

MATHEMATICS OF PROGRESS

**A DIFFERENT LOOK AT
EUROPEAN COMMISSION'S
TURKEY PROGRESS REPORTS**



Economic Development Foundation
Publication No:272

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LIST OF ABBREVIATIONS

APD	Accession Partnership Document
CEECs	Central and Eastern European Countries
EC	European Community
EP	European Parliament
EU	European Union
GCASC	Greek Cypriot Administration of Southern Cyprus
HSYK	The High Council of Judges and Prosecutors Hâkimler ve Savcılar Yüksek Kurulu
IMF	International Monetary Fund
ISIS	Islamic State of Iraq and Syria
IKV	Economic Development Foundation İktisadi Kalkınma Vakfı
NFD	Negotiating Framework Document
NP	National Programme
OSCE	Organisation for Security and Co-operation in Europe
PR	Progress Report
TGNA	Turkish Grand National Assembly
USA	United States of America

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INTRODUCTION

GOING BEYOND THE PROGRESS REPORTS IN TURKEY-EU RELATIONS

The European Commission published its first progress report on Turkey in 1998. This 57 pages-long first report on Turkey had started a monitoring process by the EU, and opened the door of candidacy process for Turkey following the approval of the second report at the Helsinki Summit in 1999. When the first report was published in 1998, in Turkey, the per capita income was 3.247 US dollars, amount of total exports was 23,8 billion US dollars, and imports was 41,7 billion US dollars.

2014 Turkey Progress Report, which is the 17th and the most recent report on Turkey, is published by the European Commission on 8 October 2014. At present, the per capita income in Turkey is 11.318 US dollars whereas the imports have reached to 252 billion US dollars, and the exports have reached to 152 billion US dollars. From the date when the first report was published until today, not only Turkey but also Europe has changed. The EU with 15 Member States in 1998, has transformed into a giant Union with 28 members. Its population has exceeded 550 million; and its territory has reached to 4,5 million km².

One idea that has not changed for the last 16 years is Turkey's faith in European perspective. Whilst the first report in 1998 initiated the monitoring process by the EU, and the second report opened the door of EU candidacy, the formal negotiations with Turkey was commenced in 2005. While Turkey is getting closer to leave behind 10 years in negotiations, 14 chapters have been opened to negotiations; and only one of them has been provisionally closed. Although Turkey and Croatia have started their membership talks on the same day, Croatia became a member in July 2013, but Turkey still remains to be on EU's doorsteps.

Without a doubt, the European perspective is a goal that can produce solid and tangible results for Turkey; but it is difficult to say the same thing for the European Commission's progress reports. In conjunction with the decline in credibility across Turkey and Europe regarding Turkey's EU accession negotiations as well as Turkey's membership goal, it is getting impossible for the progress reports to act as effective tools triggering Turkey's reform process. European Commission so far has evaluated progress in Turkey in the entire corpus of 17 reports; and the number of total pages has reached to 1.786. With a simple calculation, in terms of number of pages, the European Commission so far has prepared Turkey Progress Reports 6.5 times greater than the Treaty of Lisbon.

Unfortunately, the 1.786 pages-long Commission progress reports turned out to be insufficient to make Turkey a member of the EU. After all, this was the fundamental question regarding the progress reports: "Could not Turkey become a member of the EU if the 1.786 pages written so far had been sourced properly?" Or how many more reports Turkey needs to become a member state of the EU? In the course of time, progress reports have become limited in scope, whilst the reports themselves have become politicised. Furthermore, the emphasis on political criteria has gone beyond the importance given to technical criteria which in turn has raised questions such as why and for whom these reports are written; and even the purpose of the reports has come under question on both sides.

In line with the slowing down of Turkey-EU relations, whilst the increase in problems regarding the reports in question created stern reactions, Turkey has done something that none of the candidate countries had ever done before: in a response to the Commission, Turkey started to publish its own progress reports since 2011. This in turn has become the main indicator of the problem as well as the lack of communication.

Europe presented its 17th Progress Report in early October in an environment wherein 14 chapters were opened to negotiations in nearly 10 years of the negotiation process; wherein Turkey—for whom the target date is yet to be determined—has 'provisionally' closed only one chapter; and wherein political debates mostly undermined the technical process and led to the emergence of a serious loss of confidence between Turkey and the EU.

In the context of Turkey-EU relations and the usual continuous monotony of progress reports, it was not difficult at all to predict the content of 2014 Progress Report and the responses that would be directed towards it. In the shadow of the European Commission's newly elected President, Juncker's statement "*no further enlargement will take place over the next five years*", it would not be rational to expect from the 17th Progress Report on Turkey to bring a new dynamism and rhetoric in Turkey-EU relations.

2014 Progress Report is highly remarkable as it is the last report prepared under the leadership of Barroso who, along with his cabinet, held the position as the President of the European Commission for nearly 10 years; and as it is the latest of 5 Turkey Progress Reports that Štefan Füle, European Commissioner for Enlargement since 2009, had his signature on. For the next five years, this report displays the qualities of a roadmap to be taken into account by the new President-elect of the European Commission Jean-Claude Juncker and Austrian Johannes Hahn, appointed by Juncker as the Commissioner for European Neighbourhood Policy and Enlargement Negotiations. Taken into consideration together with the clues given by Juncker on the future of EU enlargement, the most recent Turkey Progress Report discloses certain hints and guidance regarding the previous Commission's attitude towards Turkey.

From the beginning, the progress reports that have increasingly become more monotonous and politicised in the case of Turkey, are considered to be necessary and natural tools for the analysis of the progress in candidate and potential candidate countries willing to join the EU. Nonetheless, the tangible and constructive contribution of this tool on Turkey's EU membership goal has become more problematic day by day; so much so that it is possible to think that the structure of the current standing reports is not sufficient for the evaluation of Turkey as a country that has a relationship with the EU for more than 50 years.

As the Economic Development Foundation, following and interpreting the developments in Turkey-EU relations since 1965, we, in every opportunity, have taken initiatives that go beyond established rules and norms and that are beneficial for Turkey-EU relations. Economic Development Foundation that has made a great effort so far on the integration of Turkey with the EU, has also given its full support to all parties through its recommendations, analyses and studies for the improvement and acceleration of the process, and for the finalisation of this process with the realisation of membership. The point we have reached today is very

thought-provoking: both Turkey and the EU as two parties that maintain partnership for more than 50 years, have been displaying an attitude overshadowed by political developments, opened, closed, or blocked *acquis* chapters, progress reports and daily politics in the process of membership negotiations continuing for the last 10 years. Under these circumstances, the *acquis* chapters, progress reports, resolutions and recommendations that should contribute to Turkey's ultimate goal of EU membership, fail to serve their purpose. In this context, Turkey's EU integration process gets interrupted while both parties fail to reach the desired level of relations. The most striking example of this is displayed in the insufficiency of the 17 progress reports that have been published since 1998 in moving Turkey towards the EU on an anticipated level and in crowning Turkey with the ultimate goal of full membership.

In this context, since 1965, as the Economic Development Foundation, we have adopted a particular mission that gives a leeway to the development of new and fresh perspectives and transcending of established rules and norms.

This study titled **“Mathematics of Progress: A Different Look at European Commission Turkey Progress Reports”** is prepared by İKV Deputy Secretary-General and Research Director Melih Özsöz; translated by Dr. Zeynep Özkurt; and edited by İKV Researcher Büşra Çatır. With this study, we aim to look beyond the stereotypical progress reports in Turkey-EU relations. In this study, we make recommendations on progress reports that the European Commission prepares with great efforts in all year round and that we await less enthusiastically year by year in order for these reports to make tangible and visible contributions to Turkey's EU membership process. While we appreciate Melih Özsöz for his substantial analysis, we hope that this study on European Commission Turkey Progress Reports from the start until today will positively contribute to our country's EU membership process.

Ömer Cihad Vardan
İKV Chairman

CHAPTER 1

2014 TURKEY PROGRESS REPORT

The European Commission published the 2014 Turkey Progress Report on 8 October 2014. This Report is the **17th Progress Report** that the Commission published on Turkey. Together with this 80 pages-long report, the progress reports on Turkey, since the very first report published in 1998, have reached **1.786 pages** in total. With a simple calculation, in terms of number of pages, European Commission so far has published Turkey progress reports **6,5 times greater than the Treaty of Lisbon**.

In the course of 2014, when domestic politics of Turkey were preoccupied by the local elections and the Presidential election, and Europe with the elections of the Parliament, the Commission President, the members of the European Commission, the Presidency of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy; and when Turkey spent hours working on Syria, Israel and Northern Iraq in its foreign policy, and Europe on the crisis between Russia and Ukraine, **there was hardly any misapprehension with regard to the contents of the report.**

WHAT IS INCLUDED IN THE 2014 TURKEY PROGRESS REPORT?

A **positive** image on Turkey-EU relations can be depicted in the 80 pages long 2014 Turkey Progress Report prepared by the European Commission covering the period from October 2013 to September 2014. In this framework, the fundamental components of this positive process are identified as:

- continuation of activities within the scope of **Positive Agenda**;
- announcement of the year 2014 as the **Year of the EU** and the adoption of Turkey's **new EU Strategy** by the 62nd Government;
- signature of the **Readmission Agreement** between Turkey and the EU, and the launch of the **visa liberalisation dialogue**;

- reinforcement of cooperation in the field of **energy**;
- continuation of **enhanced political dialogue** between Turkey and the EU;
- continuation of works in the light of the recommendation presented in the **World Bank's report** regarding the Customs Union;
- specification of the strategy and main priorities regarding Turkey and the EU's **new Instrument for Pre-Accession Assistance**;
- active participation of Turkey in the **EU Programmes**.

In the section of the report entitled “**Political Criteria and Enhanced Political Dialogue**” wherein Turkey's level of alignment with the Copenhagen Political Criteria is assessed, the **judicial system in Turkey and the recent developments in the judicial system** remained at the forefront. Within this framework, it was emphasized that particularly the developments following the corruption and bribery allegations on 17 December and 25 December in 2013, have raised concerns on the **independence, impartiality and efficiency of judiciary in Turkey** and questions marks on the **principles of the rule of law and separation of powers in Turkey**.

While the suspension of establishing a new Constitution was stressed in the report, it was also emphasised that a new Constitution is of critical importance for further democratisation of Turkey. Furthermore, whilst it was pointed out that **the local elections and the Presidential elections** held in 2014 were conducted in a generally peaceful environment, the high number of objections to the election results along with certain developments occurred in the process of the Presidential election campaign have violated the **principle of free and fair elections**.

The positive developments on the **Kurdish issue** were supported by the statements on **solution process of the Kurdish issue** that was approved by the Turkish Grand National Assembly (TGNA) in June indicating that it is an effective tool for the democratic solution of the Kurdish issue. Nevertheless, the Commission also reminded that the implementing regulation of this law has not been adopted yet.

The report welcomed the fact that the EU membership remains to be one of the main priorities of the 62nd Government; and spoke highly of the **new EU strategy** and the **mandate given by the Prime Ministry** to the Ministry for EU Affairs to assume a role in the coordination of the legislation process. Just like every year, regarding the **freedom of thought and expression**, it was pointed out that, especially along with the new legislation on Internet usage, the restrictions on freedom of thought and expression have continued. Whilst a similar situation in the area of freedom of media has been identified as a source of concern; it was

indicated that despite the annulment decision of the Constitutional Court on the banning of **YouTube and Twitter**, these developments in the area of freedoms have intensified the existing concerns.

In the report, it was highlighted that Turkey has further advanced its legislative alignment and moved closer to the EU standards in the fields of **women's rights, children's rights, the rights of people with disabilities and the rights of minorities**; and it was recommended that Turkey should advance its efforts to further align its legislation in order to reach the EU and international standards in the fields of **trade union rights** and the **freedom of thought, conscience and religion**. Moreover, in the section on **Cyprus issue**, that is anticipated the most in all of the reports that have been published until today, it was stressed that, in the scope of the goodwill mission of the UN Secretary-General, Turkey has continued to express its support for the negotiations between the leaders of both communities aiming to find a fair, comprehensive, and permanent resolution. Nonetheless, it was also reminded that Turkey has not fulfilled the obligations specified in the declaration of the European Community and the Community Member States in 2005 and in the conclusions of the Summits held in December 2006 and December 2010.

As in the previous years, the section on **“Political Criteria and Enhanced Political Dialogue”** has practically dominated the whole report. However, in the section on the **“Economic Criteria”**, whilst Turkey's **growth performance and its resilience to shocks were appraised**, attention was also drawn to the **high current account deficit and the relatively high rates of inflation** in Turkey.

The section on the **“Ability to Take on the Obligations of Membership”** in which Turkey's level of alignment with the EU is assessed in relation to 33 chapters of the EU *acquis*, turned out to be the section that Turkey has shown minimum interest. In its 2014 Turkey Progress Report, the European Commission stated that in comparison to the previous reporting period, Turkey has made;

- **no progress in 4 chapters;**
- **limited or little progress in 3 chapters;**
- **some progress in 17 chapters;**
- **progress in 3 chapters;**
- **further or substantial progress in 5 chapters.**

Similarly in 2014 Turkey Progress Report, Turkey's level of alignment on the basis of the EU *acquis* as of September 2014 is stated as follows:

- **early level of alignment in 7 chapters;**
- **moderate level of alignment in 9 chapters;**
- **advanced level of alignment in 16 chapters.**

“LIVEABLE” 2014 TURKEY PROGRESS REPORT

In comparison to the previous years, Turkey's 'limited' reaction to the 2014 Progress Report, the content of which was not difficult to predict, has portrayed **a different picture**.

Primarily, it should be underlined that 2014 Turkey Progress Report fell under the shadow of the escalating tension in Syria in the immediate vicinity of Turkey. On the eve of the publication of the Report, Turkish politics was disturbed by the protests in various cities across the Eastern and South-eastern Anatolia as a result of the Islamic State of Iraq and Syria (ISIS) attacks in Kobani. Therefore, **the 17th Progress Report on Turkey could only exert a limited influence in the country's agenda**.

Following the publication of the report on the official website of the Directorate General for Enlargement of the European Commission, Ambassador Volkan Bozkır appointed as the Minister for EU Affairs and Chief Negotiator in early September made his first remarks on the report in a press conference held in Ankara. In contrast to the assessments on the previous reports, the remarks of Chief Negotiator Bozkır were **much more moderate and composed**.

In fact, the Ministry for EU Affairs, had already signalled its immediate reactions concerning the report in the early weeks when Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır announced that as of 2014 Turkey will no longer publish its own EU progress report. With this decision, the unusual practice between Turkey and the Commission on **the preparation of a 'mutual progress report', which has not been practiced by any of the candidate countries before has finally come to an end**.

In his statement, the Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır emphasised that the progress reports neither are nor should be the documents of the European Commission; but instead, they should be read as a joint documents of Turkey and the EU. Bozkır also stressed that there would naturally be certain criticisms in the report directed towards Turkey; and highlighted that, under these circumstances, it is highly important to adopt a constructive and positive approach in the expression of these criticisms. Minister for EU Affairs and Chief Negotiator Ambassador Bozkır further expressed their gratitude for the positive reflection of these efforts on the reports; and without breaking the tradition, assessed the report as **“substantially objective and balanced”**.

Whilst referring to the report, the most striking point in Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır's remarks appears as the portrayal of a **“liveable report”**. Although Bozkır underlined the general assessment on the report as “liveable”, he further stressed that there are certain criticisms that they do not agree or acknowledge to be right; and stated that there are substantial mistakes which will be brought to the attention of the concerning authorities both verbally and in written format.

Although at first glance the report was described as “**objective and balanced**”, the fact that Minister for EU Affairs and Chief Negotiator Ambassador Bozkır has portrayed it as a “**liveable report**”, it somewhat exemplified a divergence from the common assessment style of the previous progress reports. As it is known, in recent years, Turkey has evaluated the progress reports as “**balanced – unbalanced**”, “**positive – negative**” or “**partial – impartial**”. In relation to the report, it was generally considered that the Commission has not been constructive in its criticisms and that the steps taken within the EU membership perspective have been either ignored in the report or included on a very limited level.

WHY 2014 TURKEY PROGRESS REPORT IS DIFFERENT?

The Commission's 17th Turkey Progress Report drew attention to remarkable factors in the course of 2014 during which both Turkey and the EU had extraordinary issues on their domestic and foreign policy agendas.

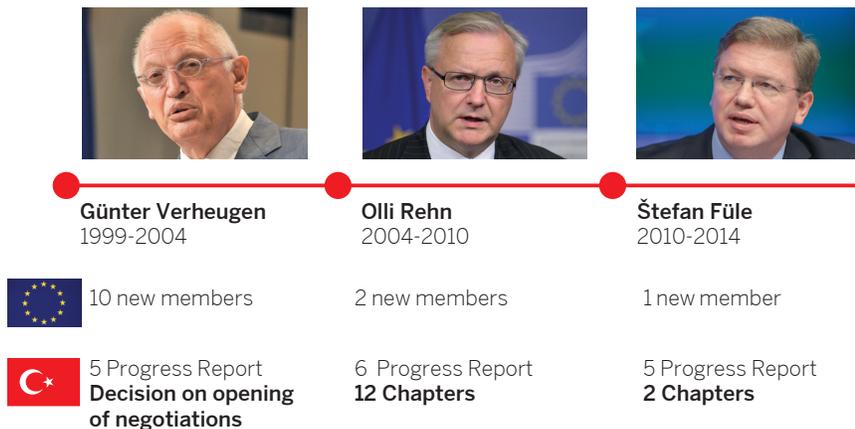
2014 Turkey Progress Report is **the last progress report on Turkey prepared by the College of Commissioners under the leadership of Barroso** who had been the President of the Commission nearly for 10 years. Consequently, this report is also **the last progress report on Turkey for Štefan Füle who had served as the European Commissioner for Enlargement and European Neighbourhood Policy** since 2009. What is more critical is that this report, **for the next five years, will serve as a roadmap and reference** for Juncker as the new President of the Commission, and for Johannes Hahn as the newly appointed Commissioner for European Neighbourhood Policy and Enlargement Negotiations. It is therefore not irrational to argue that the importance of this report increases to a certain extent when we recapture Juncker's statement on “*no further enlargement will take place over the next five years*”.

EUROPEAN COMMISSIONERS FOR ENLARGEMENT

Directorate General for Enlargement was established in 1999 under European Commission. In the 15 years since its establishment, 4 European Commissioners were appointed as the Commissioner for Enlargement and European Neighbourhood Policy (see *Figure 1*). Günter Verheugen signed the accession treaties of 10 countries during his term as the Commissioner between 1999 and 2004. Decision to start accession negotiations with Turkey was also taken during Verheugen's term in the office. After Verheugen's tenure, Janez Potočnik was appointed as the Commissioner for Enlargement yet his period in the office was short. The next enlargement with the accession of 2 countries to the EU was realised during Olli Rehn's tenure who served as the Commissioner for Enlargement between 2004 and 2010 which is the longest term in the office. During the period of Rehn as the Commissioner, 12 negotiation chapters were opened in negotiations with Turkey where only one of them was provisionally closed.

The scoreboard of Štefan Füle as the European Commissioner for Enlargement and Neighbourhood Policy, who succeeded Olli Rehn in 2010, is mixed. Throughout

Figure 1: Scoreboard of the Commissioners for Enlargement



Füle's tenure, the EU admitted only one country as a member of the Union, and the negotiations with Turkey opened only on 2 chapters. Nonetheless, Füle could only get a good mark on his efforts in keeping the momentum of the negotiation process through the initiative of the **Positive Agenda** despite the deadlock in the relations with Turkey.

It will not be wide of the mark to claim that the slowing down and the stagnation of the EU enlargement have had an impact on the performances of the European Commissioners for Enlargement, particularly within the general context of fatigue of 2004 and 2007 enlargements and the global crisis surfaced in 2008. Juncker's perspectives on enlargement as one of the most successful policies of the EU did not come as a surprise in the course of **a serious stagnation** is witnessed not only in Turkey's negotiation process but also **in the EU's Enlargement Policy**.

WHAT IS A COMMISSION PROGRESS REPORT? HOW IS IT PREPARED?

Progress reports, the success of which, without doubt, has become more disputable over years, are considered as **crucial instruments of the EU Enlargement Policy**.

Whilst the European Commission assesses the EU's enlargement strategy in general through the **Enlargement Package** published annually, it also addresses the progress made by the countries on their accession negotiations for the duration of a year within the scope of the progress reports it publishes on candidate and potential candidate countries. In this context, **notwithstanding the request from the candidate or potential candidate countries, the progress reports are prepared annually** by the Directorate General for Enlargement of the European Commission until the completion of the negotiation process.

As part of the pre-accession strategy, European Commission, in the preparation process of the progress reports with the aim of reporting the recent developments in candidate countries to the Council and the European Parliament (EP) on a regular basis, benefits from **a high number of sources of information**. The most important source of information among these appears as the information provided by the candidate countries regarding their progress on preparation for membership. Furthermore, among the other sources of information used in the preparation process of the progress reports are the information provided within the framework of Association Agreements and the national programmes for the adoption of the *acquis*; the expert opinions on the evaluation of the administrative capacity of candidate countries in certain areas; the Council opinions; and EP reports and resolutions. To ensure the **impartiality** and the **intactness** of the report, the Directorate General for Enlargement also takes into consideration of the views and the assessments of international organisations such as the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE), along with the other EU institutions and agencies, International Monetary Fund (IMF) as well as various civil society organisations.

Without doubt, in drafting of the progress reports, the European Commission also refers to other sources prepared by candidate countries. Within this framework, the **Accession Partnership Document** (APD) is considered to be a key document for all EU candidate countries including Turkey. The APD, prepared by the European Commission, is incorporated in the EU *acquis* subsequent to the Council's approval and its publication in the EU Official Journal. In that respect, the APD, in a way, acts as a roadmap for candidate countries consisting of the measures for membership in the form of short and medium term priorities which are listed in different sections on political criteria, economic criteria and the alignment with the EU *acquis*. The APD also contains provisions on the EU's financial assistance.

Despite not being legally binding, the candidate countries, in reply to the APD prepared by the Commission, set up a **National Programme** (NP) which plays a key role in the preparation process of the progress reports. The NP includes detailed information on the institutions in charge of the legislative alignment; their time frame, institutional structure and their financial resources. Another source of information that the European Commission takes into account in the preparation of the progress reports appears as the **Negotiation Framework Document** (NFD). The NFD is considered as the keystone of the negotiation process which determines the principles, fundamentals, and procedures related to accession negotiations as well as the negotiation chapters.

WHAT DOES A PROGRESS REPORT COMPRISE?

The progress reports are the reports that evaluate requirements to be fulfilled by the candidate and potential candidate countries in order to attain EU membership. These requirements include **the liberalisation of political and economic regime, the adoption of the EU *acquis* into the national legislation, and the**

effective implementation of the legislation through administrative and legal structures; in other words, these progress reports are the reports that evaluate the **Copenhagen Criteria** established at the EU Summit in Copenhagen in June 1993 which are required to be fulfilled prior to their admission by the countries aiming to become a member of the EU. Within the framework of the progress reports;

- The developments in the relations between the candidate country and the EU in the previous year are assessed within the framework of the Association Agreement;
- The political developments and the current state of play in the political sphere are assessed in accordance with the political criteria determined at the Copenhagen Summit in 1993 on democracy, the rule of law, human rights and the protection of minorities;
- The economic situation and the recent developments are assessed in accordance with the economic criteria also determined at the Copenhagen Summit on the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
- The ability of the candidate country to take on the obligations of the EU *acquis* as propounded by the Treaties, secondary law and the EU policies are assessed.

Within the framework of these main lines, since the establishment of the Directorate General for Enlargement **in 1998, the European Commission has prepared in total 159 progress reports for 21 countries**. In the period of 1998-2005, these reports were published under the title of "**Regular Report**", and since 2005, under the title of "**Progress Report**".

16 YEARS, 21 COUNTRIES, 159 REPORTS

European Commission published its first progress report in 1998 directed towards the 10 Central and Eastern European Countries (CEECs), the Greek Cypriot Administration of Southern Cyprus (GCASC) and Turkey. **In the period of 16 years from 1998 until 2014, the European Commission drafted a total of 159 progress reports for 21 different countries.**

The country for which the European Commission published the highest number of progress reports (17 in total) is Turkey. Turkey is followed by Albania, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Kosovo and Montenegro with 9 reports; along with Bulgaria and Romania with 8. With a simple calculation, **the number of progress reports prepared on Turkey nearly doubles the total number of reports on its close followers, namely the 5 Western Balkan countries in addition to Bulgaria and Romania who joined the Union in 2007.** Moreover, among the other countries that aim to join the EU, **Turkey is the only candidate country for which the process in between the full membership application (1987) and the opening of accession negotiations (2005) has been the longest.**

CHAPTER-2

TURKEY PROGRESS REPORTS FROM PAST TO TODAY

Turkey is a candidate country that underwent the longest duration of time in between the application for candidacy and the opening of accession negotiations; and a candidate country with the highest amount of progress reports (17 in total) published by the European Commission.

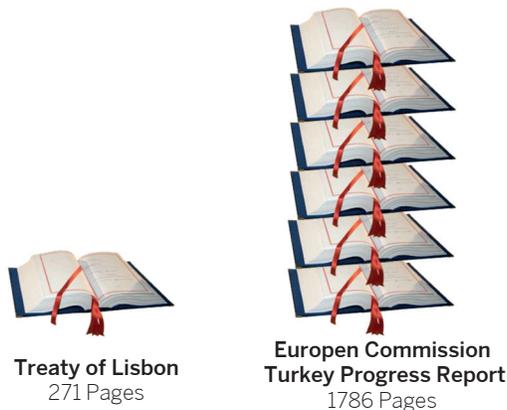
At the Cardiff Summit in June 1998, it was declared that the European Commission would present a report on the basis of **the Article 28 of the Agreement establishing an Association between the European Economic Community and Turkey** and on the basis of **the conclusions of Luxemburg Summit in December 1997**. Together with the progress reports of other candidate countries, European Commission, published first progress report on Turkey and presented to the Council in October 1998.

Subsequent to this report, Turkey's candidate status was officially declared in December 1999. In that respect, **Turkey's first progress report dated 1998 is known as the report opening the door for Turkey to the EU candidacy.**

17 Years, 1.786 Pages

Unfortunately, **none of the following 16 reports along with the first one has ensured the achievement of the ultimate objective of attaining EU membership** in this long process. Under these circumstances, the total number of pages of the Commission's Turkey progress reports has gradually risen up and Turkey has become the candidate country on which the highest number of reports has been written. **Until this date, the total number of pages of the 17 progress reports published on Turkey is 1786** (*based on the format published by the Commission*). Without a doubt, this number is considerably low considering the fact that the EU institutions produce contents amounting to thousands of pages on a daily basis. Nonetheless, considering that the Treaty of Lisbon, generally accepted as the shortest version of the EU Constitution, is highly crucial for shaping the future of the EU; and it is only 271 pages in total. Therefore, it is true to say that the **European Commission has so far written progress reports on Turkey which are, in terms of number of pages, 6,5 times greater than the Treaty of Lisbon** (*see Figure 2*).

Figure 2: Treaty of Lisbon vs. European Commission Turkey Progress Reports



PROGRESS OF WHAT? GRADUAL POLITICISATION OF PROGRESS REPORTS

From past to this date, an interesting picture comes into perspective when the number of pages of progress reports on Turkey is taken into consideration by years. The first report published in 1998 was 57 pages-long. This report is known as the shortest one written on Turkey. In the following years, the number of pages has continuously risen up; and reached its highest in 2004 with 187 pages. This report was therefore committed on official records as the longest and the most comprehensive report on Turkey. After that date, **the number of pages (over 100) of progress reports that were prepared in the period of 2001-2005 started to decline** and the latest report published on Turkey in 2014 only had 80 pages in total (see Figure 3).

Figure 3: Number of Pages of Turkey Progress Reports

1998 IR	1999 IR	2000 IR	2001 IR	2002 IR	2003 IR	2004 IR	2005 IR	2006 IR	2007 IR	2008 IR	2009 IR	2010 IR	2011 IR	2012 IR	2013 IR	2014 IR
57	58	82	123	161	148	187	146	82	82	91	94	104	110	94	87	80



Günter Verheugen

572 Pages
(5 Reports)



Olli Rehn

682 Pages
(6 Reports)



Štefan Füle

475 Pages
(5 Reports)

It is possible to argue that the fluctuation in the number of pages of progress reports by years **is in line with the course of Turkey-EU membership negotiations**. As a matter of fact, the reports published immediately before the opening of negotiations stand out by their number of pages. After 2010 however, the number of pages of reports shows a rapid decline in parallel to the slowing down, even the stagnation of Turkey-EU membership negotiation process.

An even more interesting fact about Turkey's 17 progress reports is the **political criteria included in the report becoming more influential over time**. It is observed that in the entire corpus of progress reports of 17 years, whilst the number of pages goes down, the influence of the part on political criteria gradually goes up. Without a doubt, the most important reason for this is related to the extensive scrutiny of political developments in Turkey. Whilst the political criteria have gradually gained an immense importance in reports especially between the initiation of negotiations in 2005 until 2013, the 2011 Turkey Progress Report, in which the section on political criteria corresponds to the 36 per cent of the overall report, is known as the report giving the highest amount of references to political criteria (see Figure 4).

The great emphasis given to the political criteria in the progress reports prepared during Štefan Füle's tenure as the European Commissioner for Enlargement is highly remarkable. **It is clearly seen that the section on political criteria in all of the reports prepared during Füle's tenure constitutes 30 per cent of the report itself**. Nonetheless, it is understood that for 2013 and 2014 Progress

Figure 4: Role of Political Criteria in Progress Reports

	1998 IR	1999 IR	2000 IR	2001 IR	2002 IR	2003 IR	2004 IR	2005 IR	2006 IR	2007 IR	2008 IR	2009 IR	2010 IR	2011 IR	2012 IR	2013 IR	2014 IR
Political Criteria	13	9	12	21	33	34	46	34	21	21	24	29	34	40	31	23	13
Ratio (%)	22	15	14,6	17	20,4	23	24,5	23,2	25,6	25,6	26,3	30,8	32,6	36,3	32,9	27,1	16



Günter Verheugen

109 Pages



Olli Rehn

175 Pages



Štefan Füle

141 Pages

Reports a new approach is followed on political criteria. The political criteria that was previously included in the section titled “**Political criteria and enhanced political dialogue**”, was incorporated in the section of the progress reports of the last two years titled “**Ability to take on the obligations of membership**” which evaluates Turkey’s alignment with the EU in 33 *acquis* chapters; and particularly in chapter 23 on **Judiciary and Fundamental Rights** and chapter 24 on **Justice, Freedom and Security**.

In this diagram of gradual politicisation of progress reports, the following question comes into minds: “**What is measured in these reports in terms of progress?**”

THE BALANCE PROBLEM OF PROGRESS REPORTS

Although its contents shrank volumetrically, and its weight increased politically, the current state of Turkey Progress Reports proves the frequently expressed **problem of balance**.

The ever increasing emphasis given to the section on political criteria instigated the evaluation of progress reports by both sides within a monotonous framework. Under these circumstances, the European Commission Turkey progress reports are attempted to be evaluated within **a framework that is moving from its primary aim, and the general assessments are reduced to a single word such as “balanced” or “unbalanced”**.

This balance problem in the reports naturally triggers frictions and showdowns among parties. **Evaluation of Turkey-EU relations only through political criteria by overlooking the general scope of the reports also overshadows the impartiality and subjectivity of the reports particularly on the side of Turkey**. The most striking example of this lies in the reactions of Turkish authorities given to the most recent 4 Turkey progress reports. Among those reactions are the first evaluations of the former Minister for EU Affairs and Chief Negotiator Egemen Bağış on the most recent 4 reports.

As it can be depicted in these examples, the expansion of political content of the report causes **the questioning of the belief in report; and even of Turkey’s EU membership perspective**. Whilst the functioning of the progress report has become highly interrogative, the burden is placed on Turkey-EU relations lasting for more than 50 years.

In that respect, what happened to 2012 Turkey Progress Report is quite thought-provoking. As it can be recalled, Burhan Kuzu, the President of the Committee on Constitution of the TGNA stated at a live broadcast on the day the report was published that “*the end of the EU will be a defeat. This Union will be dissolved. This report prepared by the EU is a vile report*” and threw a copy of the 2012 Turkey Progress Report into the bin. *Hélène Flautre*, the Co-Chairman of Turkey-EU Joint Parliamentary Committee, whilst answering the question of a reporter reacted to

2010 Progress Report For Turkey



“How would we assess the EU if we wrote a progress report?”

2011 Progress Report For Turkey



“The EU is ungenerous in praise, while it is generous in criticism.”

2012 Progress Report For Turkey



“Progress Reports are not ration cards; assessment on political criteria is a disappointment.”

2013 Progress Report For Turkey



“The welcome this objective report.”

the same report by stating that *“it is deceptive to describe this report as a progress report on Turkey’s EU accession process when there is no progress.”*

In this context, Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır’s depiction of the report published on 8 October 2014 primarily as **“objective and balanced”** and as **“liveable report”** shows a great difference with the former manners on the evaluation of the reports.

WHY PROGRESS REPORTS ARE PREPARED? WHO READS PROGRESS REPORTS?

It is only natural that progress reports prepared in a politicised context and within the framework of deadlocked negotiations tend to instigate a showdown between the parties. As a matter of fact, **the impaired balance of the report also overshadows its main purpose of the evaluation of the progress of a member or a candidate country in the process of EU membership negotiations.** Besides, it is getting more and more difficult to understand what is being measured or evaluated in the report: is it the political progress or the technical negotiations? Does it really measure the progress as is evident from its name, or does it only voice criticism? Without a doubt, this situation causes **the underestimation and even the discarding of the technical process within the negotiations.**

At this point, it would be beneficial to recapture **the reasons why the European Commission prepares the progress reports and who reads them.**

The progress reports, as one of the fundamental instruments of the EU Enlargement Policy, incorporate the points of reference necessary for the assessment of the progress in candidate countries by the European Commission. Therefore, as is evident from its name, the progress report, **instead of criticism, essentially embodies the evaluation of the current situation and its comparison with the previous situations.** The comparison results henceforth could lead to further progress or the relapse in progress.

In the light of these characteristics, the primary objectives of the progress reports include:

- The **alignment** of candidate or potential candidate countries towards the goal of EU membership;
- The **transformation** of these countries within the perspective of the EU membership;
- The **inspiration** of the decision-makers and the public in these counties to take further steps in the reform process; and
- The **encouragement** of these countries en route to EU membership.

From this perspective, as recalled by the Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır in his evaluation of 2014 Turkey Progress Report, it is highly important to remember the fact that **the progress reports neither belong nor should belong to the European Commission; and instead, they should be accepted as joint texts owned by Turkey and the EU.**

At this point, progress reports that embody the objectives of alignment, transformation, inspiration and encouragement, are accepted as important instruments of **benchmarking** not only for the executives in candidate or potential candidate countries but also for all EU institutions and public opinion on both sides and even for all candidate or potential candidate countries.

The progress reports successfully served their main purpose particularly during the 2004 and 2007 enlargements and the visa liberalisation dialogue at the end of which the EU has granted visa-free travel rights to 5 Western Balkan countries. As of 1999, the progress reports uniformly or similarly prepared for 12 countries have initiated a secret and silent competition among the candidate countries that aim to reach EU membership goal by presenting different levels of progress in each of these countries; at the end of which, the leading 10 countries joined the

EU in 2004, whereas Bulgaria and Romania as the countries lagging behind in the competition had to wait 3 more years.

In a similar vein, in the process of visa liberalisation dialogue in the Western Balkans, whilst the citizens of 3 countries that successfully met the relevant criteria were granted visa-free travel rights to the EU member states in the Schengen Area as of December 2009, the countries such as Albania and Bosnia-Herzegovina which failed to meet the criteria had to wait one more year. In both cases, the European Commission progress reports have created high levels of competition and set a good example in terms of the implementation of **soft power** in the EU enlargement policy.

TURKEY'S TRIAL WITH EUROPEAN COMMISSION PROGRESS REPORTS: HOW MANY MORE REPORTS ARE NEEDED?

Unfortunately, particularly in the recent years, **it is hard to say in relation to Turkey as a country on which the European Commission has prepared the highest number of progress reports, that reports successfully carry the primary objectives of alignment, transformation, inspiration and encouragement.** It is also possible to see that the most recent reports, that have gradually become more monotonous and politicised wherein the technical process is omitted, also failed to move Turkey closer to its EU membership goal; and failed to have a positive or constructive impact. The opening of 12 chapters to negotiations in the first 5 years of candidacy, along with the opening of only 2 chapters in the last 4 years is the obvious example of the aforementioned situation. In other words, since the progress reports do not pose any clarity for Turkey with respect to the ultimate goal of the accession negotiations, they also **fail to propose a solution regarding the political obstacles blocking the process.** When looked from this perspective, the inconclusiveness of EU accession negotiations and the membership goal **prevents the progress reports to become effective instruments triggering the reform process of Turkey.** It is a fact that 17 progress reports published since 1998 have **failed to align Turkey with the EU on the expected level and failed to crown it with the ultimate goal of membership;** and unfortunately the most recent report is also **wide of the mark.** Particularly the **approach** and the **method** used in the reports do not have the qualifications for the promotion of the anticipated reforms in Turkey.

Despite the stagnation in the technical negotiations and the current state of play in Turkey-EU relations, Turkey's continuation in the EU membership negotiations is accepted as a clear indicator of the success of European perspective to contribute further producing tangible outcomes for Turkey; and a clear indicator of the failure of progress reports in producing similar tangible outcomes.

Under these circumstances, the Commission progress reports have turned into documents that are no more able to draw the attention or cause any excitement

among politicians, relevant institutions, public and the media. The parties that usually look forward to reading the report also no longer think highly of it due to the claim that the Commission in its consecutive reports repeats its own statements from the previous years; and politically, increases its level of criticism. In that respect, European Commission as the author of the progress reports transforms into **a permanent pressure mechanism** whilst progress reports in some way transform into **reports for the sake of criticism**. In short, **unfortunately European Commission Turkey Progress Reports do not function in the way envisaged.**

IS IT POSSIBLE TO HAVE A NEW GENERATION PROGRESS REPORT?

Whilst the impact of progress reports on Turkey as a candidate country has been widely discussed, a question is indisputably raised in minds regarding the reports, the format of which has not changed much in 17 years: **is it possible to have a new generation progress report?**

The progress reports, evaluating the Turkey's EU membership process within a framework with decreasing technicality and increasing politicisation, **fall short of producing constructive and effective recommendations necessary for Turkey's EU membership goal**. It is **important, necessary** and **natural** for the EU to analyse the progress in Turkey as a candidate country as much as it is for Turkey to obtain **constructive** and **effective** results from the analysis, and to expect this outcome. In this context, the EU as the author and Turkey as the primary evaluator of the reports are in need of changing their attitudes; and by extension, they are **in need of going beyond the continuous monotony of the progress reports in Turkey-EU relations.**

At this point, the answer to the question "**is it possible to have a new generation progress report?**" depends on the characteristics of the outcomes of a prospective new generation progress report. Considering that a new generation progress report would **present tangible and visible outcomes to parties**, this in turn would, undoubtedly, lead to a new opening in Turkey's relations with the EU. Herein, the European Commission at least should ask itself the following two questions:

Question 1: "If the progress reports prepared over the last 17 years amounting to 1.786 pages in total were used properly, could not Turkey become a member of the EU as of today?"

Question 2: "How many more reports are needed in order to make Turkey a member of the EU?"

CHAPTER-3

GOING BEYOND THE PROGRESS REPORTS IN TURKEY-EU RELATIONS

The question we asked previously strikingly exposes the need for a new generation progress report in Turkey-EU relations. It is a simple fact that the 17 progress reports published since 1998 **have failed to bring Turkey closer towards the EU at an anticipated level and failed to crown Turkey with the ultimate goal of membership**. The most recent report is also **wide of the mark** to accomplish this goal. In this framework, particularly the **approach** and the **method** do not have the qualifications necessary for the encouragement of Turkey in carrying out the reforms required. When looked from this framework, a general demand for a report that:

- has **tangible** and **visible** findings,
- makes **comparisons**,
- gives primacy to **technical negotiation** process over political process, and
- presents **a new type of progress report with a wider perspective** increases.

In addition to providing of a better assessment opportunities for Turkey in the process of membership negotiations, such a report could also function as a guide, offering short term and annual roadmaps for both parties in the forthcoming periods; and could also have an incentive role for Turkey in carrying out reforms required.

Could it be possible to have such a report?

THE X-RAY OF TURKEY PROGRESS REPORTS: FORMAT AND TERMINOLOGY

When the 17 progress reports on Turkey published since 1998 until 2014 are generally evaluated, it is immediately recognised that the European Commission has been using the same format and terminology for years.

With respect to the **format**, it is observed that each Turkey progress report published since 1998 until today has **identical contents, format, and structure**. Generally speaking, each report starts with an **“Introduction”** section consisting of subsections including “Preface”, where the political developments in Turkey that took place during the reporting period are discussed, “Context” and “Relations between the EU and Turkey”. This section is followed by the **Political criteria and enhanced political dialogue** section consisted of subsections such as “Democracy and the rule of law”, “Human rights and the protection of minorities”, “Regional issues and international obligations” where the current state of play in Turkey’s latest political developments are evaluated within the framework of the Copenhagen Criteria established at the Copenhagen Summit in 1993. The following section on **Economic Criteria** similarly assesses Turkey’s economic conditions and the current state of play in economy in relation to the Copenhagen Criteria under subsections such as “The existence of a functioning market economy” and “The capacity to cope with competitive pressure and market forces within the Union”.

The main reason for the preparation of the progress report is discussed in detail in the section titled **“Ability to take on the obligations of membership”**, wherein it is intended to provide an annual assessment of Turkey’s progress within 33 different chapters in meeting the demands and requirements of the EU *acquis* executed in the form of Treaties, secondary legislation and the Union policies (see Figure 5).

Figure 5: X-Ray of Progress Reports

 EUROPEAN COMMISSION Brussels, 8.10.2014 SWD(2014) 307 final COMMISSION STAFF WORKING DOCUMENT TURKEY 2014 PROGRESS REPORT <i>Accompanying the document</i> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Enlargement Strategy and Main Challenges 2014-2015 [COM(2014) 700 final] EN EN	<table border="1"> <thead> <tr> <th colspan="2" style="text-align: center;">TABLE OF CONTENTS</th> </tr> </thead> <tbody> <tr><td>1.</td><td>Introduction 3</td></tr> <tr><td>1.1.</td><td>Preface 3</td></tr> <tr><td>1.2.</td><td>Context 3</td></tr> <tr><td>1.3.</td><td>Relations between the EU and Turkey 3</td></tr> <tr><td>2.</td><td>Political criteria and enhanced political dialogue 5</td></tr> <tr><td>2.1.</td><td>Democracy and the rule of law 5</td></tr> <tr><td>2.2.</td><td>Human rights and the protection of minorities 15</td></tr> <tr><td>2.3.</td><td>Regional issues and international obligations 19</td></tr> <tr><td>3.</td><td>Economic criteria 20</td></tr> <tr><td>3.1.</td><td>The existence of a functioning market economy 20</td></tr> <tr><td>3.2.</td><td>The capacity to cope with competitive pressure and market forces within the Union 25</td></tr> <tr><td>4.</td><td>Ability to take on the obligations of membership 26</td></tr> <tr><td>4.1.</td><td>Chapter 1: Free movement of goods 26</td></tr> <tr><td>4.2.</td><td>Chapter 2: Freedom of movement for workers 27</td></tr> <tr><td>4.3.</td><td>Chapter 3: Right of establishment and freedom to provide services 28</td></tr> <tr><td>4.4.</td><td>Chapter 4: Free movement of capital 28</td></tr> <tr><td>4.5.</td><td>Chapter 5: Public procurement 29</td></tr> <tr><td>4.6.</td><td>Chapter 6: Company law 30</td></tr> <tr><td>4.7.</td><td>Chapter 7: Intellectual property law 30</td></tr> <tr><td>4.8.</td><td>Chapter 8: Competition policy 31</td></tr> <tr><td>4.9.</td><td>Chapter 9: Financial services 32</td></tr> <tr><td>4.10.</td><td>Chapter 10: Information society and media 32</td></tr> <tr><td>4.11.</td><td>Chapter 11: Agriculture and rural development 34</td></tr> <tr><td>4.12.</td><td>Chapter 12: Food safety, veterinary and phyto sanitary policy 35</td></tr> <tr><td>4.13.</td><td>Chapter 13: Fisheries 35</td></tr> <tr><td>4.14.</td><td>Chapter 14: Transport policy 36</td></tr> <tr><td>4.15.</td><td>Chapter 15: Energy 37</td></tr> <tr><td>4.16.</td><td>Chapter 16: Taxation 38</td></tr> <tr><td>4.17.</td><td>Chapter 17: Economic and monetary policy 39</td></tr> <tr><td>4.18.</td><td>Chapter 18: Statistics 40</td></tr> <tr><td>4.19.</td><td>Chapter 19: Social policy and employment 40</td></tr> <tr><td>4.20.</td><td>Chapter 20: Enterprise and industrial policy 42</td></tr> <tr><td>4.21.</td><td>Chapter 21: Trans-European networks 42</td></tr> <tr><td>4.22.</td><td>Chapter 22: Regional policy and coordination of structural instruments 43</td></tr> </tbody> </table>	TABLE OF CONTENTS		1.	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Concerning the **format**, it is observed that the main chapters in the section titled **Ability to take on the obligations of membership** also consist of various subsections. These subsections en bloc present the opening and closing benchmarks of the chapter in question; and under each subsection, the level of alignment is discussed and further recommendations are made. Based on the evaluation, if there is alignment, previous adjustment steps during the reporting period are listed. If there is no alignment, the reasons for this deficiency are mentioned and further recommendations are made at a **limited level**. Furthermore, each chapter in the report ends with a **“Conclusion”** paragraph, where the general level of alignment on the chapter in question is summarised in a single sentence (see Figure 6).

Figure 6: Structure of Chapters (sample)

2010 Progress Report for Turkey, Chapter 2

4.2. Chapter 2: Freedom of Movement for Workers

With regard to **access to the labour market**, Turkey amended the Law on work permits for foreigners, introducing the possibility of preliminary permits for up to one year for foreigners providing 'professional services'. The Regulation on enforcement of the Law on employment of foreigners was also amended. The new regulation explicitly mentions that foreign experts employed in projects under financial cooperation programmes between Turkey and the EU are not required to obtain a work permit during their assignment. However, a comprehensive reform of the Law on work permits for foreigners has been pending in parliament since 2007.

Regarding Turkey's participation into **EURES** (European Employment Services), the IT infrastructure, electronic services and staff capacity of the Turkish Employment Agency (ISKUR) need improvement.

The social security institution continued to receive expertise and training to improve its capacity for **coordination of social security systems**.

There were no developments as regards the **European health insurance card**.

Conclusion

There has been little progress on freedom of movement for workers. Alignment is at an early stage.

2010 Progress Report for Turkey, Chapter 2

4.2. Chapter 2: Freedom of Movement for Workers

No progress was made with regard to **access to the labour market**.

Regarding Turkey's future participation in the **EURES** (European Employment Services) network, the IT infrastructure, electronic services and staff capacity of the Turkish Employment Agency (ISKUR) are still in need of improvement.

Turkey's social security institution received expertise and training and thus continued to increase its capacity to prepare for the **coordination of social security systems**.

There are no developments to report as regards the **European health insurance card**.

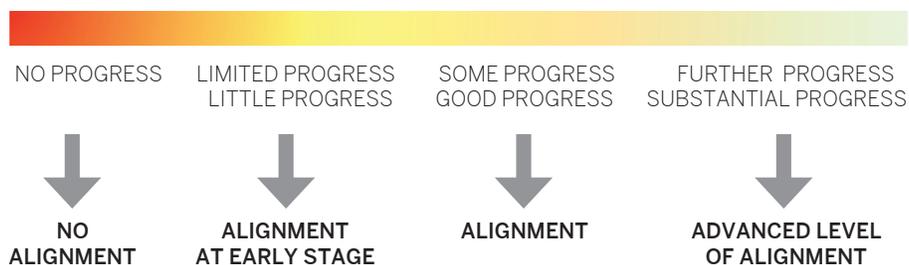
Conclusion

There is hardly any progress to report on freedom of movement for workers. Preparations for applying the *acquis* in this area remain at an early stage.

As to the **terminology**, one element that draws the attention in the entire corpus of the Turkey progress reports of 17 years is that the **terminology used by the European Commission in the report has not changed over time**. This provides an opportunity to conduct an annual comparative analysis of the current state of play concerning the chapters at the final section where developments regarding technical chapters are deliberated.

European Commission in its reports, assesses Turkey's progress in different levels corresponding to the steps taken (or not yet taken) in order to fulfil the requirements of the EU *acquis*. In this context:

Figure 7: Terminology of Progress Reports



- “*No Progress*” means that there has been no alignment in that field or chapter;
- “*Limited Progress*” or “*Little Progress*” connotes that the level of alignment in that field or chapter is at its early stages;
- “*Some Progress*”, “*Progress*”, “*Good Progress*”, “*Reasonable Progress*”, or “*Fair Progress*” refer to the successful grasp of standards with respect to the level of alignment of the concerned field or chapter;
- “*Further Progress*” or “*Substantial Progress*” entail that there has been sufficient or substantial alignment in the concerned field or chapter.

MATHEMATICS OF PROGRESS: A DIFFERENT LOOK AT THE EUROPEAN COMMISSION'S TURKEY PROGRESS REPORTS

Mathematics is one of the ancient fields of science in the history of humanity. In one aspect, mathematics is an art like painting and music, or like language, and in another like **a set of methods in understanding the nature**, as once voiced by Galileo Galilei.

Numbers are the underlying features of mathematics. Although the point of its origin has been contested for centuries; it is beyond dispute that three is greater than two.

If we go back to the European Commission Turkey progress reports, we can argue that in line with their title, these reports comprise the **measurement of progress**, and therefore they involve mathematics to a certain extent. Based on this observation, the next report, in relation to the former one, evaluates the positive progress or negative developments with respect to the current state of play in a certain field; and this applies to every individual chapter in the report.

From this perspective, it is both possible to **make a mathematical evaluation in the sections of the progress reports on the EU *acquis* alignment** and **make predictions for the future**.

This work is prepared with reference to the aforementioned **format** and **terminology** of European Commission Progress Reports. In the section titled **Ability to take on the obligations of membership**, Turkey's level of alignment with the EU *acquis* is discussed corresponding to all 33 chapters and across 17 progress reports; and the mathematical values of the general evaluation applied for the measurement of the progress by the European Commission with respect to the preceding term are criticised (*see Figure 8*). These adjectives are:

- "No Progress"
- "Limited Progress" or "Little Progress"
- "Some Progress", "Progress", "Good Progress", "Reasonable Progress", or "Fair Progress"
- "Further Progress" or "Substantial Progress"

In this framework, the latest evaluations on chapters are as follows:

- “No Progress”, is given a numerical value of **0 (zero)**, and colour coded with **red**;
- “Limited Progress” and/or “Little Progress”, is given a numerical value of **1 (one)**, and colour coded with **yellow**;
- “Some Progress” and/or “Good Progress”, is given a numerical value of **2 (two)** and colour coded with **orange**;
- “Further Progress” and/or “Substantial Progress”, is given a numerical value of **3 (three)** and colour coded with **green**.

The concerning numerical evaluation is applied to a total of **10 Turkey progress reports** from 2005 when the accession negotiations started until the most recent report published in 2014 (see Figure 9).

Figure 8: Numerical Values of Terminology of Progress Reports

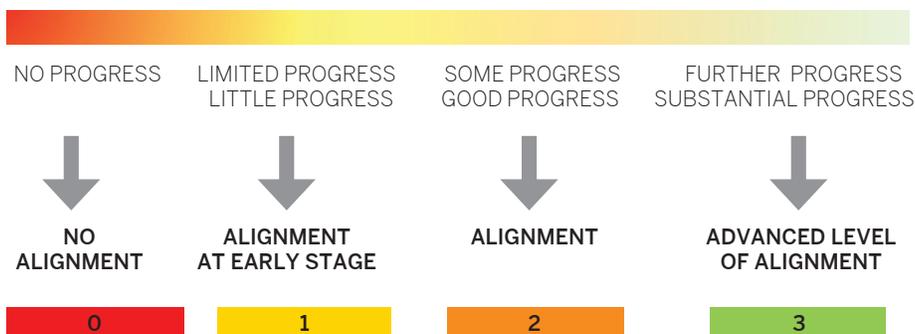


Figure 9: Mathematics of 2005 – 2014 Turkey Progress Reports

CHAPTERS / PROGRESS REPORTS	2005 PR	2006 PR	2007 PR	2008 PR	2009 PR	2010 PR	2011 PR	2012 PR	2013 PR
DATE OF PUBLICATION	11/9/05	11/8/06	11/6/07	11/5/08	10/14/09	11/9/10	10/12/11	10/10/12	10/16/13
PERIOD COVERED IN THE REPORT	OCTOBER 2004 - SEPTEMBER 2005	OCTOBER 2005 - SEPTEMBER 2006	OCTOBER 2006 - OCTOBER 2007	OCTOBER 2007 - SEPTEMBER 2008	OCTOBER 2008 - SEPTEMBER 2009	OCTOBER 2009 - OCTOBER 2010	OCTOBER 2010 - SEPTEMBER 2011	OCTOBER 2011 - SEPTEMBER 2012	OCTOBER 2012 - SEPTEMBER 2013
NUMBER OF PAGES OF THE REPORT	146	82	82	91	94	104	110	94	87
CHAPTER 1: FREE MOVEMENT OF GOODS	1.0	1.0	2.0	2.0	1.0	1.0	1.0	3.0	2.0
CHAPTER 2: FREE MOVEMENT FOR WORKERS	0.0	1.0	1.0	1.0	1.0	1.0	0.0	1.0	1.0
CHAPTER 3: RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES	0.0	0.0	1.0	1.0	0.0	0.0	0.0	1.0	1.0
CHAPTER 4: FREE MOVEMENT OF CAPITAL	1.0	0.0	1.0	2.0	1.0 (*)	0.0	1.0	0.0	1.0
CHAPTER 5: PUBLIC PROCUREMENT	0.0	0.0	0.0	0.0	1.0	0.0	1.0	0.0	0.0
CHAPTER 6: COMPANY LAW	2.0	2.0	1.0	1.0 (*)	1.0	1.0	2.0	3.0	2.0
CHAPTER 7: INTELLECTUAL PROPERTY LAW	1.0	1.0	2.0	2.0	1.0 (*)	1.0	1.0	1.0	2.0
CHAPTER 8: COMPETITION POLICY	1.0	2.0	2.0	2.0	2.0	2.0	3.0	1.0	2.0
CHAPTER 9: FINANCIAL SERVICES	2.0	2.0	2.0	2.0	1.0	2.0	2.0	2.0	2.0
CHAPTER 10: INFORMATION SOCIETY AND MEDIA	2.0	1.0	1.0	1.0	1.0 (*)	1.0	2.0	2.0	2.0
CHAPTER 11: AGRICULTURE AND RURAL DEVELOPMENT	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	2.0
CHAPTER 12: FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY	1.0	1.0	0.0	1.0	1.0	1.0 (*)	2.0	2.0	2.0
CHAPTER 13: FISHERIES	0.0	0.0	1.0	1.0	1.0	2.0	1.0	2.0	2.0
CHAPTER 14: TRANSPORT POLICY	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0
CHAPTER 15: ENERGY	1.0	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 16: TAXATION	2.0	1.0	1.0	2.0	2.0 (*)	1.0	1.0	1.0	1.0
CHAPTER 17: ECONOMIC AND MONETARY POLICY	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 18: STATISTICS	2.0	2.0	2.0 (*)	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 19: SOCIAL POLICY AND EMPLOYMENT	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
CHAPTER 20: ENTERPRISE AND INDUSTRIAL POLICY	N/A	2.0	2.0 (*)	2.0	2.0	2.0	3.0	2.0	2.0
CHAPTER 21: TRANS-EUROPEAN NETWORKS	1.0	2.0	2.0	3.0 (*)	2.0	2.0	2.0	2.0	2.0
CHAPTER 22: REGIONAL POLICY AND THE COORDINATION OF STRUCTURAL INSTRUMENTS	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0 (*)
CHAPTER 23: JUDICIARY AND FUNDAMENTAL RIGHTS	2.0	2.0	1.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 24: JUSTICE, FREEDOM AND SECURITY	1.0	2.0	2.0	1.0	1.0	1.0	1.0	2.0	1.0
CHAPTER 25: SCIENCE AND RESEARCH	2.0	3.0	2.0 (*)	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 26: EDUCATION AND CULTURE	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 27: ENVIRONMENT AND CLIMATE CHANGE	1.0	1.0	1.0	1.0	1.0	1.0 (*)	1.0	1.0	1.0
CHAPTER 28: CONSUMER AND HEALTH PROTECTION	2.0	2.0	2.0	2.0 (*)	2.0	2.0	2.0	2.0	2.0
CHAPTER 29: CUSTOMS UNION	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 30: EXTERNAL RELATIONS	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	1.0
CHAPTER 31: FOREIGN SECURITY AND DEFENCE POLICY	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 32: FINANCIAL CONTROL	1.0	1.0	1.0 (*)	2.0	1.0	1.0	2.0	2.0	2.0
CHAPTER 33: FINANCIAL AND BUDGETARY PROVISIONS	0.0	2.0	0.0	0.0	2.0	0.0	0.0	0.0	0.0

WHAT ARE THE MINIMUM CRITERIA FOR THE OPENING OF NEGOTIATIONS ON A CHAPTER?

When the latest report on Turkey in 2014 is selected as the baseline, vis-à-vis the report from the previous year, it is observed that there has been:

- **no progress** on 4 chapters;
- **limited** or **little progress** on 6 chapters;
- **some** or **good progress** on 21 chapters;
- **further** or **substantial progress** on 2 chapters.

At this point, the crucial question that should be asked is: **what are the minimum criteria for the opening of negotiations on a chapter?** Without a doubt, the answer to this question is quite simple and clear: **opening benchmarks**.

European Commission presents a **Screening Report** at the end of the **screening process** aiming to prepare each of the candidate countries for negotiations and to accelerate pre-accession process. The evaluations and assessments in screening reports form a basis for the opening of negotiations on the concerned chapter. European Commission, in its reports, decides whether candidate countries are ready for negotiations based on the information provided by the candidate country during the screening meetings; and in the concluding section, it either recommends the opening of negotiations on a chapter or presents its **opening benchmarks**. As a matter of fact, the negotiations on a chapter could be opened if and only if the candidate country fulfils the opening benchmarks of the concerned chapter.

From this framework, it is seen that **the negotiations on 14 chapters are opened** in the accession process of Turkey. Among these chapters, 1 in 2006; 5 in 2007; 4 in 2008; 2 in 2009; 1 in 2010; and 1 in 2013 have been opened in the process of accession talks. Prior to the final decision on opening negotiations on a chapter, first and foremost, **a general assessment on the opening benchmarks** is made **in order to see whether they have been successfully met or not**; and subsequently, **the current state of play identified in the latest report is taken into consideration**.

So, what was the level of alignment in chapters covered in the progress reports that allows for opening of these chapters?

Figure 10: Level of Alignment in 14 Chapters to Be Opened

The level of alignment in the Chapter to be opened in the relevant Progress Report

1	2	3	4
	Chapter 32 (2007) Chapter 6 (2008) Chapter 4 (2008) Chapter 7 (2008) Chapter 10 (2008) Chapter 27 (2009) Chapter 12 (2010) Chapter 22 (2013)	Chapter 25 (2006) Chapter 18 (2007) Chapter 20 (2007) Chapter 28 (2007) Chapter 16 (2009)	Chapter 21 (2007)

Among the 14 chapters opened in negotiations with Turkey, there is:

- **limited or little progress in 8 chapters and the level of alignment with the EU acquis is at an early stage;**
- **some or good progress in 5 chapters and the level of alignment with the EU acquis is moderate;**
- **further or substantial progress in 1 chapter and the level of alignment with the EU acquis is advanced;**

Therefore, the minimum level of alignment required for the opening of chapters for which the opening benchmarks are considered to be fulfilled by the European Commission is generally **limited or little progress and alignment at an early stage**. Nonetheless, the negotiations on certain chapters are opened when there has been **some or good progress in conjunction with a moderate level of alignment**; or **further or substantial progress in conjunction with an advanced level of alignment** (see Figure 10).

MATHEMATICS OF PROGRESS: FINDINGS

Based on the methodology used in this study, it is possible to reach the following outcomes:

Finding 1: Negotiations on 29 Chapters could be opened

On the basis of 2014 Turkey Progress Report and the assumption that none of the chapters were politically blocked, so far Turkey has made **progress on 29 chapters**. In comparison to the previous reporting period Turkey has made:

- **limited** or **little progress** on 6 chapters;
- **some** or **good progress** on 21 chapters;
- **further** or **substantial progress** on 2 chapters.

As it was in the past, if **limited progress and early stage level of alignment** have been sufficient for the opening of accession negotiations, **the negotiations with Turkey on 29 chapters should have been opened already.**

However, as of today, this number remains as 14.

Finding 2: Turkey has made progress on the blocked chapters

The state of affairs in Turkey-EU membership negotiation process is not as simple or easy as it seems. As a matter of fact, currently **11 chapters are politically blocked by the Council of the European Union and by a number of member states** for various reasons (**e.g. directly related with Customs Union and membership**). Despite the fact that the opening benchmarks have been fulfilled or the level of alignment has reached to an advanced stage, the negotiations on these chapters cannot be opened.

In accordance with the EU General Affairs and External Relations Council decision on 11 December 2006, the opening benchmark for eight chapters has qualification for acting as the closing benchmarks for all remaining chapters. The aforementioned decision states that "*The Council decided in particular to suspend negotiations on eight chapters relevant to Turkey's restrictions with regard to the Republic of Cyprus, and will not close the other chapters until Turkey fulfils its commitments under the additional protocol to the EU-Turkey association agreement, which extended the EU-Turkey customs union to the ten member states, including Cyprus*".

Based on the EU General Affairs and External Relations Council decision on 11 December 2006, the chapters that are decided not to be opened, in order words, temporarily suspended, are:

- Chapter 1 : Free Movement of Goods
- Chapter 3 : Right of Establishment and Freedom to Provide Services
- Chapter 9 : Financial Services
- Chapter 11 : Agriculture and Rural Development
- Chapter 13 : Fisheries
- Chapter 14 : Transport Policy
- Chapter 29 : Customs Union
- Chapter 30 : External Relations

Furthermore, at the General Affairs Council on 8 December 2009, the Greek Cypriot Administration of Southern Cyprus (GCASC) declared that it unilaterally made the progress on 6 chapters conditional upon “**normalisation**” clause.

The chapters unilaterally blocked by the GCASC are:

Chapter 2: Free Movement of Workers
Chapter 15: Energy
Chapter 23: Judiciary and Fundamental Rights
Chapter 24: Justice, Freedom and Security
Chapter 26: Education and Culture
Chapter 31: Foreign, Security and Defence Policy

On the other hand, France is currently blocking the opening of 4 chapters as they are considered “**directly related with membership**” (after the removal of French blockage, the negotiations on Chapter 22 “Regional Policy and Coordination of Structural Instruments” started in October 2013).

The chapters unilaterally blocked by France are:

Chapter 11: Agriculture and Rural Development (*also blocked in accordance with the Council decision on 11 December 2006*)
Chapter 17: Economic and Monetary Policy
Chapter 33: Financial and Budgetary Provisions
Chapter 34: Institutions (at the end of negotiations)

Under these circumstances, a total of **17 chapters are under political blockage** in the process of Turkey-EU membership negotiations. These chapters are:

Chapter 1: Free Movement of Goods
Chapter 2: Free Movement of Workers
Chapter 3: Right of Establishment and Freedom to Provide Services
Chapter 9: Financial Services
Chapter 11: Agriculture and Rural Development
Chapter 13: Fisheries
Chapter 14: Transport Policy
Chapter 15: Energy
Chapter 17: Economic and Monetary Policy
Chapter 23: Judiciary and Fundamental Rights
Chapter 24: Justice, Freedom and Security
Chapter 26: Education and Culture
Chapter 29: Customs Union

Chapter 30: External Policy

Chapter 31: Foreign Security and Defence Policy

Chapter 33: Financial and Budgetary Provisions

Chapter 34: Institutions

In the negotiation process, Chapter 34 titled "Institutions" is not evaluated within the scope of the Commission Progress Reports; and this chapter is only opened at the end of negotiations. In any case, this chapter is currently under blockage caused by French unilateral decision. There is also no evaluation presented in the progress reports on Chapter 35 titled "Other Issues".

As of September 2014, among the 33 chapters evaluated in the progress reports in the process of negotiations with Turkey:

- **negotiations opened on 14 chapters;**
- **negotiations suspended on 8 chapters based on the EU General Affairs and External Relations Council decision in 2006;**
- **negotiations unilaterally blocked by GCASC on 6 chapters;**
- **negotiations blocked by France on 4 chapters** (including the chapter on Agriculture and Rural Development suspended by the Council decision; and the chapter on Institutions which is not evaluated within the scope of progress reports).

Therefore the negotiations are:

- **opened on 14 chapters;**
- **blocked on 16 chapters** (Chapters: 1, 2, 3, 9, 11, 14, 15, 17, 23, 24, 26, 29, 30, 31, 33, 34)
- **suitable for opening on 3 chapters** (Chapters: 5, 8, 19).

Therefore the actual question that should be asked is: **what is the level of alignment of Turkey on the politically blocked chapters?**

In fact, Turkey has frequently addressed this question to Europe since the EU started to impose blockage on the aforementioned chapters. As a matter of fact, **by the EU's commitments, it is essential that the negotiations on each chapter should proceed solemnly on the basis of the affiliated EU *acquis*.** Furthermore, Turkey claims that it has successfully achieved the necessary level of alignment on the chapters that are currently under political blockage;

and therefore requests for the urgent lifting of the blockages to proceed with negotiations.

So, does Turkey present a justifiable request? According to the findings of this study and on the basis of 2014 Turkey Progress Report; among the politically blocked chapters, Turkey has made (*see Figure 11*):

- **some** or **good progress** on 11 chapters;
- **limited** or **little progress** on 3 chapters;
- **no progress** on 2 chapters.

As previously mentioned, if **limited** or **little progress** is sufficient for the opening of negotiations on a chapter, then **the negotiations with Turkey on 14 out of 16 blocked chapters should have been opened already.**

Figure 11: Current Situation in Blocked Chapters

	TOTAL	PROGRESS	
Open chapters	14	0	1
		1	1
		2	9
		3	2
Chapters subject to political blockage	16	0	2
		1	3
		2	11
		3	-
Chapters not opened to negotiations	3	0	1
		1	1
		2	1
		3	-

Moreover, according to 2014 Progress Report; among 3 chapters that are not politically blocked, Turkey has made (*see Figure 11*):

- **some** or **good progress** on 1 chapter;
- **limited** or **little progress** on 1 chapter;
- **no progress** on 1 chapter.

Therefore, according to this study, **the negotiations with Turkey on 2 out of 3 chapters that are not politically blocked should have been opened already.**

Consequently, based on 2014 Turkey Progress Report, the negotiations with Turkey on 14 out of 16 blocked chapters; and 2 out of 3 unblocked chapters should have been opened already.

Finding 3: Alignment continued on the blocked chapters

One of the most striking outcomes of this study in relation to the blocked chapters is that **Turkey has continued to make progress on chapters that are under blockage.**

According to the findings of this study; among 16 blocked chapters, Turkey:

- **has made progress on 7 chapters** (Chapters: 1, 2, 3, 11, 13, 14, 24)
- **has maintained its progress level on 5 chapters despite the fluctuations on the level of alignment by years** (Chapters: 9, 15, 26, 31, 33)
- **has relapsed on 4 chapters** (Chapters: 17, 23, 29, 30).

This outcome shows **the continuation of Turkey's efforts to achieve alignment even in the blocked chapters** (see *Figure 12*).

Figure 12: Progress on Blocked Chapters

DATE OF BLOCKAGE	REASON OF BLOCKAGE	CHAPTERS/ PROGRESS REPORTS	2007 PR	2008 PR	2009 PR	2010 PR	2011 PR	2012 PR	2013 PR
		DATE OF PUBLICATION	11/6/07	11/5/08	10/14/09	11/9/10	10/12/11	10/10/12	10/16/13
		PERIOD COVERED IN THE REPORT	OCTOBER 2006 - OCTOBER 2007	OCTOBER 2007 - SEPTEMBER 2008	OCTOBER 2008 - SEPTEMBER 2009	OCTOBER 2009 - OCTOBER 2010	OCTOBER 2010 - SEPTEMBER 2011	OCTOBER 2011 - SEPTEMBER 2012	OCTOBER 2012 - SEPTEMBER 2013
		NUMBER OF PAGES OF THE REPORT	82	91	94	104	110	94	87
2006	ADDITIONAL PROTOCOL	CHAPTER 1: FREE MOVEMENT OF GOODS	2.0	2.0	1.0	1.0	1.0	3.0	2.0
2009	GCASC	CHAPTER 2: FREE MOVEMENT FOR WORKERS				1.0	0.0	1.0	1.0
2006	ADDITIONAL PROTOCOL	CHAPTER 3: RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SER	1.0	1.0	0.0	0.0	0.0	1.0	1.0
2006	ADDITIONAL PROTOCOL	CHAPTER 9: FINANCIAL SERVICES	2.0	2.0	1.0	2.0	2.0	2.0	2.0
2006/2009	ADDITIONAL PROTOCOL /FRANCE	CHAPTER11: AGRICULTURE AND RURAL DEVELOPMENT	1.0	1.0	1.0	1.0	2.0	1.0	2.0
2006	ADDITIONAL PROTOCOL	CHAPTER 13: FISHERIES	1.0	1.0	1.0	2.0	1.0	2.0	2.0
2006	ADDITIONAL PROTOCOL	CHAPTER 14: TRANSPORT POLICY	1.0	1.0	1.0	1.0	1.0	2.0	1.0
2009	GCASC	CHAPTER 15: ENERGY				2.0	2.0	2.0	2.0
2009	FRANCE	CHAPTER 17: ECONOMIC AND MONETARY POLICY				2.0	2.0	2.0	2.0
2009	GCASC	CHAPTER 23: JUDICIARY AND FUNDAMENTAL RIGHTS				2.0	2.0	2.0	2.0
2009	GCASC	CHAPTER 24: JUSTICE, FREEDOM AND SECURITY				1.0	1.0	2.0	1.0
2009	GCASC	CHAPTER 26: EDUCATION AND CULTURE				2.0	2.0	2.0	2.0
2006	ADDITIONAL PROTOCOL	CHAPTER 29: CUSTOMS UNION	2.0	2.0	2.0	2.0	2.0	2.0	2.0
2006	ADDITIONAL PROTOCOL	CHAPTER 30: EXTERNAL RELATIONS	2.0	2.0	2.0	2.0	2.0	2.0	1.0
2009	GCASC	CHAPTER 31: FOREIGN SECURITY AND DEFENCE POLICY				2.0	2.0	2.0	2.0
2009	FRANCE	CHAPTER 33: FINANCIAL AND BUDGETARY PROVISIONS				0.0	0.0	0.0	0.0

Finding 4: Chapters which are opened are ready for completion

Let's turn our attention to the chapters that are currently opened.

As is known, the opening of negotiations on a chapter in the process of EU membership negotiations on its own does not mean anything. The chapters that are opened can only be completed if the negotiations on the concerned chapter are closed. It is important to underline the fact that, apart from the EU General Affairs and External Relations Council decision on suspending 8 chapters, **Member States also agreed not to close the negotiations on any of chapters that had been already opened.**

So, how would Turkey's performance be over years in the chapters that have been opened since 2006 if there was not any agreement on not to close the negotiations on any of the chapters?

According to the outcomes of this study; among the 14 chapters that are opened in the process of negotiations between 2006 and 2014, Turkey:

- **has made progress in conjunction with a gradual increase in the level of alignment on 9 chapters** (Chapters: 4, 6, 7, 10, 12, 20, 25, 27, 32);
- **has maintained its level of alignment on 3 chapters** (Chapters: 18, 22, 28);
- **has had a relapse on its level of alignment on 2 chapters** (Chapters: 16, 21)
Despite the relapse on its level of alignment on the aforementioned chapters, in accordance with the opening benchmarks, Turkey still fulfils the minimum criteria required (*see Figure 13*).

In that respect, **if there has not been any obstacle with regard to the closing of chapters in the process of negotiations, Turkey could have successfully closed these aforementioned chapters.**

Figure 13: Current Situation in Opened Chapters

CHAPTERS / PROGRESS REPORTS	2007 PR	2008 PR	2009 PR	2010 PR	2011 PR	2012 PR	2013 PR	2014 PR
DATE OF PUBLICATION	11/6/07	11/5/08	10/14/09	11/9/10	10/12/11	10/10/12	10/16/13	10/8/14
PERIOD COVERED IN THE REPORT	OCTOBER 2006 - OCTOBER 2007	OCTOBER 2007 - SEPTEMBER 2008	OCTOBER 2008 - SEPTEMBER 2009	OCTOBER 2009 - OCTOBER 2010	OCTOBER 2010 - SEPTEMBER 2011	OCTOBER 2011 - SEPTEMBER 2012	OCTOBER 2012 - SEPTEMBER 2013	OCTOBER 2013 - SEPTEMBER 2014
NUMBER OF PAGES OF THE REPORT	82	91	94	104	110	94	87	80
CHAPTER 4: FREE MOVEMENT OF CAPITAL			1.0 (*)	0.0	1.0	0.0	1.0	2.0
CHAPTER 6: COMPANY LAW		1.0 (*)	1.0	1.0	2.0	3.0	2.0	2.0
CHAPTER 7: INTELLECTUAL PROPERTY LAW			1.0 (*)	1.0	1.0	1.0	2.0	2.0
CHAPTER 10: INFORMATION SOCIETY AND MEDIA			1.0 (*)	1.0	2.0	2.0	1.0	0.0
CHAPTER 12: FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY				1.0 (*)	2.0	2.0	2.0	1.0
CHAPTER 16: TAXATION			2.0 (*)	1.0	1.0	1.0	1.0	1.0
CHAPTER 18: STATISTICS	2.0 (*)	2.0	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 20: ENTERPRISE AND INDUSTRIAL POLICY	2.0 (*)	2.0	2.0	2.0	3.0	2.0	2.0	3.0
CHAPTER 21: TRANS-EUROPEAN NETWORKS		3.0 (*)	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 22: REGIONAL POLICY AND THE COORDINATION OF STRUCTURAL INSTRUMENTS							2.0 (*)	2.0
CHAPTER 25: SCIENCE AND RESEARCH	2.0 (*)	2.0	2.0	2.0	2.0	2.0	2.0	3.0
CHAPTER 27: ENVIRONMENT AND CLIMATE CHANGE				1.0 (*)	1.0	1.0	1.0	2.0
CHAPTER 28: CONSUMER AND HEALTH PROTECTION		2.0 (*)	2.0	2.0	2.0	2.0	2.0	2.0
CHAPTER 32: FINANCIAL CONTROL	1.0 (*)	2.0	1.0	1.0	2.0	2.0	2.0	2.0

Finding 5: The only Chapter with no progress: Public Procurement

Since 2005 until 2013, based on the evaluations of the progress reports, **the only chapter that Turkey has made no progress in any period appears to be Chapter 5 titled “Public Procurement”**.

It is important to recall the fact that, due to laws that have been passed recently, Turkey has been portraying an inharmonious picture on **Public Procurement Chapter along with other 2 chapters that are likely to be opened in Turkey-EU membership process**. In this context, the Commission progress reports regularly underline that the current practices in Turkey for instance, public procurement legislation; public tenders in sectors such as waterworks, transport, energy and postal services; public-private partnerships; and concessions are not line with the EU *acquis*. The Commission progress reports also recommend the preparation and acceptance of an alignment strategy plan comprising important steps to achieve total alignment with the EU *acquis*. Furthermore, it is highly crucial to harmonise auditing and scanning directives on public tenders in terms of Turkey's alignment in this chapter with the EU *acquis*.

CHAPTER-4

TURKEY-EU RELATIONS: HOW MANY MORE REPORTS ARE NEEDED?

Before summarising the main outcomes of this study and arraying opinions on the guidelines of a new generation of progress reports, it is highly important to call attention to the **extraordinary** nature of Turkey-EU relations.

In the history of EU enlargement, Turkey;

- **is the only candidate country to have a Customs Union with the EU before becoming a member (except Andorra and San Marino);**
- **is the only country for which the duration in between the membership application and the negotiations had been the longest;**
- **is the only candidate country with the lengthiest process of candidacy so far;**
- **is the only candidate country that the European Commission has assessed its progress with the highest number of progress reports.**

The EU, on the other hand, for any candidate country;

- **has not conducted negotiations on chapters outside the framework of formal negotiations;**
- **has not blocked chapters with a vast number of political restraints;**
- **has not made a collective restraining decision on the closing of chapters.**

Even these facts are enough to expose the **extraordinary relations** that Turkey has with the EU and vice versa.

WHY THIS STUDY?

For the EU, Turkey embodies **a web of relations exceeding the dictionary and terminology, in other words, the framework of enlargement**. For this particular reason, it is, most of the time, not enough to describe the continual partnership, candidacy and membership negotiation process between Turkey and the EU through the medium of the EU enlargement terminology. Above and beyond, it is a crystal-clear fact that the negotiation process between Turkey and the EU is far away from having a conventional and routine nature.

From this point of view, this study is, by nature, **inspired by the European Commission's own format and terminology as used in its progress reports to ensure consistency**. Without a doubt, this study is **subject to speculation as much as it is provocative**. Nonetheless, the point reached today in Turkey-EU relations which is considered beyond routine in the history of EU enlargement, provides a perfect opportunity to conduct such studies.

In this context, it is important to draw attention to the decreasing level of enthusiasm on the EU membership and the slowing down of the reforms in Turkey. Indisputably, Turkey has also gone amiss in showing its interest in the EU process lately compared to the first years of negotiations. By the same token, Turkey has deficiencies in terms of the alignment with political criteria and the ability to take on the responsibilities of the EU *acquis*. At a point where the process is precluded by political obstacles, the impact of progress reports, as vital contributing elements of membership negotiation process, also becomes disputable; and at times, ineffective. **The progress reports fail to address any suggestions with regard to the removal of the political obstacles constituting the major conundrum.**

WHAT DOES THE MINISTER FOR EU AFFAIRS AND CHIEF NEGOTIATOR SAY?

Soon after taking over the portfolio of Mevlüt Çavuşoğlu, the former Minister for EU Affairs, Volkan Bozkır, as the Minister for EU Affairs and the Chief Negotiator of the 62nd Government, made several public statements prior to his official visits to Brussels and the capitals of several EU member states. Bozkır, in his statements underlines that:



"(...) to open a chapter is not the sole element of this relation and attaining the objective. Turkey has covered a lot of ground on the way to membership even if we did not open a chapter. We actually opened all chapters in Ankara after 8 chapters were suspended in 2006. According to the formal picture, 14 chapters are opened and 1 is closed; but according to the real picture, 27-28 chapters are opened and 13-14 chapters are closed." (11 September 2014, Milliyet newspaper)

The Minister for EU Affairs and the Chief Negotiator Ambassador Volkan Bozkır emphasises the diminishing impact and the lack of contribution of progress reports in Turkey-EU negotiation process; and highlights that Turkey meets the minimum criteria to open a number of chapters; and even stresses that a vast number chapters are suitable for closing. However, what is critical at this point is the fact that **the decision on the opening or closing of a chapter is not made in Ankara but in Brussels.**

The following statements with reference to the chapters made by the Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır at the press conference offering a general evaluation of the 17th progress report on Turkey are most certainly remarkable:



"(...) With regard to alignment with the EU acquis, the progress report confirms that progress has been achieved at various levels in 30 of the 33 negotiation chapters. The progress report also indicates that Turkey has reached advanced level of alignment in 26 of these chapters. These report findings attest to our claim that while Turkey has officially opened only 14 chapters and closed one, actually 27-28 chapters should have been opened and 13-14 should have been closed. As is clearly indicated by this advanced level of alignment, Turkey is continuing its work, despite political blockage." (8 October 2014, Official website of Ministry for EU Affairs)

THE OUTCOMES OF MATHEMATICS OF PROGRESS

This judgement of the Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır is in conformity with the main outcomes of this study.

Based on 2014 Turkey Progress Report and the assumption that there has not been political blockage on any of the chapters, as of today, **Turkey holds a fair level of alignment in 29 chapters; and is in a suitable condition to open 12 out of 16 blocked chapters.** At the same time, Turkey has continued to gradually increase its level of alignment in the blocked chapters over years. In this context, if there was not an agreement on not to close negotiations on any of the chapters, **Turkey would have successfully closed at least 12 of the chapters that are opened since 2006 in the negotiations process.**

HOW SHOULD A NEW GENERATION PROGRESS REPORT BE?

Whilst Turkey is getting closer in leaving 10 years behind in the negotiations with the EU, 14 chapters have been opened; and so far only one of them has been provisionally closed. In the meantime, European Commission has composed 17 progress reports; but they have not been enough to make Turkey a member. Based on this observation, **the question of how many more progress reports**

are needed until Turkey becomes a member is directly linked with the future of relations.

In the course of time, the framework of progress reports has become tighter; their tone has become more repetitive and political. The emphasis given to political criteria has surpassed the emphasis given to technical criteria, causing the questioning of the purpose and the target audience of the report on both sides.

On the other hand, European Commission's 2014 Turkey Progress Report, after its publication in October 2014, has been recorded in the archives. The thought-provoking point is that this report is also far away from bringing **a new initiative to Turkey-EU relations that gradually stagnated in the most recent years.**

Unfortunately for Turkey, on which the European Commission has written the highest number of reports, it is extremely difficult to say that the reports are contributing to convergence, transformation, inspiration and encouragement. Furthermore, it is observed that the recent reports are gradually politicised while the substance of technical process is neglected. Therefore, the recent progress reports fail to bring positive and constructive recommendations to move Turkey towards its objective of EU membership. **In a straightforward way, we can argue that based on the evaluation of their conclusions, the progress reports, as of today, do not serve their initial purpose.**

In such an environment, our minds are preoccupied with the **likelihood (or unlikelihood) of having a new generation progress report.** As a matter of fact, **an urgent need for a new generation progress report becomes evident in overall agenda the new developments are taking place in political and economic fields.**

In this context, if it is possible to compose a new generation progress report, it is essential that it has the following properties throughout the process starting from its preparation until its publication:

1- A progress report that can transcend the continuous monotony

It is **important, necessary** and **natural** for the EU to analyse the course of events in Turkey as much as it is for Turkey to come to **constructive** and **effective** conclusions based on the EU's analysis. Therefore, in this context, both the European Commission as the architect of the reports and Turkey as the principal evaluator of the reports, are in need of changing their perspectives; and in **need of overcoming and transcending the continuous monotony of progress reports in Turkey-EU relations.**

2- A progress report that can endorse a functioning cooperation

Both parties should endorse a functioning cooperation by surpassing the critical and reactionary relations that directly impact upon the course of the preparation of reports or Turkey's EU reform process.

Accordingly, the establishment of a team of relevant institutions, in other words, a **task force**, including the Ministry for EU Affairs, the Permanent Delegation of Turkey to the EU and the European Commission, can pave the way for **a close action and cooperation in an operational sense**.

3- A progress report that incorporates implementation steps necessary for resolving deficiencies

In cooperation with the European Commission authorities, Turkey should take the evaluations in the progress reports into consideration **in line with the APD, NP and NFD** in order to correct the deficiencies and to accelerate the reform process. The steps to be taken in order to correct the deficiencies should therefore be directed **towards implementation**.

4- A progress report that can present concrete and visible outcomes both for Turkey and the EU

An important evolution will, without a doubt, take place in Turkey-EU relations if the European Commission as the architect of the progress reports can display **concrete and visible criteria** in the reports evaluating Turkey as a candidate country.

In conclusion; European Commission, the architect of progress reports, is the executive body of the EU; and is responsible for the supervision of the technical aspects of the negotiation process. Institutionally, it does not embody a political authority in order to overcome the political obstacles hindering the process. Nevertheless, as the guardian of the collective will of the EU, European Commission is expected to show commitment on inducing the EU Member States to admit Turkey as a member of the EU; and on proving the criticisms to be wrong regarding reform efforts of Turkey as an example country for the alignment with the EU in the fields of democracy, human rights and freedoms. Our greatest wish in this multivariate process is Turkey's progress towards the ultimate goal of EU membership by way of constructive and effective progress reports; and of diplomacy and communication.



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