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 :

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.

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 report states that 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.

CONCLUSION : 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.