

TURKEY'S ACCESSION TO THE EUROPEAN UNION – PRESENT OR PERSPECTIVES?

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Abstract

The enlargement of the European Union is a sui generis process, which involves internal preparation of the candidate countries, the European Union and accession negotiations as well. The EU enlargement process is based on the desire to create a close relationship between the European countries in a common economic and political project. Guided by the values of the European Union and subject to strict conditions, the enlargement proved to be one of the most effective tools for promoting political, economic and social reforms and to strengthen peace, stability and democracy across the continent. A controversial topic in the last period is Turkey's accession to the European Union. Turkey's European ambitions date back to the 1963 Ankara Agreements, although it has formally submitted the membership application in 1987. Following the Helsinki European Council of 10 – 11 December 1999, accession negotiations between the EU and Romania, Latvia, Lithuania, Slovakia, Malta and Bulgaria started on 15 February 2000. Regarding the accession negotiations with Turkey, it was considered that this country does not meet, at this stage, the criteria set by the Copenhagen European Council on the rule of law, democracy and human rights. For Turkey, an Accession Partnership was adopted on 8 March 2001. Currently, Turkey is far from concluding the process of joining the European Union. However, Turkey is a state that can no longer be ignored by anyone in the world politics, being remarked by the infrastructure projects, the developed tourism, the steady economic growth and, last but not least, by the impressive military power, being the second NATO army. Given that, in the framework of the enlargement process, both the candidate states and the old members must be prepared for integration and cohabitation as well as the negative opinion on the Turkish membership of the influential states, such as Germany and France, it remains to be seen whether Turkey will succeed in joining the 28 states.

Keywords: Accession, Enlargement Process, Politics, Candidate Countries, European Values

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1. Introduction

The reason I chose this theme is the attention given by Europe to Turkey in the recent times. The recent attacks, but especially last summer's coup, led to scepticism over Turkey's accession. One of the Union's aims is to maintain security and to avoid such manifestations within the territory of the Member States. The Euro-deputies have issued a resolution seeking to temporarily freeze the accession process, but there are also voices who believe that the Union could positively influence and prevent similar situations in the country.

The research objective relates to the pros and cons of Turkey's membership to the 28 Member States, the pursuit of the accession process over time and the current position of the Member States on the situation of Turkey.

Next, we will discuss the Union's membership criteria and how Turkey's possible accession can influence the present and future of Europe.

2. European Union accession criteria

All the candidates to accession must meet certain conditions, and Turkey is no exception. As far as Turkish accession to the European Union is concerned, we will analyze each criterion by using the pros and cons:

"The regional integration project presented in 1950 by Robert Schuman was addressed to "any European state", although initially only 6 founding states subscribed to it. The institutional

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treaties, the materialization of the mentioned project, by their provisions, also provided the accession possibility"².

◆ **Maastricht Treaty** replaced the specific accession procedures – only slightly different, in truth³ - provided in the three institutional treaties (TCECO in Article 98, TCEE in Article 237, TEuraton in Article 205) with a single procedure, involving a simultaneous accession to the three Communities.

Under the original procedures for accession to the European Communities, the three Treaties provided for the States that wished to become members to address, for this purpose, a request to the Council, which was due to ask for an approval from the Commission, before ruling on accession.

• The sole EU accession procedure provided in Art. 49TMs⁴ – which transposes EU Art. 237 TCEE derived from the drafting of the Single European Act – states that:

- any European state that respects the values and principles set out in art. 2 and 6 TEUs and who is committed to promote them may apply to become a member of EU by addressing a request to the Council;

- the European Parliament and the national parliaments are informed about this request;

- the Council shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament, which shall act by a majority of its constituent members;

- the conditions and adjustments required by the Treaties on which the Union is based, shall be the subject of an agreement between the Member States and the requesting State;

- the agreement must be ratified by all Contracting States in accordance with their constitutional requirements.

With all the simplification introduced by TMs, a country's accession instruments represent a complex set of acts with a diverse content and legal nature.

◆ The conditions that must be fulfilled by a candidate for the accession are not based only on the Institutional Treaties – little regulated - but also on the accession practice of the new states (between 1969 and 1972 or differently after 1993)⁵.

3. Political criterion

"In the TFUE⁶ preamble the founding states call the other European nations **“that share the same ideal of uniting their efforts to defend the consolidation of peace and freedom by creating a set of resources”** for this purpose".

The fulfilment of the political criterion by the candidate state presupposes the existence of a democratic state in the sense of a liberal political organization. This condition was shaped by the repeated positions of the Community institutions as well as by their unequivocal attitude towards the totalitarian political regimes of Greece, Portugal and Spain before their accession to the Communities when they were candidate countries⁷.

The political criterion, which refers to the country's stability, human rights, respect for and protection of minorities, the rule of law and democracy:

A first argument in favour of Turkey's accession to the European Union, from the perspective of the political criterion, is Turkey's advanced political and military integration into the European system. Turkey is part of NATO, like most Member States. Turkey and the European Union have a customs union treaty, so the Turks become a trading partner of the EU, with exports to the EU of about 45%. So Turkey can represent a competitor but also a stimulus for the European market. For Turkey, the integration would mean more capital, attracted by investments, European funds and exports at a high percentage, which will lead to benefits for both sides.

² Ioana Nely Militaru, *Dreptul Uniunii Europene. Cronologie. Izvoare. Principii. Instituții*, 2nd Edition, Universul Juridic Publishing House, Bucharest, 2011, p. 66.

³ See, Guy Isaac, Marc Blanquet, *Droit communautaire général*, 8 édition, Ed. Dalloz, Paris, 2001, p. 23.

⁴ Maastricht Treaty or the European Union Treaty – EUT.

⁵ Cornelia Lefter, *Fundamente ale dreptului comunitar instituțional*, Economica Publishing House, Bucharest, 2003, p. 100.

⁶ European Union Treaty.

⁷ See, Guy Isaac, Marc Blanquet, *op. cit.*, p. 25.

A second positive argument is the issuance of a decree that protects several religious minorities in Turkey, which aims to protect the rights of Christians and other non-Muslim religious minorities.

Also from the perspective of the political criterion, Turkey suffers minuses due to objections to the rule of law and respect for citizens' rights and freedoms. These are particularly noticeable when it comes to freedom of expression, the prohibition of access to certain sites (such as Youtube or Twitter), crimes against civilians and mass destruction of certain neighbourhoods. In addition, Turkish President Erdogan said he would present a bill aimed at reintroducing the death penalty, which, according to the statement of European Parliament President Martin Schulz, "ends the EU accession talks". Another worrying response to the 2016 state coup attempt is to purge the universities by dismissing rectors and deans from the country, who are elected by the president. Authorities are accused of control and lack of freedom of opinion and expression, representing "a serious and persistent violation of the values of the European Union"

Currently, because of the resolution by which the European Parliament calls for the suspension of Turkey's accession talks, the relationship between the European Union and Turkey has become increasingly tense. As a response to this request, President Erdogan threatened to open the borders for immigrants wishing to enter Europe. He also said he does not exclude as an alternative an alliance with Russia and China within the Shanghai Cooperation Organization.

4. Economic criterion

"Since the integration initially had as objective and aimed to encompass the **economic field**, it was natural for this to be included as a condition for countries wishing to join the Community structures "⁸.

The European Council from Copenhagen, from 1993 (21 – 22 June) established a set of criteria to be fulfilled by such states, named the **Copenhagen criterion**⁹. "These criteria impose for the states:

- To have stable institutions guaranteeing the democracy, the rule of law, human rights and respect for minorities (the political criterion);
- To have a functioning market economy able to cope with competitive pressures on the EU market (economic criterion);
- To be able to undertake the obligations determined by the capacity of member of the Union, including the obligation to comply with the objectives of the Economic and Monetary Union and transposing the *acquis communautaire*. "¹⁰

"The European Council of Essen (Germany) of 9-10 December 1994 adopts **the first pre-accession strategy** (of the Central and Eastern European countries) for their accession to the EU so that the next European Council in Madrid will introduce the fourth criterion on the ability of the candidate countries' administration to manage membership of the European Union.

In June 1995 the European Commission adopted the "White Book on the preparation of the associated countries for their integration into the EU Internal Market".

In 1997, the European Commission published the "Agenda 2000" document proposing a pre-accession strategy, including a new approach to the problem and new tools to achieve the tasks resulting from the implementation of the appropriate programs. The main aspect of the reform of the pre-accession policy is that the European Union's support for accession is geared to all forms of financial aid, being applied the so-called accession partnerships, drawn up following negotiations with each candidate country. The partnerships were multiannual programs targeting priority investment financing, aid for agriculture and structural investment, general economic growth, respect for democracy, cultural cooperation and law approximation. For each candidate country

⁸ See, Ioana Nely Militaru, *op. cit.*, p. 67.

⁹ See, Ion Jinga, Andrei Popescu, *Integrarea Europeană. Dicționar de termeni comunitari*, Lumina Lex Publishing House, Bucharest, 2000, p. 39.

¹⁰ See, Ioana Nely Militaru, *op. cit.*, p. 68 – 69.

there was such a partnership, complementary to a National Acquis Communautaire Program (NACA).

The pre-accession strategy also relied on the European bilateral agreements signed with the candidate countries, setting the priorities for each candidate country to meet the economic and political criteria, including the financial resources needed for the implementation of the identified priorities. The financial instruments of the pre-accession strategy have materialized in Community pre-accession aid, such as funds under the PHARE¹¹, ISPA¹², SAPARD¹³ programs.

By TA¹⁴, the principles on which the European Union is based (the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law) are laid down in Art. 6 TMs - currently still art. 6 TEUs - and become a formal accession condition expressly provided in Art. 49 TMs (Article 49 TEU, according to the Treaty of Lisbon)¹⁵.

The economic criterion presupposes an operational market economy, the ability to cope with pressure but also with the European Union's competition:

Turkey has seen a remarkable growth in the last four decades. This country has a large area of about 780,000 km² and a large population (about 76 million inhabitants).

In 2015, Turkey's economy grew above expectations, 4%, despite political uncertainties, tensions with Russia, and attacks. But in 2016, after the failed coup of the summer, the economy suffered.

The tourism sector is a very important factor for the country's economy. But terrorist attacks, especially tensions with Russia, reduced the number of tourists by 40% in 2016, the largest decline in the last 22 years, causing a decrease of at least 8 billion dollars, equivalent to 1% of GDP. The introduction of the three-month state of emergency by President Erdogan led to the depreciation of the pound and the rise of the inflation rate to 7.6%.

Neither the foreign investors have remained unaffected by the late events in Turkey, so most foreign investors have become uncertain. Currently, the security sentiment is shattered because of the lack of economic reforms and security threats emerging from the confrontations with the Islamic State and the refugee crisis.

The hard relations with Moscow have caused negative economic effects, Russia's sanctions diminishing 0.4% of Turkey's GDP. The country's economy trajectory is unsustainable, and the crisis of the refugees and tensions with Moscow only "divert attention from the implementation of reforms that could re-start the engine of economic growth" as Wolfgang Picolli says.

On April 16, last year, the Turkish people voted for the referendum organized by Prime Minister Binali Yildirim, who proposed to adopt the reform to increase the prerogatives of the president, which would lead to sustainable stability. The referendum has been successful, but investors remain sceptical and support a series of reforms that are needed to boost productivity, liberalize the labour market and increase the value of exports.

Despite all the above, if Turkey joins the Union, it will have a positive impact. The forecasting conducted by the Netherlands Office for Economic Policy Analysis has highlighted a potential increase in bilateral trade of 34%.

5. Territorial criterion

The fulfilment of the territorial criterion results from art. 49 TEU (the same article as the old number in the TEU), namely "any European State (...) may apply to become a member of the

¹¹ From 2001 this program was focused mainly on the issue related to the consolidation of the institutional framework for accession;

¹² Program for investments in the field of transportation and environment.

¹³ Program for agriculture and rural development.

¹⁴ Amsterdam Treaty.

¹⁵ See, Ioana Nely Militaru, *op. cit.*, p. 69 – 70.

Union". Accordingly, by the Treaties of Rome and Paris (former ECSC Treaty¹⁶) the accession is reserved only for the "European States"¹⁷.

Turkey is part of two continents, Asia (97%) and Europe (3%), so it does not fulfil the basic condition that the state is a geographic European one. In spite of this, Turkey can gain European identity through history and culture, the decision to take into account this identity is at the discretion of the European Council.

Today's Turkey is a successful outcome of European and Asian historical, ethnic and cultural elements, and the predominant part of each culture cannot be established. Over time, Turkish culture has embraced Asian and Islamic culture, but from a political, administrative and economic point of view, it tends towards Europeans. On the other hand, this aspect, Asian and Islamic identity, can mean an important resource that the European Union should take into account for effective communication with the Middle East, Central Asia and North Africa.

Another issue that concerns the Turkish people is the predominantly Muslim religion, being at odds with the Christian majority religion on the European continent. Because of recent attacks by Muslim groups, a negative image of religion has been created, depriving the chances of membership. Despite these aspects, accepting or rejecting Turkey in the Union should not be made from the perspective of the Muslim population, and its rejection on the basis of this criterion would mean a strong and uninjured negative signal by many.

6. Legislative criterion

The legislative criterion that concerns the homogenization of the national laws with the communitarian ones, and also the undertaking of the *acquis communautaire*, named in doctrine **the technical criterion**, means that the approval of a new member state implies without doubt an adjustment of the institutive treaties, and they do not open a path for their fundamental renegotiation¹⁸. The criterion is expressed in the principle of the acceptance of the *acquis communautaire*, which has been separated with all the evidence from the first enlargement of the Communities. "This condition also implies that:

- the candidate States must immediately accept the Treaties and all acts adopted on their basis by the Community institutions.

- the candidate countries, based on the *acquis communautaire*, were required to accede simultaneously to three Communities (EC, Euratom, ECSC) before the year 2002, and after that year to two Communities (EC, Euratom). Nowadays, they join the European Union and Euratom Community - EAEC"¹⁹.

Turkey's takeover of the *acquis communautaire* requires gradual transposition. The Association Agreement or the "Ankara Agreement" between EC and Turkey, from 1963, together with its Additional Protocol (1970), laid down the basic objectives of the Association as a continuous development of trade and economic relations and the implementation of a Customs Union. An important objective of this treaty was the free movement of workers, which could not be achieved through economic and social causes. By ensuring the functioning of the customs union, Turkey takes over a large part of the *acquis communautaire* in areas such as customs, trade policy, competition and intellectual, industrial and commercial property protection.

What is to be borne in mind is that the *acquis communautaire* is not negotiable, the European Union wanting all candidates to adapt to the EU legislation in force, even if the established policies and practices do not fit perfectly on the national specificity.

¹⁶ Treaty on which it is based the Economic Community of Coal and Steel.

¹⁷ The criterion provided by the text raised many controversies related to the request of other states that are not "European", such as countries from the former Soviet Bloc (Ukraine, Belarus etc.). The request submitted by Morocco in 1985 was dismissed, and for Turkey, which submitted its candidature in 1987, it was not contested the character of European Country.

¹⁸ See Guy Isaac, Marc Blanquet, *op. cit.*, p. 24.

¹⁹ See, Ioana Nely Militaru, *op. cit.*, p. 67.

The Turkish political regime was influenced by the Union through the 2001 Partnership Agreement, being a powerful stimulus that prompted Turkey to engage in an ambitious process of constitutional and legislative reforms. Thus, in 2002, the Turkish Parliament adopted important amendments to the criminal code, criminal procedure codes and counter-terrorism legislation.

In 2004 Turkey definitively renounces to the capital punishment. Reversing the death penalty in 2016 has led to negative reactions and shook the capitals of the West.

Following the EU-Turkey summit in 2015, Ankara was promised to speed up the process of visa liberalization for Turkish citizens, meaning visa-free travel to the Schengen area by the end of 2016. This has not been completed due to non-compliance with anti-terror legislation. But we must keep in mind that Turkey faced the worst terrorist incident in the modern history of the country in 2015.

The coup hit had a negative impact on the legislative framework. The Turkish Parliament has adopted a series of laws on the rule of law and fundamental rights that are at odds with European standards.

7. The integration capacity

The integration capacity is another important element, as EU must be able to accept new members and the new states must demonstrate their ability to assume membership.

It is important to know the positions of the countries with great influence on Turkey's accession to the great European family. Turkey's participation in the Union is supported by the Netherlands, Italy, Spain and the United Kingdom. Although Britain is in Brexit, it still supports Turkey's bid, perhaps due to the alignment of England's foreign policy files with the United States, the latter supporting Turkey.

Among those against the accession of the Turkish state are France and Germany, which are supported by public opinion. With the concept of the "absorption capacity" of the European Union implemented by France and Germany, arguments are being put forward against a new enlargement of the EU, but especially the Turkish candidacy. The Nordic countries are also reluctant to join Turkey.

As far as Romania is concerned, it supports the candidacy, the future of Turkey being decisive for Romania's reporting to the Black Sea and the Middle East.

8. Conclusions

By those described in this paper, we can have a perspective on the contemporary Turkey, in its attempt to join the European Union. From the perspective of the European Union, Turkey will only be able to become a member if it will undertake the requirements of the Union, and Ankara would fully implement European norms and standards. It is undeniable that recent events, acts of terrorism, the fight against ISIS, the attempted coup, state-owned problems with citizens and their rights compelled European leaders to be sceptical about Turkey's ability to become a member of the EU, all of these events having a negative impact on the country's image.

Taking into account the events from the summer of 2016, Turkey's strong desire to defend democratically elected institutions, to become a country according to the expectations of the European Union and to defend its rights can be seen. Today, the country needs a strong legislative, a free press, an impartial justice, and the government's desire to listen to citizens' views, as the European Union says.

Whether the outcome of the negotiations will be the implementation of Ankara's strategic objective of accession or the failure of the negotiations, the European Union must carefully look at both the advantages and the disadvantages of the possible outcome. The absorption capacity of the Union plays an important role in this outcome, the position of the countries with great influence in Turkey's accession is essential, and among the countries that support the association of Turkey with the European Union are the Netherlands, Italy, Spain and the United Kingdom, opposite Germany

and France. If the talks are not in Turkey's favour, the Erdogan regime could be pushed to Russia, a problematic development for the European Union. However, the historical rivalry between Turkey and Russia will continue to encumber this closeness.

Another result could be the expansion of the Customs Union Agreement, a positive result for both Turkey and the European Union, which could lead to the growth of both sides' economies by liberalizing trade.

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