



IL-KUMMISSJONI TAL-KOMUNITAJIET EWROPEJ

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**KOMUNIKAZZJONI MILL-KUMMISSJONI LILL-KUNSILL U L-PARLAMENT
EWROPEW**

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adeżjoni**

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1. DAHLA

Ir-relazzjonijiet UE-Turkija għandhom storja twila. Fl-1963 it-Turkija u l-KEE kkonkludew Ftehim ta' Assoċjazzjoni li kien jinkludi l-perspettiva tas-šhubija. Fl-1995, għet iffurmata unjoni doganali u, f'Ħelsinki f'Diċembru ta' l-1999, il-Kunsill Ewropew iddeċieda li t-Turkija tkun kandidat għall-adeżjoni fl-UE. Il-Kunsill Ewropew ta' Kopenħagen f'Diċembru 2002 ikkonkluda li "jekk il-Kunsill Ewropew f'Diċembru 2004, fuq il-bażi ta' rapport u rakkomandazzjoni mill-Kummissjoni, jiddeċiedi li t-Turkija tissodisfa l-kriterji politiċi ta' Kopenħagen, l-Unjoni Ewropea tiftaħ negozjati ta' adeżjoni mat-Turkija mingħajr dewmien". Dawn il-konklużjonijiet reggħu għew affermati mill-Kunsill Ewropew ta' Brussel f'Ġunju ta' l-2004.

Għal perijodi ewlenin ta' l-istorja Ewropea, it-Turkija kienet fattur importanti tal-politika Ewropea. It-Turkija hija membru ta' l-organizzazzjonijiet importanti Ewropej l-oħrajn kollha u mit-Tieni Gwerra Dinjija 'l hawn kellha rwol importanti billi kkontribwiet fit-tfassil tal-politika Ewropea.

Fil-limiti tal-mandat riċevut f'Kopenħagen fl-2002, din il-Komunikazzjoni tinkludi r-rakkomandazzjoni mill-Kummissjoni u, fl-anness, il-konklużjonijiet tar-Rapport Regolari dwar it-Turkija. Ir-Rapport Regolari jirreġistra l-progress tat-Turkija lejn l-adeżjoni tul l-aħħar tmax-il xahar. Jeżamina wkoll ir-rekord passat tat-Turkija fir-rigward tal-kriterji politiċi u ekonomiċi għall-adeżjoni mid-deċiżjoni tal-Kunsill Ewropew ta' Ħelsinki fl-1999 'l hawn. Ir-rakkomandazzjoni u d-dokumenti li jakkompanjawha se jipprovdu bażi għal deċiżjoni tal-Kunsill Ewropew ta' importanza politika generali għall-futur ta' l-Unjoni Ewropea.

Aktar minn hekk, is-servizzi tal-Kummissjoni ppreparaw ukoll evalwazzjoni tal-kwistjonijiet li jirriżultaw mill-perspettiva ta' šhubija tat-Turkija. Is-sejbiet tagħha huma pprezentati f'din il-Komunikazzjoni.

A bażi ta' dan, qed tiġi pprezentata strateġija li tikkonsisti fi tliet pilastru. L-ewwel pilastru jikkonċerna l-kooperazzjoni sabiex jissaħħa u jiġi sostnut il-proċess ta' riformi fit-Turkija b'mod partikolari f'dak li għandu x'jaqsam mal-fatt illi t-Turkija tkompli tissodisfa l-kriterji politiċi ta' Kopenħagen. Dan se jkun ibbażat fuq Šhubija ta' Adeżjoni rivedut, li jistipula l-prijoritajiet b'mod partikolari għall-proċess ta' riforma, u strateġija mtejba ta' qabel l-adeżjoni. Fit-tieni pilastru, hemm proposti l-kondizzjonijiet speċifiċi għat-tmexxija tan-negozjati għall-adeżjoni mat-Turkija. Għadd ta' indikazzjonijiet preliminari qed jiġu stipulati għall-preparazzjoni tan-negozjati għall-adeżjoni, jekk it-tali deċiżjoni tittiehed mill-Kunsill Ewropew f'Diċembru. It-tielet pilastru jissuġerixxi djalogu politiku u kulturali msahħa b'mod sostanzjali li jressaq flimkien persuni mill-Istati Membri ta' l-UE u t-Turkija. L-adeżjoni tat-Turkija tkun teħtieġ li tittejjja bl-akbar reqqa sabiex tippermetti integrazzjoni bla skossi li tkabbar il-kisbiet ta' ħamsin sena ta' integrazzjoni

Ewropea. Dan huwa proċess li jrid jibqa' sejjer u li l-effetti tiegħu ma jistgħux jiġu ggarantiti minn qabel. Ikun x'ikun ir-riżultat tan-negozjati jew il-proċess ta' ratifika sussegwenti, ir-relazzjonijiet bejn l-UE u t-Turkija jridu jiżguraw li t-Turkija tibqa' ankrata bis-siġħ fl-istrutturi Ewropej.

2. VALUTAZZJONI TAL-KRITERJI POLITIĊI

Wara deċennji ta' progress sporadiku, kien hemm konvergenza leġislattiva u istituzzjonali sostanzjali fit-Turkija lejn l-istandards Ewropej, b'mod partikolari wara l-elezzjonijiet ta' l-2002. Ir-riformi politiċi jingabru prinċiparjament f'zewġ riformi kostituzzjonali ewlenin fl-2001 u fl-2004 u tmien pakketti leġislattivi adottati mill-Parlament bejn Frar 2002 u Lulju 2004. Ir-rabtiet ċivili-militari qed jevolvu lejn l-istandards Ewropej. Saru tibdiliet importanti lis-sistema ġuridika, inkluż it-tneħħija tal-Qrati tas-Sigurtà ta' l-Istat. Ir-riforma fl-amministrazzjoni pubblika tinsab għaddejja. Fir-rigward tad-drittijiet tal-bniedem, it-Turkija tirrikonoxxi l-primat tal-liġi internazzjonali u Ewropea. Hi allineat ruħha sew ma' konvenzjonijiet u deċizjonijiet internazzjonali, bħall-abolizzjoni kompleta tal-piena tal-mewt u l-helsien ta' persuni ssentenzjati talli esprimew opinjoni mhux vjolenti. Ghalkemm għadhom jeżistu xi restrizzjonijiet prattiċi, l-iskop tal-libertajiet fundamentali li jgawdu ċ-ċittadini Torok, bħal-libertà ta' l-espressjoni u tal-kongregazzjoni, twessa' sostanzjalment. Is-soċjetà ċivili ssaħħet. Id-drittijiet kulturali għall-Kurdi bdew jiġu rrikonoxxuti. L-istat ta' emergenza tneħħa minn kullimkien; ghalkemm is-sitwazzjoni għadha diffiċli, il-proċess ta' normalizzazzjoni fix-Xlokk inbeda. Fl-aħħar, fuq id-djalogu politiku msahħaħ, il-politika barranija Torok qed tikkontribwixxi b'mod pożittiv għall-istabilità reġjonali.

It-Turkija għamlet progress sostanzjali fil-proċess ta' riforma politika tagħha, b'mod partikolari permezz ta' bidliet kostituzzjonali u leġislattivi wesgħin adottati matul l-aħħar snin, skond il-prijoritajiet stabbiliti fis-Shubija ta' Adeżjoni. Madankollu, il-Liġi dwar l-Assoċjazzjonijiet, il-Kodiċi Penali l-ġdid u l-Liġi dwar il-Qrati ta' l-Appell Intermedji għadhom ma daħlux fis-seħħ. Aktar minn hekk, id-deċizjoni dwar il-Kodiċi dwar il-Proċedura Kriminali, il-leġislazzjoni li tistabbilixxi l-pulizija ġuridika u l-liġi dwar l-eżekuzzjoni ta' pieni u miżuri għad iridu jiġu adottati.

It-Turkija qed tagħmel sforzi qawwija biex tiżgura l-implimentazzjoni xierqa ta' dawn ir-riformi. Minkejja dan, l-implimentazzjoni teħtieġ li tkompli tiġi kkonsolidata u mwessa'. Dan japplika speċifikament għall-politika ta' tolleranza żero fil-ġlieda kontra t-tortura u t-trattament hażin, u t-tiħiħ u l-implimentazzjoni tad-dispożizzjonijiet marbuta mal-libertà ta' l-espressjoni, il-libertà religjuża, id-drittijiet tan-nisa, id-drittijiet tat-trejdjunjins u d-drittijiet tal-minoranzi.

Fid-dawl tal-progress globali ta' riformi, u jekk it-Turkija ddaħhal fis-seħħ il-leġislazzjoni pendenti msemmija hawn fuq, il-Kummissjoni tikkonsidra li t-Turkija tissodisfa b'mod suffiċjenti l-kriterji politiċi u tirrakkomanda li jinfethu n-negozjati għall-adeżjoni.

L-irreversibilità tal-proċess ta' riforma, b'mod partikolari, l-implimentazzjoni tiegħu fir-rigward tal-libertajiet fundamentali, se tkun teħtieġ li tiġi kkonfermata matul perijodu ta' żmien itwal. Aktar minn hekk, l-*acquis* li għandu x'jaqsam mal-kriterji politiċi qed jiżviluppa, b'mod partikolari bħala riżultat tal-Kostituzzjoni għall-Ewropa. It-Turkija għandha ssegwi mill-qrib din l-evoluzzjoni.

It-Turkija għandha tkompli tappoġġja attivament l-isforzi biex tiġi riżolta l-problema ta' Ċipru; b'mod partikolari, it-Turkija qablet mas-soluzzjoni proposta fil-pjan ta' paċi tas-Segretarju Ġenerali tan-NU. Il-Kunsill Ewropew ta' Ġunju 2004 stieden lit-Turkija biex tikkonkludi negozjati mal-Kummissjoni f'isem il-Komunità u l-25 Stat Membru tagħha dwar l-adattament tal-Ftehim ta' Ankara ħalli tiġi kkunsidrata l-adeżjoni ta' l-Istati Membri l-ġodda. Il-Kummissjoni tistenna risposta pożittiva mit-Turkija għall-abbozz tal-protokoll dwar l-adattamenti neċessarji trasmessi f'Lulju 2004. Aktar minn hekk, għandu jiġi nnotat li kwalunkwe negozjati għall-adeżjoni jinżammu fil-qafas ta' Konferenza Intergovernattiva li tkun tikkonsisti fl-Istati Membri kollha ta' l-UE.

Il-konkluzjonijiet sħaħ tar-Rapport Regolari, li jkopri wkoll il-progress li sar mit-Turkija fis-sodisfazzjon tal-kriterji l-oħrajn għas-sħubija, jistgħu jinstabu fl-*Anness: Konkluzjonijiet tar-Rapport Regolari dwar it-Turkija*.

3. VALUTAZZJONI TAL-KWISTJONIJIET LI JIRRIŻULTAW MILL-PERSPETTIVA TAS-SHUBIJA TAT-TURKIJA

L-adeżjoni tat-Turkija ma' l-Unjoni se tkun ta' sfida kemm għall-UE kif ukoll għat-Turkija. Jekk tkun amministrata tajjeb, tista' toffri opportunitajiet importanti għat-tnejn. Kif turi l-valutazzjoni tal-kwistjonijiet li jirriżultaw mill-perspettiva tas-sħubija tat-Turkija, il-preparamenti neċessarji għall-adeżjoni se jgħidli li jidher li jmiss. L-UE se tevolve tul dan il-perjodu, u t-Turkija għandha tinbidel b'mod saħansitra aktar radikali. L-*acquis* se jiżviluppa aktar u jwieġeb għall-htigijiet ta' UE ta' 27 jew aktar. L-iżvilupp tiegħu jista' jantiċipa wkoll l-isfidi u l-opportunitajiet ta' l-adeżjoni tat-Turkija.

Fuq il-bażi tal-politiki u l-għarfien kurrenti ta' l-UE, il-Kummissjoni identifikat dawn il-kwistjonijiet ewlenin li ġejjin għal aktar riflessjoni u analiżi matul is-snin li jmiss:

- L-adeżjoni tat-Turkija se tkun differenti minn tkabbir preċedenti minħabba l-impatt flimkien tal-popolazzjoni, id-daqs, l-inħawi ġeografiċi, l-ekonomija, is-sigurtà u l-potenzjal militari tat-Turkija. Dawn il-fatturi jagħtu lit-Turkija l-kapaċità li tikkontribwixxi lejn l-istabbiltà reġjonali u internazzjonali. Il-prospett ta' adeżjoni għandu jwassal għat-titjib tar-relazzjonijiet bilaterali bejn it-Turkija u l-ġirien tagħha skond il-prinċipju ta' rikonċiljazzjoni li fuqu hi mwaqqfa l-Unjoni Ewropea. L-aspettattivi rigward il-politika ta' l-UE lejn dawn ir-reġjuni se jikbru wkoll, b'konsiderazzjoni tal-kollegamenti politiċi u ekonomiċi eżistenti li t-Turkija għandha mal-ġirien tagħha. Ħafna jiddependi minn kif l-UE nfisha se tidhol għall-isfida li ssir protagonista sħiħa fil-politika barranija fit-terminu ta' żmien medju f'reġjuni li tradizzjonalment huma kkaratterizzati b'instabbiltà u tensjoni, inklużi l-Lvant Nofsani u l-Kawkasu.
- It-Turkija bħalissa għaddejja minn proċess ta' bidla radikali, inkluża evoluzzjoni rapida tal-mentalitajiet. Hu fl-interess ta' kulhadd li l-proċess ta' trasformazzjoni kurrenti jkompli. It-Turkija tkun mudell importanti ta' pajjiż b'popolazzjoni b'maġġoranza Musulmana li jaderixxi ma' prinċipji hekk fundamentali bħall-libertà, id-demokrazija, ir-rispett għad-drittijiet tal-bniedem u l-libertajiet fundamentali, u l-istat ta' dritt.

- L-impatt ekonomiku ta' l-adeżjoni tat-Turkija fuq l-UE jkun pożittiv iżda relattivament żgħir, kemm minhabba d-daqs modest ta' l-ekonomija Toroka kif ukoll il-livell ta' integrazzjoni ekonomika li diġà teżisti qabel l-adeżjoni. Hafna jiddependi mill-iżvilupp ekonomiku tal-gejjieni fit-Turkija. It-tnedija tan-negozjati għall-adeżjoni għandha tgħin l-isforzi kontinwi tat-Turkija biex tiżgura l-istabbiltà makroekonomika u tippromwovi l-investment, it-ktabbir u l-iżvilupp soċjali. Taht dawn il-kondizzjonijiet, il-GDP tat-Turkija mistenni li jikber aktar malajr mill-medja ta' l-UE.
- L-adeżjoni tat-Turkija, pajjiż bi dħul medju baxx, iżżid id-disparitajiet ekonomiċi reġjonali fl-UE mkabbra b'mod simili għall-aktar tkabbir riċenti, u tkun tirrappreżenta sfida ewlenija għall-politika ta' koeżjoni. It-Turkija tkun tikkwalifika għal għajjuna sinifikanti mill-fondi strutturali u ta' koeżjoni tul perijodu twil ta' żmien. Għadd ta' reġjuni fl-Istati Membri preżenti li jibbenefikaw minn għajjuna ta' fondi strutturali jistgħu ma jibqgħux eliġibbli fuq il-bażi tar-regoli preżenti.
- L-integrazzjoni tat-Turkija fis-suq intern tkun ta' benefiċċju. Dan jiddependi, madankollu, mhux biss mill-issodisfar ta' l-obbligi preżenti taht l-unjoni doganali iżda wkoll minn aktar riformi orizzontali, bħat-tisħih tat-tmexxija tal-kumpaniji u kwadri regolatorji, l-intensifikazzjoni tal-għieda kontra l-korruzzjoni, u t-titjib b'mod sinifikanti tal-mod kif tiffunzjona l-ġudikatura.
- B'il fuq minn tliet miljuni, it-Torok huma fil-wisa' l-akbar grupp ta' ċittadini minn pajjiż terz li jabitaw legalment fl-UE tal-lum. Studji li huma disponibbli jagħtu stimi varji ta' migrazzjoni addizzjonali mistennija wara l-adeżjoni tat-Turkija. Perijodi twal ta' transizzjoni u klawsola ta' protezzjoni permanenti jistgħu jiġu kkonsidrati sabiex ikun evitat xkiel serju għas-suq tax-xogħol ta' l-UE. Madankollu, id-dinamitajiet tal-popolazzjoni tat-Turkija jistgħu jagħtu kontribut biex ipattu għas-soċjetajiet ta' l-UE li qed jixjiehu. F'dan il-kuntest, l-UE għandha interess qawwi wkoll li jsiru riformi u investimenti fl-edukazzjoni u t-taħriġ fit-Turkija matul id-deċennju li ġej.
- L-agrikoltura hija wieħed mill-aktar setturi ekonomiċi u soċjali importanti fit-Turkija u tkun teħtieġ attenzjoni speċjali. Sforzi kontinwi fl-iżvilupp rurali u titjib fil-kapaċità amministrattiva se jkunu meħtieġa mit-Turkija sabiex toħloq kondizzjonijiet kemm jista' jkun favorevoli halli tipparteċipa b'suċċess fil-politika agrikola komuni. It-Turkija tkun teħtieġ żmien konsiderevoli sabiex tagħmel numru ta' setturi agrikoli aktar kompetittivi halli tevita telf ta' dħul sostanzjali għall-bdiewa Torok. Taht il-politika preżenti, it-Turkija tkun eliġibbli għal għajjuna sostanzjali. Fil-qasam veterinarju, ikunu jridu jsiru sforzi akbar sabiex tittejjeb is-sitwazzjoni sanitarja ta' l-annimali u l-kontrolli tal-fruntieri tal-Lvant sabiex jiġu evitati problemi serji ma' l-adeżjoni.
- L-adeżjoni tat-Turkija tgħin biex tiżgura rotot aħjar ta' forniment ta' enerġija għall-UE. Hi probabilmment tagħmel neċessarju l-iżvilupp ta' politika ta' l-UE għall-immaniġġjar tar-riżorsi ta' l-ilma u ta' l-infrastruttura relatata. Minhabba l-effetti transfruntiera xi drabi konsiderevoli tagħhom, l-implimentazzjoni tajba mit-Turkija ta' politika oħra ta' l-UE fl-oqsma ta' l-ambjent, it-trasport, l-enerġija u l-protezzjoni tal-konsumatur ikollhom ukoll effett pożittiv konsiderevoli fuq iċ-ċittadini ta' l-UE f'postijiet oħrajn.

- L-amministrazzjoni tal-fruntieri esterni twal il-ġodda ta' l-UE se tikkostitwixxi sfida ta' politika importanti u tesigġi investiment sinifikanti. L-amministrazzjoni tal-migrazzjoni u l-kenn politiku kif ukoll tal-ġlieda kontra l-kriminalità organizzata, it-terroriżmu, it-traffikar tal-persuni, u l-importazzjoni illegali tad-drogi u ta' l-armamenti lkoll ikunu ffaċilitati permezz ta' kooperazzjoni aktar mill-qrib kemm qabel kif ukoll wara l-adeżjoni.
- L-impatt tas-shubija tat-Turkija fuq il-baġit ta' l-UE jista' jiġi assessjat b'mod sħiħ biss malli l-parametri għan-negożjati finanzjarji mat-Turkija jkunu ġew definiti fil-kuntest tal-perspettivi finanzjarji mill-2014 'il quddiem. In-natura u l-ammont tat-trasferimenti lit-Turkija jkunu jiddependu fuq numru ta' fatturi li jinbidlu, bħall-politika ta' l-UE u kwalunkwe arrangamenti speċjali miftiehma mat-Turkija fin-negożjati kif ukoll id-dispożizzjonijiet tal-baġit implimentati f'dak iż-żmien, b'mod partikolari l-limitu globali tal-baġit. Madankollu, huwa ċar li l-impatt tal-baġit a bazi tal-politika preżenti se jkun sostanzjali.
- F'dak li għandu x'jaqsam ma l-istituzzjonijiet, l-adeżjoni tat-Turkija, assessjata fuq il-baži tal-Konstituzzjoni għall-Ewropa, se teffettwa b'mod sinifikanti l-allokazzjoni tas-siġġijiet fil-Parlament Ewropew ta' l-Istati Membri attwali, b'mod partikolari l-pajjiżi l-kbar u ta' daqs medju. Fil-Kunsill, it-Turkija jkollha vuċi importanti fil-proċess tat-tehid tad-deċiżjonijiet minhabba s-sehem tagħha tal-popolazzjoni li tkun riflessa fis-sistema tal-votazzjoni tal-Kunsill. L-impatt f'dak li għandu x'jaqsam mal-Kummissjoni jkun anqas importanti minhabba t-tnaqis ippanat fil-membri tal-Kummissjoni mill-2014 'il hemm.

4. RINFURZAR U APPOĠĠ LILL-PROĊESS TA' RIFORMA MAT-TURKIJA

Kollox ma' kollox, l-implimentazzjoni tar-riformi teħtieġ li tiġi segwita b'mod vigoruż. B'mod aktar speċifiku, il-politika ta' tolleranza zero lejn it-tortura għandha tiġi implimentata permezz ta' sforzi determinati fuq il-livelli kollha ta' l-istat Tork sabiex jispiċċaw il-każi ta' tortura li għad fadal. It-tkomplija ta' l-iżvilupp tas-soċjetà ċivili hija importanti. Il-ħtieġa li r-riforma politika tiġi kkonsolidata u mwessa' tapplika wkoll għan-normalizzazzjoni u l-iżvilupp tas-sitwazzjoni fix-Xlokk, inklużi miżuri biex tittiejjeb is-sitwazzjoni soċjo-ekonomika, inizjattivi biex ikun iffaċilitat ir-ritorn ta' nies imċaqalqin minn djarhom, u biex tippermetti t-tgawdija ta' drittijiet u libertajiet sħaħ mill-Kurdi. Il-problemi speċifiċi ta' komunitajiet religjużi mhux Musulmani u d-drittijiet tat-trejdjunjins ukoll jeħtieġu aktar azzjoni.

Sabiex tigarantixxi s-sostenibilità u l-irreversibilità tal-proċess ta' riforma politika, l-UE għandha tkompli tissorvelja mill-qrib il-progress tar-riformi politiċi, fuq il-baži ta' Shubija ta' Adeżjoni li jstabbilixxi l-prijoritajiet għall-proċess ta' riforma. Il-Kummissjoni, wara l-analiżi tar-Rapport Regolari, tipproponi li tirrevedi s-Shubija ta' Adeżjoni fir-rebbiegħa ta' l-2005. A bazi ta' dan, kull sena b'bidu fl-aħħar ta' l-2005 se jsir eżami ġenerali tal-mod kif ir-riformi politiċi huma kkonsolidati u mwessa'. Għal dan il-għan, il-Kummissjoni se tipprezenta l-ewwel rapport lill-Kunsill Ewropew f'Diċembru 2005. Ir-ritmu tar-riformi se jiddetermina il-progress fin-negożjati.

Skond it-Trattat dwar l-Unjoni Ewropea u l-Konstituzzjoni għall-Ewropa l-Kummissjoni se tirrakkomanda s-sospensjoni tan-negożjati fil-każ ta' ksur serju u persistenti tal-prinċipji tal-libertà, id-demokrazija, ir-rispett għad-drittijiet tal-bniedem u l-libertajiet fundamentali u l-istat ta' dritt li fuqhom hija mwaqqfa l-

Unjoni. Il-Kunsill għandu jkun jista' jiddeċiedi dwar it-tali rakkomandazzjoni b'maġġoranza kwalifikata.

Id-djalogu politiku msahha u s-sorveljanza regolari jehtieg li jkomplu wara l-ftuh tan-negozjati għall-adeżjoni. Bhal fl-imghoddi, dan se jsir id f'id ma' l-assistenza mill-esperti li timpenja ruha biha l-Kummissjoni. Id-djalogu fil-qasam ta' l-ekonomija ser jehtieg ukoll li jigi segwit ukoll, b'referenza cara għall-*acquis* u b'mod partikulari l-metodi ta' koordinament tal-politika ekonomika applikata fi hdan l-UE.

Billi tibni fuq l-istrumenti żviluppati matul is-snin imghoddija, bhall-gemellaġġ, il-valutazzjonijiet bejn il-pari u t-TAIEX, l-UE għandha tkompli tgħin lit-Turkija halli tikseb il-konverġenza neċessarja legali u reali. L-istrateġija pre-adeżjonali għat-Turkija għandha tittejjeb sabiex ikun hemm konċentrazzjoni fuq il-prijoritatijiet deskritti fis-Shubija ta' Adeżjoni revedut li se jkun ibbazat fuq ir-Rapport Regolari u l-assessjar tal-kwistjonijiet imqajma mill-adeżjoni prospettiva tat-Turkija. Jehtieg li jigu żviluppati inizjattivi konkreti li jindirizzaw l-iżvilupp soċjo-ekonomiku fix-Xlokk, permezz ukoll ta' mobilizzazzjoni ta' parti sostanzjali ta' l-għajjnuna tal-Komunità lit-Turkija.

Sa l-2006, l-għajjnuna finanzjarja u teknika ta' l-UE għat-thejjija tat-Turkija se tkompli tkun ibbazata fuq l-istrument pre-adeżjonali dedikat għat-Turkija li kien adottat mill-Kunsill f'Diċembru 2001. Il-Kummissjoni pproponiet lill-Kunsill sabiex johloq strument pre-adeżjonali ġdid (IPA), li minnu t-Turkija tibbenefika mill-2007 'l quddiem, billi tibni fuq l-istrumenti pre-adeżjonali preżenti Phare, ISPA u SAPARD. Fil-kuntest tal-perspettiva finanzjarja li jmiss, il-Kummissjoni se tipponi zieda fl-ammonti li jridu jigu allokati lit-Turkija.

5. **INDIKAZZJONIJIET GHAT-TMEXXIJA TAN-NEGOZJATI GHALL-ADEZJONI**

Mill-evalwazzjoni migbura fil-qosor hawn fuq hareġ il-fatt li kemm l-UE kif ukoll it-Turkija se jehtiegu ammont konsiderevoli ta' żmien sabiex joholqu l-kundizzjonijiet li jaċċertaw integrazzjoni bla skossi tat-Turkija fl-UE. Dan mhuwiex mehtieg biss biex jitharsu l-koeżjoni u l-effettività ta' l-Unjoni, iżda wkoll biex jipprotegi lit-Turkija milli jkollha tapplika politika li jistgħu ma jkunux adattati għal-livell ta' żvilupp tagħha.

In-negozjati għall-adeżjoni se jigu implimentati fil-qafas ta' Konferenza Intergovernattiva fejn id-deċiżjonijiet jirrikjedu l-unanimità. Il-qafas għan-negozjati jehtieg li jkun jirrifletti l-isfidi speċifiċi marbuta ma' l-adeżjoni tat-Turkija. Il-parametri preċiżi għat-tmexxija tan-negozjati se jigu elaborati malli tittiehed id-deċiżjoni biex jinfethu n-negozjati, b'deduzzjonijiet mill-indikazzjonijiet wiesgħa mogħtija hawn taħt.

Hekk kif in-negozjati għall-adeżjoni jinfethu formalment, il-Kummissjoni se torganizza proċess komprensiv ta' eżami ta' l-*acquis*, msejjaħ *screening*, sabiex tispjegah u tikseb indikazzjonijiet preliminari tal-kwistjonijiet li jistgħu jqumu tul in-negozjati. In-negozjati se jkunu kumplessi u se jirriflettu minn naħa waħda d-diffikultajiet iffaċċjati mit-Turkija fl-applikazzjoni ta' l-*acquis* u min-naħa l-oħra l-bżonn ta' dispożizzjonijiet li jiffaċilitaw l-integrazzjoni b'mod armonjuż tat-Turkija fl-UE. L-applikazzjoni fit-Turkija tal-politika agrikola komuni u l-politika ta' koeżjoni huma żewġ eżempji. Ir-regoli dwar il-moviment hieles tal-persuni huwa t-

tielet wiehed. Huwa probabbli li jkun hemm, bhal fit-turni ta' tkabbir ta' qabel, htiega ghal arrangamenti sostanzjali u speċifiċi u f'xi oqsma perijodi twal ta' transizzjoni. Fil-każ tal-moviment liberu tal-persuni miżuri ta' protezzjoni permanenti jistgħu jiġu kkunsidrati. Il-Kummissjoni se torqom l-analizi tagħha matul in-negozjati qabel ma tippreżenta metodu konkret ghal kull waħda minn dawn il-kwistjonijiet.

Is-sustanza tan-negozjati se tinqasam f'għadd ta' kapitoli, b'kull wiehed minnhom ikopri qasam speċifiku ta' politika. Il-Kummissjoni se tirrakkomanda lill-Kunsill biex jiftaħ in-negozjati fuq kull kapitolu speċifiku malli jikkonsidra li t-Turkija hija mhejjija biżżejjed. Fir-rigward ta' ċerti kapitoli b'dimensjoni ekonomika, l-eżistenza ta' ekonomija tas-suq li tiffunzjona għandha tkun pre-rekwizit għall-ftuħ tan-negozjati.

Punti ta' referenza għall-gheluq provvizorju ta' kull kapitolu, u fejn japplika għall-ftuħ ta' kapitoli, se jkun meħtieġ li jiġu ddefiniti qabel il-ftuħ tan-negozjati ghal kull kapitolu. Dawn il-punti ta' referenza jistgħu jirreferu għall-allinjament legiżlattiv u rekord tal-passat sodisfaċenti fl-implimentazzjoni. Flimkien ma' dan, obligazzjonijiet legali eżistenti li jirriżultaw mill-Ftehim ta' Assoċjazzjoni u l-unjoni doganali, b'mod partikolari dawk li jirriflettu l-*acquis* għandhom jiġu ssodisfati qabel il-ftuħ tan-negozjati dwar il-kapitoli relatati.

Il-progress fin-negozjati mhux se jiddependi biss fuq il-konverġenza tat-Turkija ma' l-UE. L-UE jeħtieġ li tfejji ruħha għax, kif mistqarr mill-Kunsill Ewropew ta' Ġunju 1993, il-kapaċità ta' l-Unjoni li tassorbi membri godda, filwaqt li żżomm il-pass ta' l-integrazzjoni Ewropea, hija konsiderazzjoni importanti wkoll fl-interess ġenerali kemm ta' l-Unjoni kif ukoll tal-pajjiżi kandidati. L-analizi li saret s'issa ta' l-adeżjoni tat-Turkija ma' tagħtix x'wiehed jifhem li se jkunu meħtieġa aġġustamenti ewlenin fil-politika marbuta mas-suq intern. In-negozjati se jkunu bbażati, bhal dejjem, fuq l-*acquis* eżistenti. Madankollu, il-ħtieġa ghal adattamenti lill-*acquis* qabel l-adeżjoni tagħha għad għandhom imnejn jirriżultaw. Fi kwalunkwe eventwalità, l-UE se teħtieġ li tiddefinixxi l-perspettivi finanzjarji tagħha għall-perjodu mill-2014 qabel ma jkunu jistgħu jiġu ttrattati l-implikazzjonijiet finanzjarji ta' ċerti kapitoli tan-negozjati. Arrangamenti li jirriflettu ċ-ċirkustanzi speċifiċi tat-Turkija jistgħu jkunu neċessarji. Fl-aħħar, l-UE ser ikollha tirrifletti fuq it-tishih ta' politika f'oqsma kritiċi identifikati fl-assessjar tal-kwistjonijiet li jirriżultaw mill-perspettiva ta' shubija tat-Turkija, bhall-fruntieri esterni u l-politika barranija.

Huwa primarjament billi tintwera implimentazzjoni determinata ta' riforma kontinwa li t-Turkija se tkun tista' taċċerta konklużjoni b'suċċess tal-proċess kollu ta' l-adeżjoni. It-tmexxija tan-negozjati u l-prospett ta' adeżjoni għandhom jikkontribwixxu ghal aktar riforma politika, soċjali, kulturali u ekonomika fit-Turkija. Ir-riżultat aħħari se jkun jeħtieġ l-approvazzjoni tal-Parlament Ewropew u tal-pajjiżi ta' l-UE u t-Turkija.

6. IT-TISHIH TAD-DJALOGU BEJN L-UNJONI EWROPEA U T-TURKIJA

Hemm htiega ċara li jissahhaħ id-djalogu fuq għadd ta' kwistjonijiet marbuta mar-relazzjonijiet UE-Turkija. Għadd ta' mistoqsijiet pertinenti, li mhumiex strettament marbuta ma' l-UE nnifisha, jeħtieġ li jiġu indirizzati. Għandhom jitwaqqfu numru ta' fora, li jressqu flimkien persuni mill-Istati Membri u t-Turkija, fejn it-tħassib u l-

perçeżżjonijiet ikunu jistgħu jiġu diskussi b'mod miftuħ u sinċier. Dan jinkludi djalogu dwar id-differenzi ta' kulturi, reliġjon, kwistjonijiet marbuta mal-migrazzjoni, tħassib fuq id-drittijiet tal-minoranzi u t-terroriżmu. Is-soċjetà ċivili għandha jkollha rwol mill-aktar importanti f'dan id-djalogu, li għandu jkun iffacilitat mill-UE. Il-Kummissjoni se tippreżenta proposti dwar kif jiġi sostnut tali djalogu fil-futur.

7. KONKLUŻJONIJIET U RAKKOMANDEZZJONIJIET

Fid-dawl ta' hawn fuq, il-konklużjonijiet u r-rakkomandazzjonijiet tal-Kummissjoni huma dawn li ġejjin:

- (1) It-Turkija għamlet progress sostanzjali fil-proċess tar-riformi politiċi tagħha, partikolarment permezz ta' bidliet kostituzzjonali u leġislattivi wiesgħa adottati tul dawn l-aħħar snin, skond il-prijoritajiet stabbiliti fis-Shubija ta' Adeżjoni. Madankollu, il-Liġi dwar l-Assoċjazzjonijiet, il-Kodiċi Penali l-ġdid u l-Liġi dwar il-Qrati ta' l-Appell Intermedji għadhom ma daħlax fis-seħħ. Aktar minn hekk, il-Kodiċi ta' Proċedura Kriminali, il-leġislazzjoni li tistabbilixxi l-pulizija ġudizzjarja u l-liġi dwar l-eżekuzzjoni tal-pieni u l-miżuri għad iridu jiġu adottati.
- (2) It-Turkija qed timpenja ruħha bi sforzi qawwija biex tiżgura l-implimentazzjoni xierqa ta' dawn ir-riformi. Minkejja dan, hemm bżonn illi l-leġislazzjoni u l-miżuri ta' implimentazzjoni jkomplu jiġu kkonsolidati u mwessa' aktar. Dan japplika speċifikament għall-politika ta' tolleranza zero fil-ġlieda kontra t-tortura u t-trattament hażin u l-implimentazzjoni tad-dispożizzjonijiet li għandhom x'jaqsmu mal-libertà ta' l-espressjoni, il-libertà tar-reliġjon, id-drittijiet tan-nisa, l-istandards ta' l-ILO inklużi d-drittijiet tat-trejdjunjins, u d-drittijiet tal-minoranzi.
- (3) Fid-dawl tal-progress tar-riformi globalment miksub u jekk it-Turkija ddahhal fis-seħħ il-leġislazzjoni pendenti msemmija fil-paragrafu 1, il-Kummissjoni tqis li t-Turkija tissodisfa suffiċjentement il-kriterji politiċi u tirrakkomanda li n-negożjati għall-adeżjoni jinfetħu. L-irreversibilità tal-proċess ta' riforma, b'mod partikolari, l-implimentazzjoni tiegħu fir-rigward tal-libertajiet fundamentali, se teħtieġ li tkun ikkonfermata tul perjodu ta' żmien itwal.
- (4) Għandha tiġi segwita strateġija bbażata fuq tliet pilastri. L-ewwel pilastru jikkonċerna l-kooperazzjoni li ssahħah u ssostni l-proċess ta' riforma fit-Turkija, b'mod partikolari f'dak li għandu x'jaqsam mat-tkomplija ta' l-adempjenza mal-kriterji politiċi ta' Kopenhagen. Sabiex tiggarrantixxi s-sostenibilità u l-irreversibilità ta' dan il-proċess, l-UE għandha tkompli tissorvelja mill-qrib il-progress tar-riformi politiċi. Dan se jsir fuq il-bażi ta' Shubija ta' Adeżjoni revedut li jstabbilixxi l-prijorijiet għal aktar riformi. Eżami ġenerali tal-progress tar-riformi politiċi se jiġi implimentat kull sena sa mill-aħħar ta' l-2005. Għal dan il-ghan, il-Kummissjoni se tippreżenta l-ewwel rapport lill-Kunsill Ewropew f'Diċembru 2005. Ir-ritmu tar-riformi se jiddetermina l-progress tan-negożjati.
- (5) Skond it-Trattat dwar l-Unjoni Ewropea u l-Kostituzzjoni għall-Ewropa, l-Kummissjoni tirrakkomanda s-sospensjoni tan-negożjati fil-każ ta' ksur serju

u persistenti tal-principji tal-libertà, id-demokrazija, ir-rispett għad-drittijiet tal-bniedem u l-libertajiet fundamentali u l-istat ta' dritt li fuqhom hija mwaqqfa l-Unjoni. Il-Kunsill se jiddeċiedi fuq tali rakkomandazzjoni b'magħġoranza kwalifikata.

- (6) It-tieni pilastru jikkonċerna l-metodu speċifiku li bih jiġu ttrattati n-negozjati għall-adeżjoni mat-Turkija. In-negozjati għall-adeżjoni se jsejtnu fil-qafas ta' Konferenza Intergovernattiva fejn id-deċiżjonijiet jehtieġu l-unanimità u bis-sehem sħiħ tal-Membri ta' l-UE kollha. In-negozjati se jkunu komplessi. Għal kull kapitolu tan-negozjati, il-Kunsill għandu jistabbilixxi punti ta' referenza għall-għeluq provviżorju u, skond il-każ, għall-ftuħ tan-negozjati, inklużi allinjament legiſlattiv u reputazzjoni sodisfacenti fir-rigward ta' l-implimentazzjoni ta' l-*acquis*. Obligazzjonijiet legali eżistenti skond l-*acquis* iridu jiġu ssodisfatti qabel il-ftuħ tan-negozjati dwar kapitolu relatati. Għandhom imnejn ikunu meħtieġa perijodi twal ta' transizzjoni. Flimkien ma' dan, f'xi oqsma, bħall-politika strutturali u l-agrikoltura jistgħu jkunu meħtieġa arranġamenti speċifiċi u, għall-moviment hieles tal-haddiema, jistgħu jiġu kkunsidrati mezzi ta' protezzjoni permanenti. L-impatt finanzjarju u istituzzjonali ta' l-adeżjoni tat-Turkija se jkun importanti. L-UE se jkollha bżonn tiddefinixxi l-perspettiva finanzjarja tagħha għall-perijodu mill-2014 qabel ma n-negozjati jkunu jistgħu jiġu konklużi. Barra minn hekk, il-Kummissjoni għandha tissorvelja matul in-negozjati l-abbiltà ta' l-Unjoni li tassorbi membri ġodda u li tapprofondixxi l-integrazzjoni filwaqt li b'mod sħiħ tiegħu in konsiderazzjoni l-għanijiet tat-Trattat fir-rigward ta' politika u solidarjetà komuni.
- (7) It-tielet pilastru jinvolvi djalogu politiku u kulturali msahħaħ b'mod sostanzjali li jressaq flimkien nies mill-Istati Membri ta' l-UE u t-Turkija. Is-soċjetà ċivili għandha jkollha rwol mill-aktar importanti f'dan id-djalogu, li għandu jkun iffacilitat mill-UE. Il-Kummissjoni se tippreżenta proposti dwar kif jiġi sostnut tali djalogu.
- (8) Il-Kummissjoni hi konvinta li l-proċess tan-negozjati se jkun essenzjali biex jiġi għidha t-tkomplija tar-riformi fit-Turkija. Min-natura tiegħu, dan huwa proċess li jrid jibqa' sejjer u li l-effetti tiegħu ma jistgħux jiġu ggarantiti minn qabel. Ikun xi jkun ir-riżultat tan-negozjati jew tal-proċess ta' ratifika sussegwenti, ir-relazzjonijiet bejn l-UE u t-Turkija jridu jiżguraw li t-Turkija tibqa' ankrata bis-sħiħ fl-istrutturi Ewropej. L-adeżjoni tat-Turkija teħtieġ li tithejja bl-akbar reqqa sabiex tippermetti integrazzjoni bla skossi li tkabbar il-kisbiet ta' hamsin sena ta' integrazzjoni Ewropea.

Annex: Conclusions of the Regular Report on Turkey

When the European Council of December 1999 decided that Turkey is a candidate for accession, Turkey was considered to have the basic features of a democratic system while at the same time displaying serious shortcomings in terms of human rights and protection of minorities. In 2002, the Commission noted in its Regular Report that the decision on the candidate status of Turkey had encouraged the country to make noticeable progress with the adoption of a series of fundamental, but still limited, reforms. At that time, it was clear that most of those measures had yet to be implemented and that many other issues required to meet the Copenhagen political criteria had yet to be addressed. On that basis, the European Council decided in December 2002 to re-examine Turkey's fulfilment of the political criteria at the end of 2004.

Political reforms, in line with the priorities in the Accession Partnership, have been introduced by means of a series of constitutional and legislative changes adopted over a period of three years (2001-2004). There have been two major constitutional reforms in 2001 and 2004 and eight legislative packages were adopted by Parliament between February 2002 and July 2004. New codes have been adopted, including a Civil Code and a Penal Code. Numerous other laws, regulations, decrees and circulars outlining the application of these reforms were issued. The government undertook major steps to achieve better implementation of the reforms. The Reform Monitoring Group, a body set up under the chairmanship of the deputy Prime Minister responsible for Human Rights, was established to supervise the reforms across the board and to solve practical problems. Significant progress took place also on the ground; however, the implementation of reforms remains uneven.

On civil-military relations, the government has increasingly asserted its control over the military. In order to enhance budgetary transparency the Court of Auditors was granted permission to audit military and defence expenditures. Extra-budgetary funds have been included in the general budget, allowing for full parliamentary control. In August 2004, for the first time a civilian was appointed Secretary General of the National Security Council. The process of fully aligning civil-military relations with EU practice is underway; nevertheless, the armed forces in Turkey continue to exercise influence through a series of informal mechanisms.

The independence and efficiency of the judiciary were strengthened, State Security Courts were abolished and some of their competencies were transferred to the newly-created Serious Felony Courts. The legislation to establish Intermediate Courts of Appeal was recently adopted, but the draft new Code of Criminal Procedure, the draft Laws on the Establishment of the Judicial Police and on the Execution of Punishments still await adoption.

Since 1 January 2004, Turkey has been a member of the Council of Europe's Group of States Against Corruption (GRECO). A number of anti-corruption measures have been adopted, in particular by establishing ethical rules for public servants. However, despite these legislative developments, corruption remains a serious problem in almost all areas of the economy and public affairs.

Concerning the general framework for the respect of human rights and the exercise of fundamental freedoms, Turkey has acceded to most relevant international and European conventions and the principle of the supremacy of these international human rights conventions over domestic law was enshrined in the Constitution. Since 2002 Turkey has increased its efforts to execute decisions of the European Court of Human Rights. Higher

judicial bodies such as the Court of Cassation have issued a number of judgments interpreting the reforms in accordance with the standards of the European Court, including in cases related to the use of the Kurdish language, torture and freedom of expression. Retrials have taken place, leading to a number of acquittals. Leyla Zana and her former colleagues, who were released from prison in June 2004, are to face a further retrial, following a decision by the Court of Cassation.

The death penalty was abolished in all circumstances according to Protocol No 13 to the European Convention on Human Rights, which Turkey signed in January 2004. Remaining references to the death penalty in existing legislation were removed. Further efforts have been made to strengthen the fight against torture and ill-treatment, including provisions in the new Penal Code. Pre-trial detention procedures have been aligned with European standards, although detainees are not always made aware of their rights by law enforcement officers. The authorities have adopted a zero tolerance policy towards torture and a number of perpetrators of torture have been punished. Torture is no longer systematic, but numerous cases of ill-treatment including torture still continue to occur and further efforts will be required to eradicate such practices.

As regards freedom of expression, the situation has improved significantly, but several problems remain. The situation of individuals sentenced for non-violent expression of opinion is now being addressed and several persons sentenced under the old provisions were either acquitted or released. Constitutional amendments and a new press law have increased press freedoms. The new law abrogates sanctions such as the closure of publications, the halting of distribution and the confiscation of printing machines. However, in a number of cases journalists and other citizens expressing non-violent opinion continue to be prosecuted. The new Penal Code provides only limited progress as regards freedom of expression.

If adopted, the new Law on Associations, initially passed in July 2004 and then vetoed by the President, will be significant in terms of reducing the possibility of state interference in the activities of associations and will contribute towards the strengthening of civil society. Despite measures taken to ease restrictions on demonstrations, there are still reports of the use of disproportionate force against demonstrators.

Although freedom of religious belief is guaranteed by the Constitution, and freedom to worship is largely unhampered, non-Muslim religious communities continue to experience difficulties connected with legal personality, property rights, training of clergy, schools and internal management. Appropriate legislation could remedy these difficulties. Alevi are still not recognised as a Muslim minority.

As regards economic and social rights, the principle of gender equality has been strengthened in the Civil Code and the Constitution. Under the new Penal Code, perpetrators of “honour killings” should be sentenced to life imprisonment, virginity tests will be prohibited without a court order and sexual assault in marriage will qualify as a criminal offence. The situation of women is still unsatisfactory; discrimination and violence against women, including “honour killings”, remain a major problem. Children’s rights were strengthened, but child labour remains an issue of serious concern. Trade union rights still fall short of ILO standards.

As far as the protection of minorities and the exercise of cultural rights are concerned, the Constitution was amended to lift the ban on the use of Kurdish and other languages. Several Kurdish language schools recently opened in the Southeast of Turkey. Broadcasting in Kurdish and other languages and dialects is now permitted and broadcasts have started, although on a restricted scale. There has been greater tolerance for the expression of Kurdish

culture in its different forms. The measures adopted in the area of cultural rights represent only a starting point. There are still considerable restrictions, in particular in the area of broadcasting and education in minority languages.

The state of emergency, which had been in force for 15 years in some provinces of the Southeast, was completely lifted in 2002. Provisions used to restrict pre-trial detention rights under emergency rule were amended. Turkey began a dialogue with a number of international organisations, including the Commission, on the question of internally displaced persons. A Law on Compensation of Losses Resulting from Terrorist Acts was approved. Although work is underway to define a more systematic approach towards the region, no integrated strategy with a view to reducing regional disparities and addressing the economic, social and cultural needs of the local population has yet been adopted. The return of internally displaced persons in the Southeast has been limited and hampered by the village guard system and by a lack of material support. Future measures should address specifically the recommendations of the UN Secretary General's Special Representative for Displaced Persons.

In conclusion, Turkey has achieved significant legislative progress in many areas, through further reform packages, constitutional changes and the adoption of a new Penal Code, and in particular in those identified as priorities in last year's report and in the Accession Partnership. Important progress was made in the implementation of political reforms, but these need to be further consolidated and broadened. This applies to the strengthening and full implementation of provisions related to the respect of fundamental freedoms and protection of human rights, including women's rights, trade union rights, minority rights and problems faced by non-Muslim religious communities. Civilian control over the military needs to be asserted, and law enforcement and judicial practice aligned with the spirit of the reforms. The fight against corruption should be pursued. The policy of zero tolerance towards torture should be reinforced through determined efforts at all levels of the Turkish state. The normalisation of the situation in the Southeast should be pursued through the return of displaced persons, a strategy for socio-economic development and the establishment of conditions for the full enjoyment of rights and freedoms by the Kurds.

The changes to the Turkish political and legal system over the past years are part of a longer process and it will take time before the spirit of the reforms is fully reflected in the attitudes of executive and judicial bodies, at all levels and throughout the country. A steady determination will be required in order to tackle outstanding challenges and overcome bureaucratic hurdles. Political reform will continue to be closely monitored.

As regards the enhanced political dialogue, relations with Greece developed positively. A series of bilateral agreements were signed and several confidence building measures adopted. A process of exploratory talks has continued. On Cyprus, over the last year Turkey has supported and continues to support the efforts of the UN Secretary General to achieve a comprehensive settlement of the Cyprus problem. The European Council of June 2004 invited Turkey to conclude negotiations with the Commission on behalf of the Community and its 25 Member States on the adaptation of the Ankara Agreement to take account of the accession of the new Member States. The Commission expects a positive reply to the draft protocol on the necessary adaptations transmitted to Turkey in July 2004.

Turkey has made further considerable progress towards being a functioning market economy, in particular by reducing its macroeconomic imbalances. Turkey should also be able to cope with competitive pressure and market forces within the Union, provided that it firmly maintains its stabilisation policy and takes further decisive steps towards structural reforms.

Economic stability and predictability have been substantially improved since the 2001 economic crisis. Previously high inflation has come down to historic lows, political interference has been reduced and the institutional and regulatory framework has been brought closer to international standards. Thus, an important change towards a stable and rule-based economy has taken place. Key economic vulnerabilities, such as financial sector imbalances, have been tackled. Financial sector supervision has been strengthened. As a result, the shock resilience of the Turkish economy has significantly increased. Important progress has been achieved in increasing the transparency and efficiency of public administration, including public finances. Furthermore, important steps have been taken in facilitating the inflow of FDI and in improving the legal framework for privatisation.

In order to transform the current positive dynamics into sustained growth and stability, it is of crucial importance to continue the ongoing reform process. Maintaining a stability-oriented economic policy is a key element in this respect. In particular, fiscal imbalances have to be reduced and the disinflation process has to be maintained. The business climate would be improved by streamlining administrative procedures and strengthening the rule of law. Improving the efficiency of the commercial judiciary is of particular importance in this context. The banking sector's surveillance and prudential rules should continue to be aligned with international standards. The privatisation of state-owned banks and enterprises should be accelerated. Sufficient public and private investment and devoting particular attention to education are important to increase the competitiveness and the growth potential of the economy. The inflow of foreign direct investment has to be encouraged by removing remaining barriers.

Turkey's alignment has progressed in many areas but remains at an early stage for most chapters. Further work is required in all areas, new legislation should not move away from the *acquis*, and discrimination against non-Turkish service providers, or products should be discontinued. Administrative capacity needs to be reinforced. Moreover no Member State should be excluded from the mutual benefits deriving from the alignment with the *acquis*.

On the *free movement of goods*, overall transposition of the *acquis* is advancing steadily, but is not complete, while implementation remains uneven. There has been progress in the area of horizontal and procedural measures, and sector specific legislation, in particular in new approach areas, where substantial progress has taken place concerning conformity assessment and market surveillance. The public procurement Law still contains discrepancies with the *acquis*. Turkey should speed up the efforts to remove technical barriers to trade, and to increase compliance with the Decision 1/95 of the Association Council establishing the Customs Union, and to take the necessary steps to implement free circulation of products in the non-harmonised areas.

No progress has taken place concerning the *free movement of persons*, and overall legislative alignment is still at a very early stage. The administrative capacity needs thorough upgrading. Concerning the *freedom to provide services*, some progress could be recorded for financial services, except for insurance, but no development took place in the area of non-financial services. Market access restrictions are in place in particular in the area of non-financial services. In the field of professional services, no progress has been made since the previous Report. The alignment with the *acquis* on personal data protection needs to be achieved. An authority dealing with personal data protection should be established and the independence of the existing financial services supervisory authorities should be safeguarded. Limitations for foreigners should also be lifted. Alignment remains limited with the *acquis* on the *free movement of capital*. The priority should be the adoption of anti-money laundering

provisions, and the removal of restrictions to investment by foreigners. Improvements in this area would contribute to facilitate inflow of foreign direct investment.

In the area of *company law*, the alignment with the *acquis* remains very limited. However, important efforts have been undertaken to fight piracy with regards protection of intellectual and industrial property rights, but insufficient administrative capacity prevents remains a constraint. Concerning *competition policy*, the alignment with the *acquis* on anti-trust legislation is significant and progress continues in a satisfactory manner. On the contrary, alignment with state aid *acquis* is very limited, in spite of its inclusion in the Customs Union. The adoption of the state aid Law and the establishment of the state aid monitoring authority are crucial issues. Further efforts are also necessary to prepare an acceptable restructuring programme for the steel sector.

Little progress can be recorded since the previous Report in the area of *agriculture*, and overall alignment with the *acquis* remains limited. Progress has taken place concerning in particular veterinary, phytosanitary and food, but transposition and administrative capacity are still insufficient to ensure effective implementation. Rural development, eradication of animal diseases and upgrading of the Administrations concerned should be regarded as priorities. Progress has been very limited concerning *fisheries*. It is necessary to increase the efforts concerning resources management, as well as to reinforce the inspection and control capacities.

Some progress could be recorded in all *transport* modes, excepted air transport, but overall alignment remains limited and all modes present problematic issues. Concerning in particular maritime transport, the detention rate remains much higher than the EU average, and Turkey remains in the black list of the secretariat of the Paris Memorandum of Understanding on Port State controls. Cypriot vessels or vessels having landed in Cyprus are still not allowed in Turkish ports. Transposition of the *acquis* should take place in parallel with adherence to international agreements. The staff and capacity of the Ministry of Transport needs to be strengthened substantially.

As regards *taxation*, there has been limited progress in the area of *indirect taxation*, while no progress could be reported on direct taxation, or administrative co-operation. Overall, the Turkish fiscal regime remains partly aligned with the *acquis*, and important efforts remain necessary on all areas under this chapter. Alignment is necessary in particular concerning VAT, the scope of exemptions and applied rates. With regards to indirect taxation, excise duties should not penalise imported products. Also, administrative capacity requires a substantial strengthening, in particular to improve tax collection.

No progress can be recorded concerning *economic and monetary union* since the previous Report, and the overall level of alignment is limited. The most important issues to be addressed are the independence of the central bank and the remaining possibilities of privileged access to the financial sector to finance the budget.

In the area of *statistics*, there has been steady progress, but the alignment remains still limited. Therefore substantial efforts are still needed concerning statistical development. To this end, the new Statistical Law should be given priority. On *social policy and employment*, progress has been made since the last report, in particular as concerns health and safety at work. Nevertheless, the main problematic areas remain gender equality, labour law, anti discrimination, and social dialogue. Enforcement and full implementation of the legislation also appear as major challenges.

Turkey has made some progress in the *energy* chapter, while the degree of alignment remains limited and uneven across the different areas covered by the *acquis*. Effective implementation of the *acquis* requires a reinforcement of the administrative capacity. Sector restructuring including privatisation and the elimination of price distortions should continue.

In the area of *industrial policy*, there is a large alignment with the EC principles of *industrial policy*. Turkey has adopted an industrial strategy, but privatisation and restructuring are not progressing as planned. Steel sector and state owned banks in particular needs to be restructured. Despite progress in the framework legislation, foreign direct investment remains low. Concerning *small and medium sided enterprises*, access to finance has improved, and the Turkish policy is broadly in line with the EU enterprise policy. Nevertheless, further efforts remain necessary to improve SMEs' access to finance, and the business environment. In particular, a more effective treatment of the commercial court cases should be ensured. The definition of SME used by Turkey is not in line with the relevant Commission recommendations.

Some progress has been made in the area of *science and research*. The framework for co-operation is established, and representatives of Turkey participate as observers in the Committees preparing the 6th Framework Programme. To achieve full and effective participation to the Framework Programme requires that Turkey further upgrades its research-related administrative capacity. Similarly, some progress has been achieved concerning *education and training*, especially concerning the enrolment of girls in less favoured regions. The participation of Turkey to the EC programmes is satisfactory, but the investment remains below the EU average. Reforms and reinforcement of the training and education policies and institutions should continue, including the role of the High Education Board (YÖK), and the links between the labour market and the education should be improved.

In the *telecommunications* sector, fixed telephony services has been fully liberalised in 2004, and competition in internet services market has increased. There is overall a certain level of alignment with the *acquis*, but since the previous Report, very limited further progress has been made. Further efforts are in particular necessary to complete the legal framework and effectively implement the rules, including an adequate empowerment of the Telecom Authority, and to ensure an adequate level of competition in all telecommunication services.

Turkey's alignment with the *acquis* in *culture and audiovisual policy* remains limited, but some progress has been made through adoption of the regulation concerning radio and television broadcasts in languages and dialects used traditionally by Turkish citizens. The regulation has started to be implemented and broadcasts in Kurdish and other languages have started on national and regional basis. However, the conditions attached the regulation are still restrictive and substantial efforts continue to be necessary to achieve alignment with the *acquis*.

The *acquis* concerning *regional policy* is relevant for the implementation of Structural and Cohesion Funds. Very limited development has been made and the overall level of alignment with the *acquis* is limited. Substantial efforts would therefore be necessary to make appropriate use of the EU's structural instruments. Necessary institutions need to be created and administrative capacity to be reinforced.

Some progress has taken place concerning the *environment*, and the administrative capacity has been reinforced. However, the overall transposition of the environment *acquis* remains low. Administrative capacity needs further reinforcement and improved co-ordination among the administrations involved. The most intense efforts are needed for horizontal legislation,

air and water quality, waste management, nature protection, industrial pollution and risk management.

In the area of *consumers and health protection*, efforts to align with the *acquis* have continued, in particular concerning market surveillance. Overall alignment is uneven throughout the different components of consumers protection, and is more advanced concerning non-safety related measures. The efforts to ensure an effective transposition and implementation of the *acquis* on product liability and to improve administrative capacity should be pursued.

Turkey has continued to make efforts to align with the *acquis* in the area of *justice and home affairs*. Nevertheless, progress is required in important areas such as the reform of the judiciary and the fight against corruption. Co-operation both at national level among all relevant administrative bodies and with the EU should be improved on issues such as illegal migration and trafficking, including through the negotiation of a readmission agreement. The geographic limitation to the Geneva Convention on refugees should be lifted and co-operation among the relevant institutions should be improved.

Concerning the *acquis* in the area of *customs union*, there has been some progress since the previous Regular Report, the administrative capacity has been further strengthened and the overall level alignment is high, with exceptions in specific areas. The alignment of non-customs provisions applied in free zones continues to diverge from the *acquis* and need to be corrected. The overall level of alignment concerning *external relations* is already high, and some further progress has taken place. The adoption of most of the EC Generalised System of Preferences in particular is a welcome development. Certain discrepancies with the *acquis* still exist, concerning special regimes under the GSP, and other derive from the difficulties met in the negotiations with certain third Countries. Turkey is encouraged to continue its efforts in this area. As regards, *common foreign and security policy*, Turkey's foreign policy continues to be broadly in line with that of the EU, though less so when Turkey's neighbouring countries are concerned. Turkey's track record could be improved by ensuring a higher alignment with EU positions in international fora, and by ensuring the applicability of the sanctions or restrictive measures agreed.

Some progress can be reported since last year's Report regarding *financial control*. In particular, the adoption of the Public Financial Management and Control Law constitutes a significant step but the law will only be entirely implemented as from 2008. Turkey should further reinforce its administration and the capacity to protect the financial interests of the EC. In addition, significant progress has taken place concerning national budget formulation and execution, in the area of *financial and budgetary provisions*. However, there has been no improvement in the application of provisions on own resources. Further efforts are therefore necessary concerning the adoption of the necessary legislation and its implementation.

Implementation of legislation formally aligned with the *acquis* continues to be insufficient. Administrative capacity in most areas needs to be strengthened to ensure that the *acquis* is implemented and enforced effectively. In some cases, administrative reform should entail the establishment of new structures, for example in the field of state aid and regional development. Where regulatory bodies have been set up, they should be adequately empowered to perform their tasks, including adequate staffing and resources, and to ensure that their decisions are enforced. To this end, their autonomy should be safeguarded. Improved co-operation between the Commission and the Turkish administration in areas such as conformity assessment should be extended to other areas.