

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0091/2003

26 March 2003

RECOMMENDATION

on the application by the Republic of Cyprus to become a member of the
European Union
(AA-AFNS 1-6 – C5-0117/2003 – 2003/0901B(AVC))

Committee on Foreign Affairs, Human Rights, Common Security and Defence
Policy

Rapporteur: Jacques F. Poos

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

By letter of 20 February 2003 the Council requested Parliament's assent pursuant to Article 49 of the EU Treaty to the application by the Republic of Cyprus to become a member of the European Union (AA-AFNS 1-6 – 2003/0901B(AVC)).

At the sitting of 7 April 2003 the President of Parliament announced that he had referred this application, together with the draft treaty on the accession of the Republic of Cyprus, to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible and to the committees concerned for their opinion (C5-0117/2003).

At its meeting of 21 January 2003 the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy had appointed Jacques F. Poos rapporteur.

It considered the application for accession, draft treaty of accession, Commission opinion and the draft recommendation at its meeting of 17-19 March 2003.

At that meeting it adopted the draft legislative resolution by 57 votes to 1, with 2 abstentions.

The following were present for the vote: Elmar Brok (chairman), Christos Zacharakis (vice-chairman), Jacques F. Poos (rapporteur), Alexandros Alavanos (for Sami Naïr), Ole Andreasen, Per-Arne Arvidsson, Alexandros Baltas, André Brie, Véronique De Keyser, Rosa M. Díez González, Hélène Flautre (for Joost Lagendijk), Glyn Ford, Pernille Frahm (for Luigi Vinci), Michael Gahler, Per Gahrton, Gerardo Galeote Quecedo, Jas Gawronski, Vitaliano Gemelli (for Franco Marini), Alfred Gomolka, Vasco Graça Moura (for José Pacheco Pereira), Klaus Hänsch, Magdalene Hoff, Ulpu Iivari (for Catherine Lalumière), Christoph Werner Konrad (for Karl von Wogau), Efstratios Korakas, Armin Laschet, Nelly Maes (for Reinhold Messner), Cecilia Malmström, Pedro Marset Campos, Hugues Martin, Linda McAvan, Emilio Menéndez del Valle, Philippe Morillon, Pasqualina Napoletano, Raimon Obiols i Germà, Arie M. Oostlander, Doris Pack (for Alain Lamassoure), Hans-Gert Poettering (for Geoffrey Van Orden), Bernd Posselt (for Amalia Sartori), Luís Queiró, Reinhard Rack (for John Walls Cushnahan pursuant to Rule 153(2)), José Ribeiro e Castro (for Jean-Charles Marchiani pursuant to Rule 153(2)), Lennart Sacrédeus (for David Sumberg), Jannis Sakellariou, José Ignacio Salafranca Sánchez-Neyra, Jacques Santer, Jürgen Schröder, Elisabeth Schroedter, Ioannis Souladakis, Ursula Stenzel, Ilkka Suominen, Hannes Swoboda, Charles Tannock, Gary Titley (for Mário Soares), Joan Vallvé, Bob van den Bos, Paavo Väyrynen, Demetrio Volcic, Jan Marinus Wiersma and Matti Wuori.

The recommendation was tabled on 26 March 2003.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution on the application by the Republic of Cyprus to become a member of the European Union (AA-AFNS 1-6 – C5-0117/2003 – 2003/0901B(AVC))

(Assent procedure)

The European Parliament,

- having regard to the application by the Republic of Cyprus to become a member of the European Union,
 - having regard to the Council's request for Parliament's assent pursuant to Article 49 of the EU Treaty (C5-0117/2003),
 - having regard to the Commission's opinion (COM(2003) 79)¹,
 - having regard to the draft treaty for the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union,
 - having regard to Rules 86 and 96(6) of its Rules of Procedure,
 - having regard to its resolution of 9 April 2003 on the conclusions of the Copenhagen negotiations on enlargement²,
 - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0091/2003),
- A. whereas the conditions for the admission of applicant countries and the adjustments that their accession will involve have been included in the draft Treaty on Accession, and whereas Parliament must be consulted if substantial changes are made to that text,
- B. whereas this assent does not prejudice its position on the adjustment of the financial perspective to cater for enlargement in accordance with Article 25 of the Interinstitutional Agreement of 6 May 1999, and whereas the figures entered in Annex XV of the draft Treaty on Accession represent the minimum threshold to enable that adjustment to take place,
1. Gives its assent to the application by the Republic of Cyprus to become a member of the European Union;

¹ OJ C not yet published.

² Vote in plenary scheduled for 9 April 2003 (report by Elmar Brok (A5-0081/2003)).

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and of the Republic of Cyprus.

EXPLANATORY STATEMENT

With the accession of Cyprus the European Union will be welcoming a country representing one of the most ancient civilisations of our continent and extending its frontiers to the borders of the Middle East. Parliament is convinced that this accession will be valuable not only to Cypriot citizens but also to the citizens of the other Member States of the European Union.

The government of the Republic of Cyprus applied for accession to the European Communities on 3 July 1990.

The Commission gave a favourable opinion on 30 June 1993, recognising that Cyprus had 'beyond all doubt' a 'European identity and character' and confirming 'its vocation to belong to the Community'. The Commission said at the time that 'a political settlement of the Cyprus question would serve only to reinforce this vocation and strengthen the ties which link Cyprus to Europe'.

The European Council meeting in Luxembourg on 13 December 1997 gave the green light to open negotiations with the Republic of Cyprus. The Commission regularly informed Parliament on the progress of negotiations and Parliament has stated its views on these talks in a number of resolutions adopted by a large majority from 1999 onward.

The Helsinki European Council of 10-11 December 1999 encouraged direct talks between the two communities for a political settlement before accession, but decided that settlement of the Cyprus question should not be 'a precondition' for the accession of Cyprus.

At the Copenhagen European Council of 12-13 December 2002 the decision was taken to admit Cyprus to the European Union as a new Member State. The European Council has thus honoured the promise it made at Helsinki. It confirmed that it would prefer a reunified Cyprus to join the European Union and invited the Greek and Turkish Cypriots to continue negotiations with the aim of reaching a comprehensive settlement of the Cyprus problem by 28 February 2003 on the basis of proposals by the United Nations Secretary-General. The European Council urged the two sides to seize this historic opportunity.

Meanwhile Parliament had pointed out, in its resolution adopted on 20 November 2002, that the plan for a general settlement put forward by UN Secretary-General Kofi Annan on 11 November 2002 constituted a serious basis for negotiations for finally settling an argument going back more than 27 years and enabling a reunified and reconciled island of Cyprus to join the European Union.

The agreement has remained blocked to the present day by those who continue, contrary to the UN proposals, to advocate the existence of two separate states instead of one federal state, and who want Cyprus to join at the same time as Turkey, and not on 1 May 2004 as an independent and indivisible country. Mr Denktash and his entourage bear out a heavy responsibility in this impasse and the frustration and anger of a large part of Turkish Cypriot civil society and the opposition parties who are continuing to demonstrate in large numbers in favour of the Annan plan and the European Union.

From the point of view of international law, the government of the Republic of Cyprus is the only legitimate government of Cyprus. The United Nations Security Council adopted Resolution 541 (1983) on 18 November 1983 declaring the proclamation of the 'Turkish Republic of Northern Cyprus' to be legally invalid and calling on all member states not to recognise any Cypriot state other than the Republic of Cyprus.

No country apart from Turkey has recognised the self-proclaimed entity of Northern Cyprus. According to the judgment of 10 May 2001 of the European Court of Human Rights in Strasbourg, the entity is no more than a local administration subordinate to Turkey, a country which exercises 'effective overall control over northern Cyprus' (paragraph 77, judgment of 10 May 2001, European Court of Human Rights). Legally speaking, therefore, the whole island of Cyprus will become a member of the European Union from 1 May 2004. But for reasons of *force majeure* the application of the *acquis* will have to be suspended in the occupied part of the island. The accession treaty will contain an enabling clause empowering the Council on proposal of the Commission to negotiate the necessary adjustments and transition periods for application of the *acquis* in the north of the island once the obstacles to reunification are removed.

In the light of the situation in the northern part of the island after the accession of the Republic of Cyprus, no one can doubt the extent of the opportunity which the Turkish Cypriot authorities and Turkey's leaders have allowed to slip through their fingers.

Your rapporteur regrets that the United Nations Secretary-General's efforts have not been crowned with success. Mr Kofi Annan attributes the failure of the meeting at The Hague on 10 March 2003 to the fact that Mr Denktash reportedly raised fundamental objections to the peace plan and did not agree to put it to a referendum.

But the Secretary-General did add that the plan remained on the table. The Commission reconfirmed its assurance that the European Union was prepared to take into account any settlement that complied with the principles on which the Union was founded.

The status quo cannot be satisfactory for either the Turkish Cypriots, the majority of whom have come out in favour of the proposed settlement, the Greek Cypriots, who continue to be prevented from recovering their properties, or Turkey, whose status in Cyprus continues to affect its chances of accession to the European Union. Can we still hope that the 'longing for peace and reunification', which Mr Kofi Annan saw in the eyes of the Cypriots, will prevail over those who have denied them 'the chance to decide their own future'?

The Copenhagen European Council asked the Commission to consider, in conjunction with the government of Cyprus, ways of encouraging the economic development of the northern part of the island and bringing it closer to the Union if negotiations were to break down. Parliament fully supports this request, as it has repeatedly spoken out in favour of launching bi-communal projects to benefit both communities in the island.