

Gürsel Demirok

**How Could the Relations Between  
Turkey and the European Union  
be Improved?**

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## Vorwort

Der lange Marsch der Türkei nach Europa erfolgt auf einem mit vielen Hindernissen gepflasterten Weg. Die wichtigsten Meilensteine dieses Weges sind über einen Zeitraum von fast vier Jahrzehnten verstreut. Bereits 1963 hatte die Türkei mit der damals noch aus sechs Gründungsmitgliedern bestehenden Europäischen Gemeinschaft ein Assoziationsabkommen ausgehandelt, das im Dezember 1964 in Kraft trat. Der Artikel 28 dieses Abkommens hielt fest: "Sobald das Funktionieren des Abkommens es in Aussicht zu nehmen gestattet, dass die Türkei die Verpflichtungen aus dem Vertrag zur Gründung der Gemeinschaft vollständig übernimmt, werden die Vertragsparteien die Möglichkeit eines Beitritts der Türkei zur Gemeinschaft prüfen". Trotz der bereits zu diesem frühen Zeitpunkt sich für die Türkei öffnenden Option einer EG-Mitgliedschaft erfolgte ein offizieller Beitrittsantrag der Türkei zur Europäischen Gemeinschaft erst 23 Jahre nach dem Inkrafttreten des Assoziationsabkommens, nämlich 1987. In ihrem zwei Jahre später, 1989, vorgelegten Gutachten verneinte die Kommission allerdings die Fähigkeit der Türkei, die Aufnahmekriterien der EG zu erfüllen, wobei eine Mitgliedschaft zu einem späteren Zeitpunkt allerdings nicht ausgeschlossen wurde.

Den nächsten Schritt in dem langen Annäherungsprozess bildete die Errichtung einer Zollunion. Nach zähen Verhandlungen stimmte der Rat der Europäischen Union im März 1995 einem entsprechenden Abkommen zu, das den freien Warenverkehr zwischen der Türkei und der EU, die Annahme des EU-Aussenzolltarifs sowie der gemeinschaftlichen Handelspolitik durch die Türkei und darüber hinaus die Angleichung türkischer Rechtsvorschriften vorsah. Nachdem im Dezember desselben Jahres auch das Europäische Parlament seine Zustimmung gab, wurde die Zollunion zum ersten Januar 1996 verwirklicht.

Die Freude in der Türkei über die erzielten Fortschritte, die von vielen in der türkischen Öffentlichkeit und Politik als sichere Anzeichen für

einen baldigen Beitritt des Landes zur EU gedeutet wurden, erfuhr infolge der Ergebnisse des Europäischen Rates von 12. und 13. Dezember 1997 in Luxemburg einen deutlichen Dämpfer. In den Schlussfolgerungen des Vorsitzes wurden elf Kandidatenländer für einen Beitritt genannt, darunter zehn mittel- und osteuropäische Staaten und Zypern, die Türkei gehörte aber nicht dazu. Der Europäische Rat erklärte diesbezüglich, dass die wirtschaftlichen und politischen Voraussetzungen für die Aufnahme der Beitrittsverhandlungen mit der Türkei nicht gegeben seien. Stattdessen wurde eine "Europäische Strategie" vorgeschlagen, die der Türkei eine "Annäherung an die Europäische Union in allen Bereichen" ermöglichen sollte. Eine Vertiefung der Zollunion, Durchführung der finanziellen Zusammenarbeit, Annäherung der Rechtsvorschriften und die Übernahme des Besitzstandes der EU sowie die von Fall zu Fall zu beschliessende Beteiligung an verschiedenen Programmen und Einrichtungen bildeten die wichtigsten Punkte dieser Vorbereitungsstrategie. Angesichts der im Zusammenhang mit der Verwirklichung der Zollunion geweckten hohen Erwartungen, erschienen die Beschlüsse von Luxemburg für die türkische Regierung, trotz der in der offiziellen Regierungserklärung benannten einigen positiven Elemente, enttäuschend, was eine spürbare Verstimmung im Verhältnis der Türkei zur Europäischen Union zur Folge hatte.

Der Europäische Rat von Helsinki im Dezember 1999 bildete in gewisser Hinsicht einen Wendepunkt in den Beziehungen zwischen der EU und der Türkei. Die Gipfelkonferenz der Staats- und Regierungschefs der EU-Mitgliedstaaten in der finnischen Hauptstadt verlieh der Türkei offiziell einen Kandidatenstatus, womit für das Land zum erstenmal seit dem Beginn des Annäherungsprozesses ein Licht am Ende des Tunnels sichtbar zu sein schien.

Dessen ungeachtet steht ein baldiger Beitritt der Türkei zur Europäischen Union, wie dies auch realistisch von europapolitisch erfahrenen türkischen Politikern gesehen wird, nicht bevor. Die Gründe dafür lie-

gen bei dem Kandidaten selbst, in den politischen und gesellschaftlichen Realitäten des Landes.

In den sogenannten "Kopenhagener Kriterien", die der Europäische Rat im Juni 1993 beschloss, wurden politische und wirtschaftliche Voraussetzungen einer EU-Mitgliedschaft festgelegt. Das Vorhandensein einer stabilen Demokratie mit entsprechenden Institutionen, Rechtsstaatlichkeit, Achtung der Menschenrechte und Minderheitenschutz gehören ebenso dazu, wie eine funktionierende, im europäischen Binnenmarkt wettbewerbsfähige Marktwirtschaft, die Fähigkeit zur Übernahme der Rechte und Pflichten, die sich aus dem *acquis* der Gemeinschaft ergeben und nicht zuletzt das Einverständnis mit den Zielen der politischen sowie Wirtschafts- und Währungsunion.

Neben den Problemen im Bereich der Wirtschaft und Finanzen, stellen die Defizite bei der Erfüllung der politischen Kriterien die Haupt-hinderungsgründe für einen baldigen EU-Beitritt der Türkei dar. Vor allem die Minderheiten- und die Menschenrechtslage entsprechen nicht den EU-Standards. Hinzu kommt der starke Einfluss des Militärs auf die Politik, die immer noch ungelösten Spannungen im Verhältnis zum Nachbarland Griechenland sowie die Rolle der Türkei in der Zypernfrage. Diese Beitrittshindernisse kann nur die Türkei selbst aus dem Weg räumen. Die Europäische Kommission hielt daher fest, dass die alleinige Verantwortung für die Stärkung der Demokratie und Verbesserung des Schutzes der Menschen- und Minderheitenrechte bei der Türkei liege.

Dieser Verantwortung ist sich die Türkei durchaus bewusst. Der im hier vorliegenden Band enthaltene Beitrag des türkischen Generalkonsuls in Zürich Gürsel Demirok, der am 29. Mai während eines Europakolloquiums am Europainstitut der Universität Basel präsentiert wurde, analysiert die Bedeutung der Einbeziehung seines Landes in die Runde der Beitrittskandidaten durch den Europäischen Rat von Helsinki 1999 für die Beziehungen zwischen der EU und der Türkei. Er setzt sich mit der Problematik des türkischen EU-Beitritts ausein-

ander und bietet einen fundierten Einblick in die von der türkischen Regierung im Rahmen eines nationalen Programms ergriffenen Massnahmen, die es der Türkei erlauben sollen, die Demokratiedefizite zu beheben und so das Land auf eine Vollmitgliedschaft in der Europäischen Union vorzubereiten.

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## **GÜRSEL DEMIROK**

### **HOW COULD THE RELATIONS BETWEEN TURKEY AND EUROPE BE IMPROVED?**

Öffentlicher Vortrag vom 29. Mai 2001 im Rahmen der Europakolloquien am Europainstitut

I thank the European Institute for their kind invitation, allowing me to share with you some reflections on one of the foremost priorities of Turkey: our membership in the European Union. It is certainly an honour and a pleasure for me to address such distinguished personalities. Those who are familiar with Turkish history would know that Turkey's western vocation is not new. This has been an on going process for more than a century and a half, with the aim of fully integrating into Europe in all its political, economic, social and cultural spheres and institutions.

The history of relations between Turkey and the EU goes back a long way. While relations can probably be traced to earlier years, the conclusion in 1963 of the Association Agreement is generally taken as the point of departure. Here, I shall not dwell on the past evolution of this relationship, though this history has a rich texture, has high relevance to the present day and it must in any case be viewed as an integral part of the "acquis" between Turkey and the EU. I shall focus on our future in the EU in what might be called the "post-Helsinki" phase. As a natural culmination of this long-established policy of westernisation, Turkey made its application for EC membership on 14 April 1987, in the firm belief that the association links between Turkey and the EU would very strongly back up its claim to membership.

The Helsinki European Council held on 10-11 December 1999 marks a new beginning for both Turkey and EU. At Helsinki, Turkey was offi-

cially recognised without any precondition as a candidate state on an equal footing with the other candidate states.

Moreover, the Presidency Conclusions of the Helsinki European Council envisaged that Turkey, like other candidate states, will reap the benefits from a preaccession strategy to stimulate and support its reforms. The Helsinki European Council of December 1999 will take its special place in the history of Turkey's long march towards Europe on several counts. Firstly, by declaring Turkey as an official candidate for accession to the EU, it dispelled once and for all the ambiguities regarding Turkey's place in Europe. Secondly, it constitutes a milestone in our relationship with the European Union by paving the way for Turkey's full membership to the European Union.

The recognition of Turkey as a candidate for accession at the Helsinki European Council ushered a new era in the relations between Turkey and the EU. The decision taken at that Summit was in a way proof of the Turkish society's European vocation and vindication of constant quest over the past centuries for modernity and progress. This process certainly gained an incomparable acceleration during the Republican era. In other words, the summit was good news for Turkey.

But, Helsinki was also good news for the EU. By opening their folds to Turkey with its unique societal characteristics, the EU member states were in fact expressing their readiness to proceed with their integration at a truly universal level in terms of cultural and civilizational references. With its decision on Turkey, the EU became stronger, philosophically more complete and with a firmer claim for leadership in international affairs.

Helsinki therefore marks a qualitatively new beginning and a process of mutual strategic transformation for Turkey and the EU. For both, it is a gigantic enterprise with great promise and rewards, but also one replete with hurdles and difficulties. In this linkage, Turkey and the EU have to work hard and with persistence to meet their reciprocal obligations. Undue delays and squandering of good intentions and resources

should be avoided.

It is thus stating the obvious to mention that candidacy is not the end, but only the beginning of the road for Turkey. We are aware of our responsibilities and the obligation to fulfill the relevant EU criteria for the start of accession negotiations. We know that success will depend not merely on the efforts of the government and that the active involvement of the civil society, of each and every citizen will be required. It is also of critical significance that the EU act with wisdom and respect for the unique features, complexities and sensitivities of Turkey.

#### **Work on the Criteria for Accession**

We have the Copenhagen criteria for accession before us. As you know the criteria for accession to be met by the candidate countries laid down by the Copenhagen European Council in June 1993 is as follows: "*Membership requires that institutions of the candidate country that secure democracy, the rule of law, human rights, protection of and respect for minorities be rendered stable, the existence of an operating market economy and a capability to cope with competition and market forces within the EU. Membership assumes that the candidate may take on the obligations imposed by membership including participation in political, economic and monetary union*". The preparatory process for accession therefore means extensive and continuous change and transformation in practically all spheres of life for the Turkish society. There are several areas political, economic and other issues that we must address all at the same time. This requires engagement on all fronts and intensive preparations for the start of accession negotiations.

There is no EU-time table for this purpose and it thus depends on Turkey just how rapidly it fulfills the criteria in order to initiate membership negotiations. It is important to note that the candidate status pro-

vides us with additional motivation and impetus to proceed more energetically with our reform projects.

An economic reform package being currently implemented will bring Turkey closer to the economic criteria. The Customs Union, in force for the last five years, places Turkey in a uniquely advantageous position with regard to economic integration and for meeting the relevant criteria. No other candidate country has a similar experience and engagement. Moreover, EU financial support, when it begins to flow in significant quantities, will also enhance our capacity to fulfill the conditions of membership.

The improvement of the human rights situation is an irreversible process. The government is determined to continue its program in this sphere and has already taken a number of steps to that end. The public is increasingly insistent and sensitive to the fuller enjoyment and protection of its rights and freedoms. The flourishing civil society institutions serve the indispensable role of a barometer of the government's performance.

The encouraging atmosphere that emerged following the containment of the terrorist campaigns launched against Turkey has been fortified by the prospect of EU membership. The candidate status ensures that Turkey's own choices, needs and the society's own demands converge with those relating to EU accession.

As part of its preparations for the fulfillment of the Copenhagen political criteria, the Council of Ministers adopted in September 2000 a report (known also as the "Demirok Report") presented by the Higher Board of Coordination for Human Rights outlining a detailed program of action.

In the related official announcement, it was underlined that the government gave utmost importance and priority to preparations towards EU membership and that this report was to be taken as a reference and working document.

### **Institutional Reinforcement**

In the interest of institutional reinforcement to speed up the process of integration, the General Secretariat for EU Affairs, established in June 2000, started functioning under the authority of deputy Prime Minister Mesut Yilmaz. Accordingly, the General Secretariat has been given the primary responsibility of carrying out the preparations and the implementation of the National Programme for the adoption of the acquis.

### **Accession Partnership and the National Programme**

The basic instruments that will accelerate the pace of the membership process, such as the Accession Partnership Document, the Framework Regulation and our National Program for the Adoption of the Acquis have been approved by the relevant bodies on both sides.

The Accession Partnership document as you know defines a strategy outlining what Turkey is required to fulfill as short and medium term priorities in each respective domain for the adoption of the acquis in the accession process. Together with the Helsinki European Council conclusions, the Accession Partnership is the main instrument upon which our future relations with the EU will be based. In order to supplement this process, Turkey prepared her National Programme with respect to the short and medium term priorities. During the preparation of the National Program, the "Demirok Report" was taken as a reference and working document for the fulfillment of the „political criteria“. The National Programme constitutes a milestone for Turkey's reform efforts in the field of democratisation, human rights and liberal economic policies. The Programme is an ambitious and comprehensive work plan of constitutional, legislative and administrative reforms that addresses the following measures for the short and medium term in the context of the section on „political criteria“:

- Freedom of opinion and expression

- Freedom of association and peaceful assembly, and the civil society
- Fight against torture
- Pre-trial detention
- Strengthening opportunities to redress the consequences of human rights violations
- Training of law-enforcement personnel and other civil servants on human rights issues
- Improving the functioning and effectiveness of the judiciary, including the state security courts
- Abolition of the death penalty
- Cultural life and individual freedoms
- Alleviating regional disparities to increase economic, social and cultural opportunities for all citizens
- Full enjoyment by all individuals without any discrimination and Irrespective of their language, race, colour, sex, political opinion, philosophical belief or religion of all human rights and fundamental freedoms; freedom of thought, conscience and religion
- Alignment of the Turkish Constitution and other relevant legislation with the EU acquis
- Ratification of the International Covenant on Civil and Political Rights and its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights
- Detention conditions in prisons
- The National Security Council
- State of emergency

In the context of the section on the “Economic Criteria” the Programme addresses several measures in the short and medium term in order to:

- Give momentum to the privatisation process and structural reforms in the areas of financial sector, agriculture and social security.
- Prepare a pre-accession fiscal surveillance procedure.

- Alleviate the harmful effects of long term inflation via eliminating macro-economic instabilities; especially maintaining public deficits at a sustainable level.
- Finalize the structural reforms and privatisation.

Judging from the experience of other countries, we know the road to membership is not going to be easy. But we will persevere, work hard and follow it through to the end. We will comply with the Copenhagen Criteria that candidates must fulfill. Let there be no doubt about that. But we will accept no discrimination or treatment on a footing different from other candidate countries.

The National Programme for the adoption of the acquis has been produced with a careful appreciation of Turkey’s requirements as spelled out in the Accession Partnership. This comprehensive document demonstrates the will of Turkey to adopt the EU acquis in all relevant areas that are required for accession to the EU.

The political and technical aspects of fulfilling the criteria will now be put in a certain framework. The Sub-Committees created with the task of monitoring the preparation of the process of analytical examination of the acquis have completed their first round of meetings. The second round of meetings have begun and are to be completed by the end of July 2001.

The General Secretariat for the EU also established committees to follow the adoption of the National Programme. These committees are meeting regularly with the participation of the relevant authorities to make the follow up of the National Programme. Turkey is eager to meet the necessary measures which are clearly mentioned in our programme.

The Turkey-EU Association Council to be held this June in Luxembourg will be an opportunity to assess what has been done in Turkey and our preaccession strategy. The Göteborg European Council would be another opportunity to evaluate our efforts in the accession proc-



ess.

I must also emphasize that Turkey's path towards membership will be made easier if our reform program receives the necessary support from the European Union. In this respect, we are looking forward to a full implementation of the commitments undertaken by the Union at the Helsinki Summit. We are pleased that the political obstacles for the resumption of the financial cooperation have finally been removed. I hasten to add that Turkey does not want to put the full burden of its accession on the Union. On the contrary, we have always believed that the transformation of the Turkish economy can best be achieved by increased private investment. Nevertheless, there are operations that cannot be financed through private funds and it is for this reason the Union has put together a massive financial aid program for the candidates from Central and Eastern Europe on their way to membership. Turkey is simply asking for its share of such support. This is also important for altering the public perception of the EU in Turkey which is that the EU only makes demands on Turkey, but does not deliver itself.

Turkey also attaches paramount importance to the start of accession negotiations as the next stage, before the envisaged enlargement of the European Union in 2003. The initiation of negotiations will endow Turkey with a clearer perspective for membership and thus give added impetus to the implementation of the reform measures undertaken by the Government in the political and economic spheres. On that basis, Turkey also looks forward to fully and actively participating in the debate on the future of Europe which will be carried out within the framework of the Intergovernmental Conference to be held in 2004.

There is no question that Turkey needs Europe, as we work to further strengthen our economy. But for us, the true significance of our EU membership lies outside the economic sphere. It will be the culmination of Turkey's long-standing quest to become a member of all Western institutions. This does not mean that Turkey considers the most

important dividend of EU membership to be the certification of its "Europeanness". Turkey is already part and parcel of the European heritage. Rather, the greatest benefit of EU membership for Turkey will be the consolidation of our place within the European family of nations on the basis of common values we share such as democracy, rule of law and human rights.

The prospect of EU membership has enhanced Turkey's strategic importance and political stature in the global setting. Turkey's neighbors to the east in a sense now share borders with the EU. Our friends regard us with greater interest, particularly as a model and as an instrumental avenue for closer relations with the EU and the West in general.

The European Union will draw a whole range of concrete benefits from Turkey's full membership in the interconnected areas of politics, economy, security and culture. Turkey's unique historical experience, cultural wealth, contemporary characteristics, young population, dynamic economy as well as its defence and security posture are springs of benefit that will be open to the EU. When Turkey takes its place among the EU members, the Union will be transformed into a truly multi-cultural and multi-religious geography.

In foreign policy, Turkey enjoys a unique position in that it is simultaneously a member of such diverse organizations as NATO, Council of Europe, OSCE, OECD, Black Sea Economic Cooperation Zone, Economic Cooperation Organization, G-20, D-8 and the Islamic Conference. This gives us the capability to provide the missing link between major Western, Middle Eastern and Asian organizations.

We have close ties with the newly independent states of Central Asia. Our historical relationship with the Arabs and the Israelis enable us to act as a "facilitator" in the Middle East Peace Process. New pipelines that will carry Caspian oil and Russian, Azeri, Iranian and even Egyptian natural gas to Turkish terminals and beyond also promise to transform Turkey into a safe and reliable regional center for the storage and

distribution of precious energy resources. Turkey's entry into the European Union will make these and many more such assets available to the Union.

Turkey's accession may even herald new patterns of human and cultural interaction among different regions of the world. It will send the right messages to the international community about the achievability of sustained peaceful cohabitation, cooperation and friendship between different cultures and religions, at a time when the world needs them most. It will, therefore, also have a positive impact on regional and international peace, stability and security.

On the other hand, interaction between Turkey and EU could not be expected to be immune from problems. In the first place, there are doubts inside the EU as to the future of the enlargement itself, at least, different ideas on how and if it should proceed. There are skeptics everywhere and even those who oppose Turkey's inclusion for their narrowly defined reasons. What is important in the course of the many ups and downs we are likely to experience is not to lose sight of the overriding consideration, that is, the desirability of Turkey's accession. We should all avoid questioning the fundamentals of the relationship every time there is a crisis. Both sides must show constraint and patience and neither side should succumb to the temptation of the "I know better" syndrome.

There are some circles which want to derail or at least delay Turkey's EU membership by creating an air of paranoia about our accession. They claim that Turkish membership will change the Union's structures and cause a wave of workers to rush to the member states. Both prophecies are baseless. By the time of full membership, Turkey will have reached a level of development similar to those of the existing members.

When the "European architecture" is finalized through the EU and stability pacts, there should be no need for migration in the classical sense. This is the goal we are all aiming for. Furthermore, the structures them-

selves are not static and constantly adapting to changing circumstances. When Turkey becomes a member, it will not rock the boat, but contribute to its stability.

In concluding, I would like to stress once again that Turkey wants and has chosen to become a member of the EU. We have the will and the capacity to accomplish this objective. The EU, on the other hand, needs Turkey in its fold and must therefore work just as hard to realize this great project. In short, the 21st century will be witness to a stronger and more integrated Europe because Turkey will be one of its leading components.

## HIGHLIGHTS OF THE NATIONAL PROGRAMME

### **Introduction**

- The Turkish Government regards EU membership as a new step forward, a milestone confirming the founding philosophy of and Atatürk's vision for the Republic.
- Turkey is fully resolved to adopt and implement the EU acquis.
- Turkey can assume a fundamental role in the process of European unification through concrete and distinct contributions she can offer.

### *Cyprus*

Turkey will continue to support the efforts of the UN Secretary General, in the context of his good-offices mission aiming at a mutually acceptable settlement with a view to establishing a new partnership in Cyprus based on the sovereign equality of the two parties and the realities on the island.

### *Greece*

Turkey will continue to undertake initiatives and efforts towards the settlement of bilateral problems with Greece through dialogue.

### **Political Criteria**

The Turkish Government plans to undertake the following measures in the short and medium term:

#### *Freedom of Thought and Expression*

Short term:

- Review the Turkish Constitution and relevant provisions of other legislation, in the light of the criteria referred to in Article 10 of the European Convention on Human Rights and Fundamental Freedoms

- Review Article 312 of the Turkish Criminal Code and Articles 7 and 8 of the Anti-terrorism Act, without prejudice to values protected therein
- Review the Act on the Establishment of Radio and Television Enterprises and Their Broadcasts and Act on Press

Medium term:

- Review the Political Parties Act
- Review the Act on the Duties and Competences of the Police, the Act on the Organization, Duties and Competences of the Gendarmerie and the Act on the Coast Guard Command,
- Review the Act on Cinema, Video and Musical Works

#### *Freedom of Association and Peaceful Assembly and the Civil Society*

Short term:

- Enhance constitutional safeguards for non-governmental organizations
- Enact the Draft law on the Economic and Social Council
- Enact the Draft Law on Job Security

Medium term:

- Review the legislation on the freedom of association and peaceful assembly
- Review any restrictions there may be in the area of trade union rights

#### *Torture*

Short term:

- Undertake arrangements to modernize the Forensic Medicine Institution

Medium term:

- Enact the new Turkish Criminal Code and the new Code of Criminal Procedure
- Explore the availability of financial resources for training law enforcement personnel in the prevention of human rights violations
- Introduce legal provisions on the joint and several liability of perpetrators of torture

#### *Improving the Functioning of the Judiciary*

Short term:

- Review constitutional provisions on the State Security Courts' and the Act on the Establishment and Procedures of the State Security Courts
- Review provisions in the constitution and other legislation which may be infringing upon the independence of the Judiciary

Medium term:

- Establish Specialised Courts for Intellectual and Industrial Property Courts, Appellate Courts and Turkish Union of Chambers of Arbitrators and Expert Witnesses
- Review the Military Penal Code, the Act on the Establishment and Procedures of Military Courts and the Act on Military Administrative High Courts

#### *Death Penalty*

According to the Constitution of the Republic of Turkey, only the Turkish Grand National Assembly is authorised to take the decision to enforce a final sentence of capital punishment. The Turkish Government respects the practice of not infringing upon the essence of the right to life, sustained by the Turkish Grand National Assembly since 1984.

The abolition of the death penalty in Turkish criminal law, its form and its scope, will be considered by the Turkish Grand National Assembly in the medium term.”

#### *Cultural Life and Individual Freedoms*

“The official language and the formal education language of the Republic of Turkey is Turkish.

This, however, does not prohibit the free usage of different languages, dialects and tongues by Turkish citizens in their daily lives. This freedom may not be abused for the purposes of separatism and division.”

#### *Full Enjoyment by All Individuals of All Human Rights and Fundamental Freedoms*

Short term:

- Reinforce in the Constitution the principle that men and women have equal rights
- Enact the Draft Turkish Civil Code which envisages improvements in gender equality
- Put into effect the National Action Plan on child labour

Medium term:

- Conclude international conventions in the field of human rights to which Turkey is not yet a party
- Take further practical measures to facilitate the practice by non Muslim foreign nationals residing in Turkey the requirements of their religions, and in relation to other practices concerning them

#### *Prisons*

Short term:

- Create the institution of the Enforcement Judge

Medium term:

- Reorganise prisons and detention houses

#### *The National Security Council*

“The National Security Council, which is a constitutional organ, has the status of a consultative body in areas of national security. Relevant articles of the Constitution and other legislation will be reviewed in the medium term to define more clearly the structure and the functions of this Council.”

#### *State of Emergency*

“The lifting of the State of Emergency, introduced to fight terrorism, in the remaining four provinces is an integral part of the comprehensive strategy for economic, social and cultural development in the area. The State of Emergency will be lifted with due regard to threat assessment and developments on the ground with respect to security.”

#### **Economic Criteria**

Short Term:

- Give momentum to the privatisation process and structural reforms in the areas of finance, agriculture and social security
- Prepare a pre-accession fiscal surveillance procedure

Medium Term:

- Alleviate the harmful effects of long term inflation via eliminating macro-economic instabilities; especially maintaining public deficits at a sustainable level
- Finalize the structural reforms and privatisation

## **The capacity to assume the obligations of membership (adoption of the *acquis*)**

### *Free Movement of Goods*

#### Short Term:

- Complete the alignment of European standards, certification and conformity assessment and marking; towards this end enact the Draft „Framework Law“ on the Preparation and Implementation of Technical Legislation of Products
- Activate the Turkish Accreditation Authority

#### Medium Term:

- Amend the current Public Procurement Law in order to achieve transparency and objectivity in line with the international norms and secure widespread competition and public scrutiny

### *Free Movement of Persons*

#### Short Term:

Enact new Association Council Decisions, in order to allow the legally employed Turkish workers in the EU member states to enjoy equivalent rights in the labour markets as of EU citizens

### *Free Movement of Capital*

#### Medium Term:

- Replace the “permission system” with the “registration system” through a change in the Foreign Investment Law
- Remove the provisions regarding (direct and indirect) restrictions on foreign investment existing in certain laws, respecting the national security and reciprocity principles

### *Competition Policy*

#### Short Term:

- Enact the Law on Tobacco and Tobacco Products and the Law Amending the Law on the Monopoly of Spirits and Alcoholic Beverages in line with the EU norms so that “Turkish Monopoly” (TEKEL) can function in a competitive environment

#### Medium Term:

- Design a system similar to the EU’s “Nomenclature of Territorial Units for Statistics” (NUTS) so that the regional state aids system can become operational
- Establish an autonomous administrative institution for the effective functioning of the state aids system

### *Common Agricultural Policy*

#### Medium Term:

- Develop functioning land register and animal identification systems.
- Enact legislation and enhance implementation in the field of veterinary and plant health systems
- Develop new strategies for rural development
- Enact the Draft Law on the Regulation of Agricultural Services so that scattered control in the agricultural sector and services can come under a single authority and be more effective and NGOs in the agricultural sector can be strengthened
- Enact the Draft Law on Agricultural Producer Unions to inform and educate farmers and enable them to adapt to the market conditions
- Restructure the intervention agencies in line with the EU norms

### *Common Transport Policy:*

#### Short Term:

- Enact the Draft Law on Road Transport

#### Medium Term:

- Approximate the legislation in railroad transport to EU acquis
- Restructure the railroads system
- Align legislation on maritime safety standards to EU acquis

### *Taxation*

#### Medium Term:

- Enact Excise Duty Law

### *Economic and Monetary Union*

#### Short Term:

- Amend the Law of the Turkish Central Bank will so that:
  - The Bank's main objective becomes price stability,
  - The Bank becomes institutionally independent,
  - The Treasury's share in the Bank is limited.

#### Medium Term:

- Revise the Law on the Protection of the Value of the Turkish Currency in order to start preparing for having a "single currency"

### *Statistics*

#### Short Term:

- Harmonisation in areas like collection of data and methodology
- Realise necessary institutional arrangements
- Enhance the coordination between institutions and cooperation with

the EU's Statistics Office; EUROSTAT.

#### Medium Term:

- Modify the laws of all public institutions so that statistical methodologies can be inserted in the legislation, since there is no specific provision regarding the creation and publication of statistics in Turkish legislation

### *Social Policy and Employment*

#### Short Term:

- Enact the Law on Trade Unions for Public Employees
- Realise legal arrangements to achieve employment security
- Implement a national action plan to eliminate child labor
- Strengthen the legal basis of the Economic and Social Council
- Enact the Draft Law on Work Permits of Foreigners

#### Medium Term:

- Amend The Laws on Trade Unions, Collective Bargaining Agreement and Strike and Lock-out
- Adopt necessary measures to prevent discrimination on the grounds of sex in relevant laws

### *Energy*

#### Short Term:

- Establish The Regulatory Board for the Electricity Market

#### Medium Term:

- Restructure national petroleum and natural gas markets through amendments in the Petroleum Law
- Restructure the Directorate General for Petroleum Affairs as the Regulatory Board for the Petroleum Market

### *Small and Medium Sized Enterprises*

#### Short Term:

- Participate in the Multi-annual Programs of the EU so that SMEs operating in Turkey can adapt to the conditions of the Single Market

#### Medium Term:

- Make legal arrangements in order to ameliorate the relations between the main and subsidiary industries

### *Education and Training*

#### Short Term:

- Enact The Draft Law of the National Agency, which will be responsible for the coordination of the EU's Youth and Education Programs
- Enact The Law on National Professional Standards Institution, which will establish standards in vocational training and hence facilitate the mutual recognition of vocational training documents between Turkey and the EU

### *Audio - Visual Policies*

#### Short Term:

- Amend the Act on the Establishment of Radio and Television Enterprises and Their Broadcasts in order to conform with the EU Directive on "television without frontiers"

### *Regional Policies*

#### Medium Term:

- Establish a system similar to the EU's "Nomenclature of Territorial Units for Statistics" (NUTS) and determine target regions accordingly

### *Environment*

#### Short Term:

- Increase the effectiveness of the Environmental Impact Assessment.
- Enhance access to environmental information

#### Medium Term

- Align waste control regulations to those of the EU

### *Justice and Home Affairs*

#### Medium Term:

- Perpetuate the efforts for public administration reform
- Strengthen border control management
- Align visa legislation implementation to that of the EU
- Prevent illegal immigration by adopting EU legislation and implementation on immigration (admittance, re-admittance, expulsion)
- Enhance the capacity to fight organized crime, drug trafficking, corruption and money laundering
- Adopt the EU legislation on corruption, fight against drugs, organized crime, money laundering
- Cooperate with the EU and other relevant international organisations in the fields of criminal and civil law

### *Financial Control*

#### Medium Term:

- Simplify the budgetary procedures
- Extend the endorsements to all those who work in the budgetary process
- Consolidate the widely dispersed nature of the legislation through a single framework law, so that the financial control system can become transparent and efficient



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