

EUROPEAN PARLIAMENT

2004



2009

Session document

21.9.2005

B6-0505/2005

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Elmar Brok, João de Deus Pinheiro and Camiel Eurlings

on behalf of the PPE-DE Group

on the opening of negotiations with Turkey

European Parliament resolution on the opening of negotiations with Turkey

The European Parliament,

- having regard to the conclusion of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union,
 - having regard to the draft framework of 29 June 2005 for accession negotiations with Turkey,
 - having regard to the communication from the Commission of 29 June 2005 on the Civil Society Dialogue between the EU and Candidate Countries,
 - having regard to its resolution of 15 December 2004 on the 2004 regular report and the recommendation of the European Commission on Turkey's progress towards accession,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas on 29 June 2005 the Commission presented a draft framework for accession negotiations with Turkey,
- B. whereas on 29 July 2005 Turkey signed the Additional Protocol to extend the Ankara Agreement to all Member States of the EU and issued an official Declaration reaffirming its policy on Cyprus,

Additional Protocol

1. Notes the signing by Turkey and the EU of the Protocol to the Ankara Agreement, which is intended to enable the benefits of the Customs Union to be extended to all ten new Member States;
2. Views as regrettable Turkey's Declaration, which could call into question Turkey's real intentions when it comes to implementation in practice;
3. Reminds Turkey that by maintaining restrictions against vessels flying the Cypriot flag and vessels approaching from harbours in the Republic of Cyprus, by denying them 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 these practices infringe the principle of free movement of goods;
4. Stresses that the signing of the Protocol only reinforces the legal grounds on the basis of which Turkey must lift these restrictions;
5. Rejects the interpretation of the Turkish Government that such measures refer to the free

movement of services and thus do not fall within the scope of the Ankara Agreement; recalls in this context that the case law established by the European Court of Justice relating to free circulation of goods within the EU (*Società Italiana per l'Oleodotto Transalpino (SIOT) v Ministero delle finanze, Ministero della marina mercantile, Circostrizione doganale di Trieste and Ente autonomo del porto di Trieste*, Judgment of the European Court of Justice of 16 March 1983, Case 266/81, European Court reports 1983 p. 731) applies equally to trade between Turkey and the European Union, including Cyprus;

6. Calls on the Turkish authorities to remove all barriers to the free movement of goods and to ensure the implementation of all provisions included in the Protocol that respect the obligations which stem from the Agreement;
7. Views as regrettable the content of the Declaration to the effect that the Agreement does not amount to any form of recognition of the Republic of Cyprus referred to in the Protocol, and considers that its spirit goes against the Union's main principles and objectives aimed at sustaining the European integration process;
8. Reiterates its call on the Turkish authorities to recognise the Republic of Cyprus; calls 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 members of the EU on the other; the Republic of Cyprus is one of those Member States; the opening of negotiations obviously implies the recognition of Cyprus by Turkey; clearly this step has not been taken by the Turkish authorities;
9. Stresses that Turkey's signing of the Protocol was one of the pre-conditions for the opening of negotiations, and that allowing vessels flying a Cypriot flag and vessels approaching from harbours in the Republic of Cyprus access to Turkish ports and Cypriot aircraft overflight rights and landing rights at Turkish airports constitutes an inseparable part of the implementation of the Protocol;
10. Notes, however, that Turkey's Declaration and statements made by members of the Turkish Government indicate that Turkey will not change its policy on Cyprus, which includes a refusal to allowing vessels flying a Cypriot flag and vessels approaching from harbours in the Republic of Cyprus access to Turkish ports and Cypriot aircraft overflight rights and landing rights at Turkish airports;
11. Considers, therefore, that it is necessary to ensure that Turkey's Declaration is not a part of the formal ratification process of the Protocol in either the European Parliament or the Turkish Parliament, and that if it is a part of the formal ratification process the vote on the Protocol by the European Parliament should be postponed;
12. Asks that the negotiations should only be opened after a clear commitment by the Turkish Government to the implementation of the Protocol;
13. States, however, that if the Council adopts the negotiating framework in time for the negotiations to be opened on 3 October 2005, the opening of the chapters should take place only after ratification and full implementation of the Protocol, without any discrimination;

14. Calls on the Commission and the Council to promote new initiatives for 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; notes the importance of EU actions to promote the social and economic development of the Turkish Cypriot community;

Negotiations

15. 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 with concern, however, that there is a slowing of the reform process, particularly as regards implementation on the ground; notes that concerns remain about certain elements of the laws adopted, for example: Article 301, which criminalises acts against Turkish identity, applied in breach of the European Convention of Human Rights in the lawsuit against Ohran Pamuk; 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 likewise that serious concerns also remain regarding the insufficient legal proposals regarding the functioning of religious communities (Law on Foundations);

16. Insists on the fact 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 a permanent pressure on the Turkish authorities to maintain the pace of the necessary reforms; considers, furthermore, that early deadlines should be fixed for the complete fulfilment of the political criteria, especially as regards the sensitive issue of human rights and freedoms;

17. Considers that the negotiations should be suspended if these deadlines are not met or in the event of a serious or persistent breach by Turkey of the political criteria;

18. Calls on the Council to amend paragraph 3 of the draft negotiating framework in order to include the following procedural provisions:

- suspension of the negotiations should be recommended by the Commission, on its own initiative or at the request of one third of the Member States, after consultation of the European Parliament;
- the Council will decide by qualified majority on its recommendation;
- the negotiations can only be reopened after a positive recommendation by the Commission, after consultation of the EP and by unanimous decision of the Council;

19. Declares that the negotiation process has an open-ended character and that it is urgent and necessary to inform the public extensively about the open-ended character of the

negotiation process, which might last many years and which, to be successful, will require from Turkey constant and substantial efforts to pursue its modernisation process; stresses that these efforts, independently of the outcome of negotiations, should benefit Turkish citizens by improving their standard of living and opening better prospects;

20. Supports the view that if Turkey is not in a position to assume in full all the obligations of membership or if the EU is not in a position to absorb Turkey, it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond, which would be to the benefit of both parties;
21. Believes above all that the aim-open character of the negotiations, with constructive possibilities parallel to the principle of full membership, should be ensured from the start;
22. 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 on this important aspect of the question;

Civil society

23. Calls on the Commission to promote common projects aimed at civil society in both parts of Cyprus and to encourage the two communities, through appropriate programmes and actions, to engage in a dialogue with each other;
24. Calls on the Commission to encourage strongly, in parallel with the negotiation process, a civil society dialogue between the EU and Turkey, as announced in the recent Commission communication, in order to contribute to building common ground for mutual understanding, tolerance and cultural synergy;
25. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States and the Government and Parliament of Turkey.