

Procedure file

Basic information		
INI - Own-initiative procedure	2018/2150(INI)	Procedure completed
2018 Commission report on Turkey		
Subject 8.20.01 Candidate countries		
Geographical area Turkey		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Foreign Affairs	 PIRI Kati Shadow rapporteur  SOMMER Renate  BELDER Bas  SCHAAKE Marietje  VAN BAALEN Johannes Cornelis  VALERO Bodil  CASTALDO Fabio Massimo  BORGHEZIO Mario	16/05/2018
European Commission	Commission DG Neighbourhood and Enlargement Negotiations	Commissioner HAHN Johannes	

Key events			
19/04/2018	Non-legislative basic document published	SWD(2018)0153	Summary
05/07/2018	Committee referral announced in Parliament		
20/02/2019	Vote in committee		

26/02/2019	Committee report tabled for plenary	A8-0091/2019	Summary
12/03/2019	Debate in Parliament		
13/03/2019	Results of vote in Parliament		
13/03/2019	Decision by Parliament	T8-0200/2019	Summary
13/03/2019	End of procedure in Parliament		

Technical information

Procedure reference	2018/2150(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 87-p4
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFET/8/13879

Documentation gateway

Non-legislative basic document	SWD(2018)0153	19/04/2018	EC	Summary
Committee draft report	PE630.524	14/11/2018	EP	
Amendments tabled in committee	PE632.114	17/12/2018	EP	
Amendments tabled in committee	PE632.131	17/12/2018	EP	
Committee report tabled for plenary, single reading	A8-0091/2019	26/02/2019	EP	Summary
Text adopted by Parliament, single reading	T8-0200/2019	13/03/2019	EP	Summary
Commission response to text adopted in plenary	SP(2019)444	30/08/2019	EC	

2018 Commission report on Turkey

PURPOSE: to present a Commission staff working document on the Turkey 2018 report in the context of EU enlargement.

BACKGROUND: the state of emergency declared in the wake of the attempted coup of 15 July 2016 remains in force, aiming at dismantling the Gülen movement, designated by the Turkish authorities as a terror organisation responsible of the coup attempt, as well as at supporting the fight against terrorism, against the background of repeated attacks in Turkey. The EU, which immediately and strongly condemned the attempted coup, reiterated its full support for the country's democratic institutions, and recognised Turkey's legitimate need to take swift and proportionate action in the face of such a serious threat. However, the broad scale and collective nature, and the disproportionality of measures taken since the attempted coup under the state of emergency, such as widespread dismissals, arrests, and detentions, continue to raise serious concerns. Turkey should lift the state of emergency without delay.

Within the framework of accession negotiations, 16 chapters have been opened so far and one of these was provisionally closed. Under the currently prevailing circumstances, no new chapters are considered for opening. The Turkish government reiterated its commitment to EU accession but this has not been matched by corresponding measures and reforms.

On the contrary, Turkey has been moving away from the European Union.

CONTENT: regarding its ability to assume the obligations of membership, Turkey has continued to align with the acquis, albeit at a limited pace. There have been more instances of backsliding regarding a number of key aspects in the areas of information society, social policy and employment and external relations. Turkey is well advanced in the areas of company law, trans-European networks and science and research and it has achieved a good level of preparation in the areas of free movement of goods, intellectual property law, financial services, enterprise and industrial policy, consumer and health protection, customs union and financial control. Turkey is only moderately prepared on public procurement as important gaps remain in its alignment. Turkey is also moderately prepared in the area of statistics and transport policy where

further significant efforts are needed across the board. Turkey has only reached some level of preparation on environment and climate change where more ambitious and better coordinated policies still need to be established and implemented. In all areas, more attention needs to be given to enforce legislation whilst many areas require further significant progress to achieve legislative alignment with the EU acquis.

Normalisation of bilateral relations with Cyprus: Turkey expressed support for the talks on the Cyprus settlement between the leaders of the two communities. However, Turkey has still not fulfilled its obligation to ensure full and non-discriminatory implementation of the Additional Protocol to the Association Agreement and has not removed all obstacles to the free movement of goods, including restrictions on direct transport links with Cyprus.

There was no progress on normalising bilateral relations with Cyprus.

A summary of the main chapters of the report is as follows:

Political and economic dialogue: the Commission, jointly with the European External Action Service, has maintained EU-Turkey relations in all key areas of joint interest based on a broad strategic engagement. The enhanced political dialogue between the EU and Turkey was maintained. Regular discussions on foreign and security policy were held on a wide range of topics and regions including Syria, Iraq, Iran, Saudi Arabia, the Middle East and the Gulf, Afghanistan, Libya, Russia, Ukraine, the Western Balkans, the South Caucasus and Central Asia.

Regarding the economic criteria, the Turkish economy is well advanced and can be considered a functioning market economy. The economy supported by government stimulus measures, managed to recover from the contraction witnessed in the wake of the attempted coup of 2016 and achieved strong growth in 2017. However, high growth is coupled with significant macroeconomic imbalances. Turkey's economy continued to be characterised by a high level of informality. Turkey has made some progress and has a good level of preparation to cope with competitive pressures and market forces within the EU. Turkey is well-integrated with the EU market in terms of both trade and investment. Some progress was made in the energy sector, particularly in the gas market, and in increasing research and development spending. However, significant problems remained with regard to the quality of education. There was no progress in improving the transparency of state aid.

Judicial system: Turkey's judicial system is at an early stage of preparation. There has been further serious backsliding in the past year, in particular with regard to the independence of the judiciary.

Corruption and organised crime: the country has some level of preparation in the fight against corruption, where no progress has been achieved. The legal and institutional framework needs further alignment with international standards. A broad, interparty political consensus and strong political will are required to fight against corruption decisively. Corruption remains prevalent in many areas and continues to be a serious problem. Turkey needs to improve its legislation on cybercrime, asset confiscation and witness protection. Data protection legislation is in place but it is not yet in line with European standards. In the fight against terrorism, a comprehensive legal framework on terrorism financing is in place.

Fundamental rights and freedom of expression: the Turkish legal framework includes general guarantees of respect for human and fundamental rights, which have however been further challenged and undermined by a number of emergency decrees. The serious backsliding on the freedom of expression continued, an area where Turkey is at an early stage of preparation. Criminal cases against journalists more than 150 of them remain detained human rights defenders, writers, or social media users, withdrawal of press cards, as well as the closure of numerous media outlets or the appointment by the government of trustees to administer them, are of serious concern. The Internet Law and the general legal framework continue to enable the executive to block online content without a court order on an inappropriately wide range of grounds. There was also serious backsliding in the areas of freedom of assembly, freedom of association, procedural and property rights. Measures adopted under the state of emergency also removed crucial safeguards protecting detainees from abuse thereby augmenting the risk of impunity, in a context where allegations of ill-treatment and torture have increased. Extreme poverty and a lack of basic necessities remain common among Roma households in Turkey. The rights of the most vulnerable groups and of persons belonging to minorities should be sufficiently protected. Gender-based violence, discrimination, hate speech against minorities, hate crime and violations of human rights of lesbian, gay, bisexual, transgender and intersex persons are still a matter of serious concern.

2018 Commission report on Turkey

The Committee on Foreign Affairs adopted the own-initiative report by Kati PIRI (S&D, NL) on the 2018 Commission report on Turkey.

State of emergency

The state of emergency introduced after the 2016 coup attempt was extended 7 times. According to Members, the prolonged state of emergency has led to an erosion of the rule of law and to the deterioration of human rights in Turkey. They are concerned that many of the procedures in force during the state of emergency are still being applied by police forces and local administrations and there is serious backsliding in the areas of freedom of expression, freedom of assembly, freedom of association and procedural and property rights.

They are deeply concerned that over 150 000 people were taken into custody in the post-coup crackdown and 78 000 have been arrested on the basis of terrorism charges, while more than 50 000 people remain in jail, in most cases without conclusive evidence. With lengthy pre-trial detention and judicial proceedings and the widespread practice of cancelling the passports of the relatives of detainees and suspects, Members stressed the need for due process and administrative redress.

Moreover, since the introduction of the state of emergency more than 152 000 civil servants - including teachers, doctors, (peace) academics, lawyers, judges and prosecutors - have been dismissed. Turkey is called on to ensure that all individuals have the right to due process and to have their cases reviewed by an independent judicial court in accordance with international standards that can ensure compensation for the material and moral damage caused by their arbitrary dismissal.

Media freedom and independence

This is called as one of the core values of the EU and a cornerstone of any democracy. Members expressed serious concern about the disproportionate and arbitrary measures curtailing freedom of expression, media freedom and access to information. Turkey is urged to guarantee media freedom as a matter of priority and to immediately release and acquit all unlawfully detained journalists.

In general, Turkey is called on to:

- release all imprisoned human rights defenders, journalists and others who have been detained on unsubstantiated charges, and to drop those charges and enable them to carry out their work without threat or impediment in all circumstances;
- protect the fundamental rights of all citizens, including ethnic, religious and sexual minorities;
- adopt a hate crimes law that can protect all members of minorities from physical and verbal attacks and fulfil the Copenhagen criteria for accession countries with regard to respect for and protection of minorities;
- take serious action to fight all manifestations of anti-Semitism in society;
- take adequate measures to prevent and punish hate speech or crimes targeting disadvantaged groups such as Roma and Syrian refugees and asylum seekers;

Members recommended that the Commission and the Council of the European Union, in accordance with the Negotiating Framework, formally suspend the accession negotiations with Turkey. The report stressed that any political engagement between the EU and Turkey should be built on conditionality provisions concerning respect for democracy, the rule of law and fundamental rights.

Upgraded Customs Union

Members stressed that the modernisation of the Customs Union would further strengthen the already strong ties between Turkey and the EU and would keep Turkey economically anchored to the EU. They considered that a door should be left open for the modernisation and upgrade of the 1995 Customs Union between the EU and Turkey, to include relevant areas such as agriculture, services and public procurement, which currently are not covered.

The Commission is called, in this regard, to:

- start preparatory work for the upgrade of the Customs Union as soon as the Turkish Government attests to its readiness for serious reforms;
- include a clause on human rights and fundamental freedoms in the upgraded Customs Union making human rights and fundamental freedoms a key conditionality;

Visa liberalisation

Given that visa liberalisation is of great importance for Turkish citizens, particularly for students, academics, business representatives and people with family ties in EU Member States, Members encouraged Turkey to fully comply with the 72 criteria identified in the visa liberalisation roadmap. The revision of Turkey's anti-terrorism legislation is a key condition for ensuring fundamental rights and freedoms.

Migration

The report recalled the important role played by Turkey in responding to the migration crisis resulting from the war in Syria. Turkey and its population have shown great hospitality by offering shelter to more than 3.5 million Syrian refugees. Turkey is urged to respect the non-refoulement principle.

NATO

Turkey is a longstanding member of the NATO alliance and sits at a key geostrategic location for maintaining regional and European security. The EU and Turkey continue to cooperate on issues of (military) strategic importance within the NATO framework. Members called on Turkey to resume its cooperation with EU NATO members under NATO's rolling programme of cooperation with non-EU countries.

Cyprus

Welcoming the efforts under the auspices of the UN Secretary-General to resume negotiations on the reunification of Cyprus, Members reiterated their support for a fair, comprehensive and viable settlement on the basis of a bi-communal, bi-zonal federation with a single international legal personality, single sovereignty and single citizenship and with political equality between the two communities.

The EU is called on to play a more active role in bringing negotiations to a successful conclusion. Members called on Turkey to begin withdrawing its troops from Cyprus and to refrain from actions altering the demographic balance on the island through a policy of illegal settlements.

2018 Commission report on Turkey

The European Parliament adopted by 370 votes to 109 with 143 abstentions a resolution on the 2018 Commission report on Turkey. The resolution noted that while the EU accession process was at its start a strong motivation for reforms in Turkey, there has been a stark regression in the areas of the rule of law and human rights during the last few years.

State of emergency

Whilst welcoming the decision of 19 July 2018 to lift the state of emergency, Parliament regretted that the new legislation introduced, in particular Law No 7145, preserves many of the powers granted to the President and Executive under the state of emergency and basically enables it to continue, with all the limitations this entails on freedoms and basic human rights. The prolonged state of emergency has led to an erosion of the rule of law and to the deterioration of human rights in Turkey. Members were concerned that many of the procedures in force during the state of emergency are still being applied by police forces and local administrations and that there is serious backsliding in the areas of freedom of expression, freedom of assembly, freedom of association and procedural and property rights.

More than 50 000 people remain in jail in the after the coup, in most cases without conclusive evidence. With lengthy pre-trial detention and judicial proceedings and the widespread practice of cancelling the passports of the relatives of detainees and suspects, Parliament stressed the need for due process and administrative redress.

Suspension of accession talks

Parliament recommended that the Commission and the Council of the European Union, in accordance with the Negotiating Framework, formally suspend the accession negotiations with Turkey. Noting that the 2019 budget under which IPA II funds to Turkey will be cut by 146.7

million in view of the situation in Turkey as regards human rights, Members asked the Commission to use the funds currently allocated under the Instrument for Pre-Accession Assistance (IPA II and the future IPA III) to support, through a dedicated envelope directly managed by the EU, Turkey's civil society, human rights defenders and journalists and to increase opportunities for people-to-people contacts. Members underlined that any political engagement between the EU and Turkey should be built on conditionality provisions concerning respect for democracy, the rule of law and fundamental rights.

Civil society and media freedom

Parliament expressed serious concern about the disproportionate and arbitrary measures curtailing freedom of expression, media freedom and access to information, and also expressed great concern at the shrinking space for civil society and the promotion of fundamental rights and freedoms.

Turkey was called upon to:

- release all imprisoned human rights defenders, journalists and others who have been detained on unsubstantiated charges, and to drop those charges and enable them to carry out their work without threat or impediment in all circumstances;
- protect the fundamental rights of all citizens, including ethnic, religious and sexual minorities;
- adopt a hate crimes law that can protect all members of minorities from physical and verbal attacks and fulfil the Copenhagen criteria for accession countries with regard to respect for and protection of minorities.

Parliament called on the Commission and the Member States to increase their protection of and support for human rights defenders at risk in Turkey, including through emergency grants.

Upgraded Customs Union

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Armenia

Lastly, Parliament called on Turkey and Armenia to pursue the normalisation of their relations, stressing that the opening of the Turkish-Armenian border could lead to improved relations, with particular reference to cross-border cooperation and economic integration.