

Opening of negotiations with Turkey

European Parliament resolution on the opening of negotiations with Turkey

The European Parliament,

- having regard to its resolution of 15 December 2004 on the 2004 regular report and the recommendation of the Commission on Turkey's progress towards accession¹ and its previous resolutions on this subject adopted between 18 June 1987 and 15 December 2004,
 - having regard to its resolution of 6 July 2005 on the role of women in Turkey in social, economic and political life²,
 - having regard to the conclusions of the European Council meeting of 17 December 2004,
 - having regard to the draft framework for the accession negotiations with Turkey, as presented by the Commission on 29 June 2005,
 - having regard to the decisions taken by the European Council on the start of the accession negotiations with Turkey,
 - having regard to its resolution of 21 April 2004 on Cyprus³,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas the Commission has concluded that Turkey has sufficiently fulfilled the Copenhagen political criteria and has recommended that accession negotiations be opened,
- B. whereas the European Council decided in 2002 that if Turkey fulfilled the Copenhagen political criteria the European Union would open accession negotiations without delay,
- C. whereas the European Parliament considered on 15 December 2004 that the opening of accession negotiations is to be recommended so long as it is agreed that in the first phase of the negotiations priority is given to the full implementation of the political criteria; that therefore the agenda of negotiations at ministerial level will start with the assessment of the fulfilment of the political criteria, especially in the area of human rights and full fundamental freedoms in both theory and practice, in the meantime opening up the opportunity to put other chapters on the agenda of the negotiations,
- D. whereas on that occasion the European Parliament, whilst respecting the democratic will of the Greek Cypriot community, expressed its regret that it had not been able to reach a solution, and called on the Turkish authorities to maintain their constructive attitude in finding a settlement of the Cyprus question leading to an equitable solution, to be

¹ OJ C 226 E, 15.9.2005, p. 189.

² *Texts Adopted*, P6_TA(2005)0287.

³ OJ C 104 E, 30.4.2004, p. 720.

negotiated on the basis of the Annan plan-and the principles upon which the EU is founded, and to effect an early withdrawal, pursuant to the relevant UN resolutions, of their forces in accordance with a specific timetable; whereas it expressed its belief that such a withdrawal of Turkish forces is a necessary step forward on the way to further easing tension, resuming dialogue between the parties and preparing for a lasting solution; whereas it called on the Turkish authorities to recognise the Republic of Cyprus; whereas it drew the attention of the Turkish authorities to the fact that the negotiations concerned are intergovernmental negotiations between Turkey on the one hand and the 25 Member States of the EU on the other, the Republic of Cyprus being one of those Member States; whereas it noted that the opening of negotiations obviously implies the recognition of Cyprus by Turkey,

- E. whereas the European Parliament also invited the Turkish authorities to abolish all existing restrictions applying to ships flying the Cypriot flag and involved in trade relating to a Member State of the EU,
- F. whereas the European Council concluded on 17 December 2004 that Turkey fulfilled the Copenhagen criteria sufficiently well to start the accession negotiations on 3 October 2005, provided that it brought into force six outstanding pieces of legislation and that it signed, in accordance with its own commitment, the protocol extending the Ankara Agreement to the ten new Member States, and whereas the European Union must abide by previous commitments,
- G. whereas on 1 June 2005 Turkey brought into force the six outstanding pieces of legislation it was required to do,
- H. whereas on 29 July 2005 Turkey signed the Protocol extending the Ankara Agreement to the ten new Member States but at the same time, along with the Protocol, released a statement saying that the signing, ratification and implementation of this protocol did not amount to any form of recognition of the Republic of Cyprus referred to in the Protocol,
- I. whereas at the same time Turkey is continuing the embargo on vessels flying the Cypriot flag as well as vessels approaching from harbours in the Republic of Cyprus, denying them access to Turkish ports, and on Cypriot airplanes, denying them overflight rights and landing rights at Turkish airports,
- J. whereas the Turkish authorities have also still not complied with demands regarding Armenian issues, as expressed by the European Parliament in its resolution of 18 June 1987¹,
- K. whereas a democratic and economically stable Turkey would substantially benefit the whole of Europe,
- L. whereas only by demonstrating readiness to embrace EU values through determined implementation and continued reform will Turkey be able to ensure the irreversibility of the process of reform and to gather the necessary support amongst the body of EU public opinion,

¹ OJ C 190, 20.7.1987, p. 119.

- M. whereas the European Union's capacity to cope with enlargement is considered a prerequisite, as part of the Copenhagen criteria, and whereas, therefore, the European Union, for its part, must demonstrate that it is capable of political and institutional reform,
1. Notes that 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, namely the bringing into force of the six outstanding pieces of legislation and the signing, in accordance with its own undertaking, of the protocol extending the Ankara Agreement to the ten new Member States; is of the opinion that, on these and other points, the implementation still has to be fulfilled;
 2. Sincerely deplores the fact that Turkey has cast serious doubt on its willingness fully to implement all provisions of the Protocol by releasing at the same time, together with the Protocol, a statement saying that the signing, ratification and implementation of that Protocol does not amount to any form of recognition of the Republic of Cyprus referred to in the Protocol; reminds the Commission to provide Parliament with an answer from the Turkish Government as to whether the unilateral declaration is part of the ratification process in the Turkish Parliament;
 3. Stresses that this unilateral declaration by Turkey does not form part of the Protocol and has no legal effect on Turkey's obligations under the Protocol, and should not be sent to the Grand National Assembly for ratification;
 4. Reminds Turkey that by maintaining restrictions against vessels flying the Cypriot flag and vessels approaching from harbours in the Republic of Cyprus, in the form of denial of access to Turkish ports, and against Cypriot aircraft, by denying them overflight rights and landing rights at Turkish airports, Turkey is in breach of the Ankara Agreement and the related Customs Union irrespective of the Protocol, as this practice infringes the principle of the free movement of goods; calls, therefore, on Turkey fully to implement all the provisions of the Protocol;
 5. Calls on Turkey to recognise the Armenian genocide; considers this recognition to be a prerequisite for accession to the European Union;
 6. Calls on the Commission to make, by the end of 2006, a full assessment of the implementation of the extended Ankara Agreement, and stresses that failure in the implementation of this agreement will have serious implications for the negotiation process and could even lead to a halting of the negotiation process; demands, therefore, that the implementation of the Customs Union be amongst the first chapters to be dealt with in the accession negotiations in 2006;
 7. Expresses once again, whilst respecting the democratic will of the Greek Cypriot community, its regret that it has not been able to reach a solution, and calls on the Turkish authorities to maintain their constructive attitude in finding a settlement of the Cyprus question leading to an equitable solution, to be negotiated on the basis of the Annan plan and the principles upon which the EU is founded, and to effect an early withdrawal, pursuant to the relevant UN resolutions, of their forces in accordance with a specific timetable; believes that such a withdrawal of Turkish forces is a necessary step forward on the way to further easing tension, resuming dialogue between the parties and preparing for a lasting solution; calls once again on all parties in Cyprus to resume the UN-led talks on a comprehensive settlement to the conflict;

8. Emphasises that a rapid normalisation of relations between Turkey and all EU Member States, including Turkey's recognition of the Republic of Cyprus, is a necessary component of the accession process; stresses that Turkey's recognition of the Republic of Cyprus can in no way be the subject of the negotiations; calls on the Turkish authorities to normalise relations between Turkey and all EU Member States and recognise the Republic of Cyprus as soon as possible, and stresses that failure to do so will have serious implications for the negotiation process and could even lead to a halting of the negotiation process;
9. Calls on the Council also to deliver on promises and to put an end to the isolation of the Turkish Cypriot community; calls on the Council, under the current UK Presidency, to make renewed efforts to reach agreement on the financial aid package and on trade facilitation regulations concerning the northern part of Cyprus in order that the EU honour its own commitments with respect to the Turkish Cypriot community;
10. Welcomes the adoption and entry into force on 1 June 2005 of six important pieces of legislation, a step which was established by the European Council in December 2004 as a condition for the opening of the negotiations; notes that concerns remain about certain elements of the laws adopted; is in particular concerned about the complaints made by the public prosecutor against Orhan Pamuk which are in breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and calls on the Turkish Government to guarantee freedom of opinion and to further reform the penal code with regard, in particular, to Article 301/1 thereof; also expresses its concern about Article 305 of the Turkish Penal Code, which criminalises 'acts against the fundamental national interest', and a regulation implementing the law on associations, which retains a number of restrictions, including a priori authorisation of foreign funding; notes that serious concerns also remain regarding the insufficient legal proposals regarding the functioning of religious communities (Law on Foundations);
11. Insists that the negotiating framework should reflect the political priorities referred to by the European Parliament in its various resolutions calling on Turkey to satisfy fully the following political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for, and protection of, minorities; asks therefore for each session of the negotiations at ministerial level to be preceded by an assessment of the political criteria in both theory and practice, thus exerting permanent pressure on the Turkish authorities to maintain the pace of the necessary reforms; considers, furthermore, that a full programme of clear targets, timeframes and deadlines should be fixed for the fulfilment of political criteria;
12. Calls on the Council to respect fully all elements of the framework for negotiations as laid down in the conclusions of the meeting of the European Council of 17 December 2004; emphasises in particular in this framework that the shared objective of the negotiations is accession, that these negotiations are an open-ended process, the outcome of which cannot be guaranteed in advance, and that, while taking account of all Copenhagen criteria, if the candidate State is not in a position to assume in full all the obligations of membership, it must be ensured that the candidate State concerned is fully anchored in the European structures through the strongest possible bond;
13. Calls on the Council and the Commission in this context to report annually to the European Parliament and the national parliaments of the EU Member States on the

progress made by Turkey in fulfilling the political criteria, and to include in this report all verified cases of torture reported in that year and the number of Turkish asylum seekers accepted by the EU Member States during that year;

14. Urges the Commission, once the negotiations on the various chapters have started, to recommend, in the event of a serious and persistent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms, the rights of minorities and the rule of law, and after consultation of the European Parliament, the suspension of negotiations, in line with the Treaty on European Union;
15. Notes that the budgetary impact of Turkey's accession to the EU can only be fully assessed once the parameters for the financial negotiations with Turkey have been defined in the context of the financial perspective from 2014 onwards;
16. Stresses that the Commission's recommendation to negotiate long transition periods, specific arrangements in areas such as structural policies and agriculture and permanent safeguards for the free movement of workers in the accession agreement should not have a negative impact on Turkey's efforts to align with the *acquis*;
17. Stresses that the opening of negotiations will be the starting point for a long-lasting process, which by its very nature is an open-ended process and does not lead 'a priori' and automatically to accession; emphasises, however, that the objective of the negotiations is Turkish EU membership, but that the realisation of this ambition will depend on the efforts of both sides; accession is thus not the automatic consequence of the start of the negotiations;
18. Emphasises that the Nice Treaty is not an acceptable basis for further decisions on the accession of any further new Member States and therefore insists that the necessary reforms be brought into force within the framework of the constitutional process;
19. Recalls that, in accordance with the conclusions of the Copenhagen European Council in 1993, the Union's capacity to absorb Turkey while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and Turkey; supports the Commission in monitoring during the negotiations the Union's capacity to absorb Turkey, and therefore reminds the Commission of its demand, included in the last European Parliament resolution on Turkey's progress towards accession, adopted on 15 December 2004, to receive the follow-up to the impact study in 2005, which would provide useful information about this important aspect of the question;
20. Instructs its President to forward this resolution to the Council, the Commission, the Secretary General of the Council of Europe, the President of the European Court of Human Rights and the Government and Parliament of Turkey.