

**TURKEY'S ADOPTION OF THE  
*ACQUIS COMMUNAUTAIRE*:  
AN UNDERVALUED ACQUAINTANCE**

ARMAGAN EMRE ÇAKIR<sup>1</sup>

To the precious memory of Professor Dominik Lasok<sup>2</sup>

**Introduction**

A researcher who chooses to study the chronicle of the process of adoption of the Community *acquis* by Turkey would probably take the official announcement by the Turkish Government of its own National Program for the Adoption of the EU *Acquis* on 19 March 2001 as the starting point of his narrative. Indeed, after Turkey was recognised as a candidate for accession at the Helsinki European Council in December 1999, the standard 'package performance' for the Candidate States was put on stage: the European Commission started to prepare an Accession Partnership document for Turkey, which was declared on 8 March 2001; the framework regulation that would constitute the legal basis for the Accession Partnership was adopted by the General Affairs Council on 26 February 2001; the Accession Partnership document was approved by the Council on 26 February 2001; and Turkey, on her part, announced her own National Programme for the Adoption of the EU *acquis* on 19 March 2001. The same 'package' had been staged twelve times for each candidate after the 1997 Luxembourg summit, and this was seen as just another 'performance' of the same routine. But in fact it was not. Turkey was different than the other eleven Candidate

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<sup>1</sup> Assistant Professor Dr.; Head of the Politics and International Relations of the EU Department of the European Community Institute; Marmara University.

<sup>2</sup> Professor Dr. Dominik Lasok (QC, OPA, LenDr, LL.M., Ph.D., Dr. Juris LL.D., Dhc) (1921-2000) was, for many, the greatest scholar in the field of EU Law. He taught at the European Community Institute of Marmara University from its establishment in 1987 to 1994. In 1990, with a group of Turkish scholars, he embarked on an academic research project on the compatibility of Turkish legislation with that of the Community *acquis*. The outcome of this project was published as a special issue of the Marmara Journal of European Studies in 1992 (European Community Institute, 1992).

States in that she was already acquainted with the adoption process of the *acquis*. Peculiar as she had always been in many ways in her relations with the Union, Turkey was once again calling for a different and more conscientious examination. Such an examination is what the present article endeavours to render.

The article hopes to draw attention to four conspicuous but usually unobserved details that are typical to the case of Turkey:

- i) Turkey, owing to the prolonged reign of its Association Agreement, has not only laboured to adopt the Community *acquis*, but also had the chance to make a contribution to it beyond a symbolic degree without attaining full-membership status.
- ii) Different from most of the other candidates, she adopted a considerable portion of the *acquis* before becoming a candidate.
- iii) Some phases of the process of adoption of the *acquis* by Turkey were carried out while Turkey was deprived of certain necessary assistance mechanisms of the Union which the other Candidate States were making use of.
- iv) By entering into a customs union with the Community without becoming a full-member, Turkey put herself under the obligation of adopting a relevant portion of the *acquis* in the creation of which she was not allowed to take part but which, at the same time, had a substantial and critical effect on her economy.

Let us examine these points closely in turn.

**i) Turkey's Contribution to the *Acquis Communautaire* Without Becoming a Member**

The Community *acquis* is a comprehensive term defined as “the body of common rights and obligations which bind all the Member States together within the European Union” (European Commission, 2000: 17). Within such a broad ambit, the Community *acquis* includes, *inter alia*, international agreements concluded by the Community. The Ankara Agreement signed between Turkey and the EEC on 12 September 1963 is considered

in this context<sup>3</sup>. The Agreement was devised to lead to a customs union between the two entities first, and then pave the way for the full-membership of the former to the latter, entailing some other areas of economic co-operation. With the exception of the 1980-1986 period when the relations between Turkey and the EC were frozen, the Agreement has hitherto served its aim while, at the same time, contributing to the Community patrimony.

The contribution of the Ankara Agreement to the Community *acquis* does not emerge from its mere existence; as a matter of fact, in two cases<sup>4</sup> the ECJ held that the Ankara agreement laid down only general guidelines for the attainment of its objectives and as such, its provisions were not directly applicable, but added that these guidelines were materialised in the decisions of the Association Council.

The actual implementation of the provisions of the Agreement as well as the resolution of the disputes arising thereof are in the

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<sup>3</sup> Professor Lasok maintains that despite the fact that the Ankara Agreement is an 'association agreement' in terms of Article 238 of the EEC Treaty signifying less than admission to the Community but more than a mere trade agreement, it is still "for all intents and purposes a treaty-contract in the classical sense of International Law". (Lasok, 1991: 27). See also (Lasok and Bridge, 1991: 77).

<sup>4</sup> Case 12/86 [Demirel v Stadt Schwäbisch Gmünd (1989) 1 CMLR 421] and case 192/89 [Sevince v Staatsecretaris van Justitie (1989)]. In the first case, a Turkish lady who tried to settle in Germany with the purpose of joining her husband in Germany was refused by the German authorities. She tried to base her claim on Article 12 of the Ankara Agreement which envisages that the parties will be guided by the relevant provisions of the EEC Treaty ensuring freedom of movement for workers. The ECJ ruled that the Ankara Agreement *per se* cannot engender rights for individuals. In the second case, a Turkish citizen married a Turkish lady living in the Netherlands, and acquired a residence permit. However, his residence permit was issued conditional to his marriage. Indeed, when his marriage ended after a short time, the Dutch authorities refused to renew the permit. Different from the Demirel case, this time the litigant attempted to use decisions 2/76 and 1/80 of the Association Council. Decision 2/76 stipulated that after five years of regular work in a Member State, a worker shall enjoy free access to any type of employment in that country. Decision 1/80 reduced this to four years. The ECJ noted that these decisions concerned with the right to work not to reside. For the status of the Association Council decisions see also (Kabaalioglu, 1999: *passim* esp. 117).

hands of the Association Council that consists of the members of the governments of the Member States, members of the Council and the Commission and -as a reinforcement for our argument here- members of the Turkish government. The 41 meetings of the Association Council held so far added many elements to the *acquis* the most important of which being the Customs Union between Turkey and the EC which came in in 1996. The contribution of the Ankara Agreement has gone so far as to create, via the decisions of the Association Council, directly applicable rights for individuals.

The implementation of the terms of the Ankara Agreement is in the hands of the Council of Association<sup>5</sup> whose decisions are binding upon the signatories *i.e.* the Community, the Member States and Turkey. Thus the Council gives life to the Agreement by transforming its provisions into binding rules of law. Without that transformation, the Agreement remains only an expression of expectations or a programme of action. The decisions of the Council, as confirmed by the Community Court, have a binding force.... (Lasok, 1991: 47)

When Turkey was recognised as a candidate for accession at the Helsinki European Council in December 1999, the Association Council had already held 38 meetings. Besides, the Customs Union foreseen in the Ankara Agreement had been realised and functioning with its own regime as a part of the *acquis* since 1 January 1996.

The following is a list of the decisions of the Association Council taken since 1972<sup>6</sup> in chronological order:

Decision No: 1/72 of the Association Council *authorising Turkey to derogate from the most-favoured-nation clause referred to in Article 17 of the Interim Agreement*

Decision No: 1/72 of the Association Council *fixing the percentage of the Common Customs Tariff duties to be taken into consideration when determining the rate of the levy provided for in Article 3 (1) of the Additional Protocol to the Ankara Agreement*

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<sup>5</sup> Probably in accordance with the official English translation of the Ankara Agreement, Professor Lasok would prefer the term “Council of Association” to “Association Council”.

<sup>6</sup> Decisions taken prior to 1972 were recorded in Turkish and French only.

Decision No: 3/72 of the Association Council *laying down detailed rules for collecting the compensatory levy provided for in Article 3(1) of the Additional Protocol to the Ankara Agreement*

Decision No: 4/72 of the Association Council *on the definition of the concept of 'originating products' from Turkey for implementation of Chapter I of Annex No 6 of the Additional Protocol to the Ankara Agreement*

Decision No: 5/72 of the Association Council *on methods of administrative co-operation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement*

Decision No: 1/73 of the Association Council *on new concessions on imports of Turkish agricultural products into the Community*

Decision No: 2/73 of the Association Council *amending Decision No 5/72 of 29 December 1972 on methods of administrative co-operation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement*

Decision No: 1/75 of the Association Council *amending Decision No 4/72 on the definition of the concept of 'originating products' from Turkey for implementation of Chapter I of Annex No 6 of the Additional Protocol to the Ankara Agreement*

Decision No: 2/75 of the Association Council *on the imbalance of the EEC-Turkey trade balance*

Decision No: 1/76 of the Association Council *amending Decision No 5/72 on methods of administrative co-operation for the implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement*

Decision No: 2/76 of the Association Council *on the implementation of Article 12 of the Ankara Agreement*

Decision No: 1/77 of the Association Council *on new concessions for imports of Turkish agricultural products into the Community*

Decision No: 1/78 of the Association Council *amending Decision No 5/72 on methods of administrative co-operation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement*

Decision No: 2/78 of the Association Council *relating to proof of origin for certain textile products exported by Turkey*

Decision No: 1/80 of the Association Council of 19 September 1980 on the development of the Association

Decision No: 2/80 of the Association Council of 19 September 1980 on exceptional aid totalling 75 million European units of account for Turkey

Decision No: 3/80 of the Association Council of 19 September 1980 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families

Decision No: 1/83 of the Association Council of 25 April 1983 replacing the unit of account by the ECU in Decision No 5/72 on methods of administrative co-operation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement

Decision No: 1/93 of the Association Council of 8 November 1993 amending Decision No 5/72 on methods of administrative co-operation for the implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement (93/599/EC)

Decision No: 1/94 of the Association Council of 19 December 1994 concerning the application of Article 3 of the Additional Protocol to the Ankara Agreement to goods obtained in the Member States of the Community (94/905/EC)

Decision No: 2/94 of the Association Council of 19 December 1994 amending Decision No 5/72 relating to methods of administrative co-operation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement (94/906/EC)

Decision No: 1/95 of the Association Council of 22 December 1995 on implementing the final phase of the Customs Union (96/142/EC)

Decision No: 2/95 of the Association Council on temporary exceptions to Turkey's application of the Common Customs Tariff in respect of third countries

Decision No: 3/93 of the Association Council of 24 July 1995 amending Decision No 1/94 concerning the application of Article 3 of the Additional Protocol to the Ankara Agreement to goods obtained in the Member States of the Community (95/318/EC)

Decision No: 4/95 of the Association Council of 22 December 1995 amending decision No 5/72 on methods of administrative co-operation for the implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement (96/144/EC)

Decision No: 5/95 of the Association Council of 22 December 1995 on the arrangements for involving Turkish experts in the work of certain technical committees (96/145/EC)

Decision No: 6/95 of the Association Council of 22 December 1995 on extending the list of committees referred to in Annex 9 to Decision No 1/95 of the EC-Turkey Association Council (96/146/EC)

Decision No: 1/96 of the Association Council of 2 September 1996 repealing Decision 5/72 relating to methods of administrative co-operation for implementation of Articles 2 and 3 of the Additional Protocol to the Ankara Agreement (96/541/EC)

Decision No: 1/97 of the Association Council of 29 April 1997 on the arrangements applicable to certain processed agricultural products (97/303/EC)

Decision No: 2/97 of the Association Council of 4 June 1997 establishing the list of Community instruments relating to the removal of technical barriers to trade and the conditions and arrangements governing their implementation by Turkey (97/438/EC)

Decision No: 1/98 of the Association Council of 25 February 1998 on the trade regime for agricultural products (98/223/EC)

Decision No: 2/98 of the Association Council of 23 February 1998 repealing Decision No 2/78 relating to proof of origin for certain textile products exported by Turkey (98/224/EC)

Decision No: 1/99 of the Association Council of 5 January 1999 on the introduction of common outward processing arrangements for textiles and clothing (1999/11/EC)

Decision No: 2/99 of the Association Council of 8 March 1999 concerning the extension of the list of committees referred to in Annex 9 to Decision No 1/95 on implementing the final phase of the Customs Union (1999/208/EC)

Decision No: 1/2000 of the Association Council of 11 April 2000 repealing Decision No 4/72 on the definition of the concept of 'originating products' from Turkey for implementation of Chapter I of Annex to the Additional Protocol to the Ankara Agreement (2000/376/EC)

Decision No: 2/2000 of the Association Council of 11 April 2000 on the opening of negotiations aimed at the liberalisation of services and the mutual opening procurement markets between the Community and Turkey (2000/377/EC)

Decision No: 3/2000 of the Association Council *of 11 April 2000 on the establishment of Association Committee subcommittees (2000/378/EC)*

As the reader might have noticed, the majority of the decisions are related to ‘free movement of goods’/‘customs union’ issues, and hence the compilation may look unidimensional. Yet, there do exist some other decisions that impart depth and potential to the whole such as the Decision No: 3/80 on the application of the social security schemes of the Member States to Turkish workers and members of their families, or the Decisions 2/76 and 1/80 that referred to right to work (see footnote 4 above). However, the Ankara Agreement had foreseen a type of association relation that would be built upon on a richer ground. The association was supposed to cover the following freedoms and policy areas<sup>7</sup>:

*Freedoms*

Free movement of workers: Article 12 of the Association Agreement that refers to Articles 48, 49 and 50 of the Treaty of Rome,

Free movement of Services: Article 14 of the Association Agreement that refers to Articles 55, 56 and 58 of the Treaty of Rome,

Free movement of Capital: Articles 19-20 of the Association Agreement,

Freedom of establishment: Article 13 of the Association Agreement that refers to Articles 56 and 58 of the Treaty of Rome

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<sup>7</sup> With small amendments the list was taken from Kabaalioglu, 1999: 117-118.

*Common Policies*

Agriculture: Article 11 of the Association Agreement	} All the principles laid down in the Treaty of Rome (Title 5 of Part III) concerning these issues must be made applicable in their relations within the association
Transport: Article 15	
Taxation	

Discrimination on Grounds of Nationality: Prohibited by Article 9 of the Association Agreement in line with Article 7 of the Treaty of Rome

Duty to take all appropriate measures, to ensure the fulfilment of obligations arising from the Agreement (Article 7 of the Association Agreement)

Duty to refrain from any measures to jeopardise the objectives: Article 7/2 of the Association Agreement

Whilst it is true that the capacity of the Ankara Agreement as well as of the Association Council have not been exploited to their fullest extent especially in terms of the topics covered, this thematic limitation that reduced the association process to a narrow tunnel leading to a customs union, however, did not originate from the Turkish side who had always been willing to extend the scope of the relations from their inception, nor from her inability to cope with the colossal body of the Community *acquis*. On the contrary, the Association Council proved to be an adaptable mechanism able to handle diverse matters, a forum of proficient agents who have high diplomatic and technocratic virtues, and, among other things, a testimony to that Turkey is able to not only adopt but also contribute to the Community *acquis*.

Among the candidate countries this characteristic position of Turkey was shared only by Cyprus. Being the three countries which signed the so-called 'first generation' association agreements Turkey (1963), Cyprus (1972) and Malta (1970) had the

opportunity to work through Association Councils. Of these, Cyprus displayed an especially good record of adopting/contributing to the Community *acquis*. But of course, it would not be fair to compare Turkey to these relatively small countries.

The other Candidate States that are from central and eastern Europe signed the new version of the Association Agreement, which is called 'Europe Agreement', at much later dates which almost coincided with the approval of their candidacy. Therefore, in their case the interesting phenomenon of contributing to the *acquis* without becoming a Member State has not been experienced.

## **ii) Turkey's Adoption of the *Acquis Communautaire* Before Becoming a Candidate<sup>8</sup>**

Until 1981, the Association Council was the main institution through which the Community *acquis* was created/transferred into Turkish law. With Decree No. 8/3987 passed on 15 December 1982, the duty of co-ordinating the relations with the European Community was assigned to the State Planning Organisation. To this aim a special directorate within the Organisation was established without delay. On 17 October 1986, an ambitious step was taken and a ministry was established within the cabinet configuration which would be responsible for the surveillance and co-ordination of the relations with the Community. With a circular dated 16 February 1987, each ministry as well some important state institutions were required to establish units within themselves that would deal with EC matters in their field of responsibility.

Following the application of Turkey for full-membership status on 14 April 1987, these activities gained a new impetus. A Higher Council to be chaired by the Prime Minister or the Deputy Prime Minister, and composed of ministers and ministerial advisers was established. Besides, an EC Co-ordination Council comprising high-

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<sup>8</sup> The narration of the events until the year 1997 under this title was taken from Karluk, (1996: 517-522) and Karluk, (1997: 157-171). The later period was summarised from Tekeli and Ilkin (2000: 435-441).

ranking advisers and directors of related state institutions, and an EC Consultation Council including the representatives of pertinent civil society institutions, trade unions, foundations, associations and similar bodies were set up. Most importantly, -and more in the course of our theme here- 19 sub-committees were founded that would work in the field of harmonisation of Turkish law with the Community *acquis*. Each sub-committee was made responsible for one of the following fields: 1) Administrative Organisation, 2) EC budget and financial subjects, 3) Customs, 4) Agriculture, 5) Fishing, 6) Right of establishment and free movement of services, 7) Transportation, 8) Competition Law and Policy, 9) Taxation, 10) Economic and Monetary Policies and Free Movement of Capital, 11) External Relations and Agreements, 12) Industrial Policy, 13) Standardisation 14) Regional Policies, 15) Consumer Protection, 16) Statistics, 17) Business Law, 18) Environment, and 19) Informatics.

The application for full-membership also triggered a series of activities for training the personnel needed for the relations of with the Community. Institutes and similar units were opened up within universities, state institutions established their own training divisions, and students and state officials were sent to EC institutions and European universities to receive training.

These activities quickly yielded some outcomes in terms of the adoption of the Community *acquis*: the State Planning Organisation made a compilation of the provisions of the *acquis* that were of primary importance and translated them into Turkish. To follow the *acquis* on a daily basis, an online connection was established between CELEX and the State Planning Organisation in December 1988. With the help of the CELEX database, a registry was created about the internal market of the Community to be completed in 1992. The registry included the elements of the *acquis* relevant to the upcoming Internal Market, and was constructed with a mind to prepare Turkey for harmonisation of her laws with those of the Community in the field of the Community Internal Market. The EC Co-ordination Council mentioned above decided to establish 24 sub-committees on an inter-ministerial basis to work in this project.

On 7 December 1994, an important step was taken and the Competition Law was approved at the Grand National Assembly of Turkey. The first half of the year 1995, saw a series of other developments in the context of harmonisation of Turkish legislation with the Community *acquis*: Consumer Protection Law was accepted, certain articles of the Law of Intellectual and Artistic Works were changed, Turkey signed two international treaties in the context again of intellectual and artistic works. Numerous other laws were introduced or changed in accordance with the Community *acquis*<sup>9</sup>.

Furthermore, to ensure the compatibility of her market with the internal market of the EC, Turkey did not wait for the due date for the Customs Union which was 1 January 1996. With a Decision by the EC Co-ordination Council taken on 28 November 1988, 8 Sub-committees were established for this target. These were to work in the following fields: 1) Elimination of physical barriers, 2) Animal and plant sanitary inspections, 3) Standardisation and technical harmonisation, 4) Financial services and capital movements, 5) Transportation, new technologies and services, 6) Technological co-operation and public procurements, 7) Harmonisation of indirect taxes, and 8) Free movement of labour and professions.

Besides state institutions, universities and other actors civil society had their modest contributions to the analysis of the *acquis*. For example, Marmara University EC Institute carried out a project for this objective and dedicated a special issue of its Journal to publish the results<sup>10</sup>, and Istanbul University realised a similar project<sup>11</sup>.

In the years 1998 and 1999, Turkey took further significant steps towards the alignment with the *acquis*. The Banking Supervisory and Regulatory Authority, the Public Procurement Authority, regulatory authorities in the energy and the telecommunications

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<sup>9</sup> For a comprehensive list of legislative reform in this period, see Kabaalioglu, (1996).

<sup>10</sup> See footnote 2.

<sup>11</sup> Tekinalp, (2001).

sectors, as well as the National Agency in the field of education were established.

In the post-Helsinki period, the year 2000 and thereafter, Turkey mainly followed the strategy of adopting the *acquis* in line with her National Program for the Adoption of the EU *Acquis* announced on March 19<sup>th</sup>, 2001. Yet, this was what naturally was expected from all the candidates, and as such it is already outside the context of the present title which aims to shed light to the period where Turkey adopted the *acquis* without becoming a candidate.

This adoption prior to her becoming a candidate should be taken as an evidence of Turkey's experience in adopting the *acquis*, as well as a sign of her determination to complete the whole process of accession.

### **iii) Turkey's Deprivation From Some Necessary Assistance Mechanisms**

For a long time in adopting the Community *acquis*, Turkey operated without the help of two vital assistance mechanisms which the other Members were enjoying:

The first of these mechanisms was 'screening'. The White Paper of May 1995 that was on preparing the countries of central and eastern Europe for integration into the Union's single market set down an initial table of the Community legislation that these countries have to adopt before joining the Union. The accession negotiations began on March 1998, and the analysis of the Community *acquis* on 3 April 1998. The first stage of that was called the 'screening' process consisted of evaluating the compatibility of each applicant country's legislation with Community rules. The screening was carried out by each applicant country together with the Commission.

The account of Turkey's adoption of the *acquis* until the year 2000 in the previous title has already shown Turkey was without the support of the Commission.

At the Association Council meeting of April 11<sup>th</sup>, 2000, 8 sub-committees were set up with the task of monitoring the process of analytical examination of the *acquis*. The sub-committees completed their second round meetings within July 2001.

Substantial progress has been made during these meetings. The *acquis* has become more tangible and meaningful for the Turkish bureaucracy. Yet in this process, the need for a more detailed evaluation of the *acquis* became apparent. Therefore, Turkey suggested initiating a formal screening exercise. The request was especially pronounced during meetings with the Commission officials, before the announcement of this year's Progress Report.

The fact that the Progress Report for 2001 did not propose the initiation of a screening process for Turkey is its most negative aspect. Initiating the screening process with Turkey would have been important in two aspects. Firstly, it would indeed provide a further technical capacity of developing the integration process. Secondly, beginning the screening process would give added impetus to the implementation of the reform measures undertaken by the government in the political and economic spheres.

It is an unfortunate development that a number of EU Member States have made the initiation of the screening process a political issue and identified it with accession negotiations. The fact that there is a linkage between screening and membership negotiations is not challenged. However, there are no conditions to start a screening process, while to begin accession negotiations, political criteria must be fulfilled. Moreover, as the experiences of other candidate countries reveal, there are no uniform procedures for the initiation of the screening process. As the Helsinki European Council Conclusions pointed out, there should be no discrimination between the candidate countries and future steps for Turkey should also be similar to those of the other candidates. (Ministry of Foreign Affairs: 2002).

The second mechanism Turkey was not offered for some time was TAIEX. It is the technical assistance office which was established with the same White Paper that initiated the screening mechanism, but then its service was extended to all the applicant countries by a decision taken at the Luxembourg European Council in December 1997. TAIEX works with the public administrations of the applicant countries providing them with the legal texts of the *acquis*, organising seminars for their officials, and sending its own experts if needed by the country. It has a key role in the screening process.

It was only with the 40<sup>th</sup> Turkey-EU Association Council meeting that was held in Luxembourg on 26 June 2001 as the second Association Council meeting after Turkey's recognition as a candidate at Helsinki in 1999, that Turkey's admission to the services TAIEX rendered was accepted. Turkey's inclusion into the TAIEX budget was realised as late as 15 March 2002. These may not be important delays taking the whole length of the adoption process. Nevertheless, it is an evidence of a discrimination against Turkey.

**iv) Turkey's Adoption of the *Acquis Communautaire* Related to the Customs Union Without Becoming a Member**

Article 5 of the Ankara Agreement states that the final stage of the association relationship between Turkey and the Community would be based on a customs union. The timetable for the implementation of this customs union was provided in the Additional Protocol signed in 1970, and in accordance with this timetable the Customs Union between Turkey and the European Community was realised on 1 January 1996 with an Association Council decision of 1995 as stated above. By this Customs Union, Turkey had to adopt some fragments of the *acquis*. However, she did not have a right to shape these fragments although they would affect her economy intensely; these decisions were being taken by the full-members and she just had to abide by them automatically. In this way, Turkey was put under a series of obligations and restrictions. These were<sup>12</sup>:

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<sup>12</sup> The list has been summarised from Manisali (1996).

- a) The obligation to comply with the Common Commercial Policy of the Community (Article 64 of the Ankara Agreement and some other articles),
- b) The obligation to adopt the trade agreements that the European Community has concluded and will conclude with third countries (Article 16 of the Ankara Agreement),
- c) The restriction brought to Turkey's prospect to conclude preferential trade agreements with third countries (Article 16, paragraphs 2 and 3 of the Ankara Agreement),
- d) Turkey's obligation to comply with the *acquis* that will have a reference to the Customs Union (Articles 52-63 of the Ankara Agreement).

Turkey's consent in being party to this kind of asymmetrical relationship must be taken as an indication of her resolution to advance this relationship to its final destination which is full-membership.

### **Conclusion**

The present enlargement wave is a unique and historic opportunity for the European Union as much as it is for each of the candidate countries; the Union is about to become a superpower both in terms of sheer size as well as capabilities. However, this process proves to bear several intricacies in proportion to its importance. These intricacies necessitate delicate engineering.

One of the prerequisites in this process is to assess all the Candidate States well both within themselves and in comparison to each other. An assessment of such kind when done in terms of capabilities and experience in adopting the Community *acquis* will reveal that Turkey has had a better record than most of the candidates. She has also shown her determination by binding herself by the portion of the *acquis* related to the Customs Union, in the drawing up of which she is not involved.

This assertion of ability and determination on Turkey's behalf may seem paradoxical, and it may be difficult to reconcile this assertion with the protracted pre-accession phase of Turkey. However, this

article argues, the delay in Turkey's case can be attributed to numerous factors other than Turkey's inability to adopt the *acquis*. It is true that some of these factors undeniably refer to Turkey's inability in other areas that had their repercussions on the adoption of the *acquis* process. But the adoption process taken in isolation appears not to have had the appreciation it deserves.

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