

# EC/Turkey agreement: additional Protocol to the Agreement establishing an Association following the 2004 enlargement of the Union

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The European Parliament postponed voting on the report by Elmar **BROK** (EPP-ED, DE), concerning approval of the protocol extending Turkey's association agreement with the EU to the ten new member states. Parliament voted 311 votes in favour, 285 against and 63 abstentions to postpone the vote. The postponement comes about due to the fact that, when signing the Protocol, Turkey issued a unilateral declaration restating its longstanding position of non-recognition of the Republic of Cyprus. Turkey has also refused to admit vessels and airplanes from Cyprus.

The EC and its Member States subsequently issued a declaration setting out its position on the issues raised. That declaration makes clear that the 'declaration by Turkey is unilateral, does not form part of the Protocol and has no legal effect on Turkey's obligations under the Protocol'. Furthermore, it states that 'Turkey must apply the Protocol fully to all European Union Member States' and that the 'European Union will monitor this closely and evaluate full implementation in 2006'. The declaration also restates that the European Community and its Member States 'recognise only the Republic of Cyprus as a subject of international law' and clarifies that 'recognition of all Member States is a necessary component of Turkey's accession process'. Finally, the statement makes it clear that the European Community and its Member States agree on the importance of supporting the efforts of the UN Secretary-General to bring about a comprehensive settlement of the Cyprus problem in line with the relevant UN Security Council resolutions and the very principles on which the EU is founded, so that a just and lasting settlement will contribute to peace, stability and harmonious relations on the island and in the region in a broader sense.

A majority of MEPs first wanted guarantees from the Turkish authorities that the declaration was not going to be part of the ratification in the Turkish parliament, fearing that it would then have legal implications.

Commissioner REHN stated during the debate in Parliament that the essence of the matter is that the declaration by Turkey is simply unilateral. It has no legal effect and it cannot in any way call into question the full and non-discriminatory implementation of the Protocol.

In a political resolution voted afterwards, Parliament noted "the Commission and the Council take the view that Turkey has formally fulfilled the last conditions for starting the accession negotiations on 3 October 2005." (Please refer to RSP20052576). It called on Turkey fully to implement all the provisions of the Protocol. The Commission is asked to make a full assessment of the implementation of the extended Ankara Agreement. Parliament stressed that failure in the implementation of this agreement would have serious implications for the negotiation process and could even lead to a halting of the negotiation process.