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## IKV BRIEF

### DECEMBER EUROPEAN COUNCIL: WHAT TO EXPECT FOR TURKEY-EU RELATIONS

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The European Council is scheduled to meet on 10 and 11 December 2020 with a busy agenda including efforts against COVID-19, Hungary and Poland's efforts to prevent rule of law criteria to be applied to EU funds, trade policy, climate change, security and external relations. The issues to be taken up will also include Turkey-EU relations. It is no secret that relations between Turkey and the EU are going through a very difficult period. Turkey has been a candidate to join the EU since the Helsinki European Council of 1999 and negotiating accession since 2005. Although the candidacy status is still valid, no new chapters in the negotiations could be opened since June 2016. Moreover, the EU decided to implement sanctions against Turkey starting with the suspension of comprehensive air transport agreement negotiations, cuts in IPA funds and calling off of the Turkey-EU Association Council meetings as well as high level dialogue meetings. In addition to problems in the fulfilment of political criteria for EU accession, foreign policy issues began to undermine Turkey-EU relations. Turkey was placed under fierce criticism by the EU over hydrocarbon explorations in Eastern Mediterranean and maritime delimitation issues.

Recently the European Council, meeting on 1 October, extended an offer of a positive political agenda on the condition that Turkey would cease its activities in Eastern Mediterranean. The conditional offer of a positive political agenda included a revitalisation of Turkey-EU relations by way of Customs Union modernisation, trade facilitation, people to people contacts, high-level dialogues and cooperation on migration based on the 2016 EU-Turkey Statement. The conclusions of 1 October also added that "the EU will use all the instruments and the options at its disposal, including in accordance with Article 29 TEU and Article 215 TFEU, in order to defend its interests and those of its Member States" in case Turkey continues its unilateral actions in Eastern Mediterranean. Those instruments and options noted in the above-mentioned articles of TEU and TFEU make it possible for the EU to apply sanctions and restrictive measures. Article 215 stipulates that where the Union adopts a decision under Chapter 2 of Title V of the TEU regarding "the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries", the Council can adopt the necessary measures by qualified majority voting.



## **Events Taking Place following the October 1 Proposal for a Positive Political Agenda**

Following the proposal for a positive political agenda, Turkish officials mostly objected to this offer being tied to a condition regarding Turkey's foreign policy actions. The Ministry of Foreign Affairs criticised the European Council conclusions to be based on "narrow-minded interests and blindly-extended membership solidarity". The press release regarding the 1 October conclusions started with the following statement: "Conclusions adopted at the Special European Council Meeting yesterday (1 October) regarding Turkey, even with certain positive elements, are far from reality in most aspects. The text is an evidence of how certain EU countries aim to further relations with Turkey on the one hand and how the Greek-Greek Cypriot duo takes Turkey-EU relations hostage on the other...". The Ministry also added that Turkey remained committed to the EU membership perspective and open to all initiatives based on de-escalation, dialogue and diplomacy.

Following the 1 October Summit, Turkey continued to declare NAVTEX alerts in the Eastern Mediterranean and Aegean, i.e. 5 new NAVTEX alerts for the seismic exploration vessel Oruç Reis until 4 November and two more alerts for Barbaros Hayreddin Paşa, vessel named after a historical commander of Ottoman maritime forces who lived in the 15<sup>th</sup>-16<sup>th</sup> centuries. Turkish officials saw the area where explorations would be made as legitimately falling under Turkey's maritime zone which was contested by Greece and the Greek Cypriot Administration of Southern Cyprus (GCASC). While Turkey's actions were deemed as "provocative" by the EU, Greece also engaged in a similar type of action when on 3 October, it declared two new NAVTEX alerts also concerning the contested maritime zones.

The exploratory talks between Greece and Turkey regarding questions of territorial waters, continental shelf and related issues over the Aegean could not be restarted due to lack of agreement on the agenda regarding the specific issues to be addressed. The opening of the contested zone of Varosha in the Turkish Republic of Northern Cyprus (TRNC), the dispute with France starting after the murder of history teacher leading to a response by the Turkish side starting a boycott of French products and Turkey's stance and role regarding the Nagorno-Karabakh conflict did not help with a reengagement between Turkey and the EU. Hence, the window of opportunity created by the 1 October European Council could not provide for a re-energising of the relations.

## **Member State and Institutional Positions prior to the December European Council**

Statements by Greece and France prior to the December European Council have indicated that December European Council could result in quite worrying developments regarding the future of Turkey-EU relations including the application of sanctions towards Turkey. Greek Foreign Minister Nikos Dendias sent a letter to the European Commissioner responsible for the enlargement agenda Olivér Várhelyi regarding the suspension of the



Turkey-EU Customs Union due to what he considered as “Ankara’s continued provocations”. In addition, he also complained about extra tariffs implemented by Turkey and saw these as a violation of Customs Union commitments.

President Erdoğan called for a ban on French products as a protest against French President Macron’s statements following the murder of a history teacher in France. Such a ban regarding goods which should be in circulation according to the rules of the Customs Union was also criticized. The disagreement between President Macron and President Erdoğan regarding Islam and radicalism also attested to a conflict over the question of religion, secularism and integration of Muslims in Europe. France’s European Affairs Minister Clément Beaune stated that individual or sectoral economic sanctions could be debated in the December European Council and added that France changed the European position on Turkey.

Even Germany’s Chancellor Angela Merkel, who tried to reconcile the parties prior to the October European Council, changed her approach and said that current developments will be observed until the European Council meeting but also added that “most recent developments were not like what [the EU] has wished to see in the region”.

High Representative for Foreign and Security Policy and Vice-President of the European Commission Josep Borrell spoke during the EU Foreign Affairs Council meeting saying that “the recent actions and a statement by Turkey related to Cyprus, were considered contrary to United Nations resolutions and further igniting tensions”. He criticised Turkey’s behaviour and said that this unchanging behaviour is leading to a separation from the EU and makes it impossible to implement the positive agenda: “We consider also that it is important that Turkey understands that its behaviour is widening its separation from the EU. In order to return to a positive agenda, as we wish, we will require a fundamental change of the attitude on the Turkish side”. Regarding the European Council in December when the question of “what to do about Turkey” will again be taken up by the EU leaders, he drew attention to a “watershed moment” in Turkey-EU relations where the future direction would also be shaped: “European Council will provide crucial direction on this, next month. Time is running, and we are approaching a watershed moment in our relationship with Turkey”. He also added that the opening of Varosha by the TRNC was criticised by EU foreign affairs ministers.

Anna-Michelle Asimakopoulou, Vice-Chair of the European Parliament’s International Trade Committee (INTA) for the EPP, also called for the suspension of the Customs Union. She said: “We are not going to trade with someone who blackmails us and boycotts us”. She called for a meeting of the INTA Committee to discuss Turkey’s violation of trade commitments vis-à-vis the EU. Such a suspension of the Customs Union seems to be unlikely given the large-scale investments by European firms in Turkey and the degree of



interdependence between the parties. Chair of the INTA Committee, German MEP Bernd Lange said that he did not favour such sanctions against Turkey since he did not believe that sanctions would lead to the anticipated outcome. He also said that due to the scale of economic relations between Turkey and the EU, it would not be in the EU's interest to suspend the Customs Union: "[The EU has] intensive economic relations with Turkey, including many car manufacturers that are on site. We would be shooting ourselves in the foot". The European Council meeting in December would definitely like to send a message of warning to Turkey. This message could take the form of sectoral measures or protective measures such as anti-dumping duties.

In the meantime, steps that could be taken by Turkey regarding a restart of reforms, embodying improvements in rule of law, judicial independence, autonomy of regulatory bodies, freedom of expression and media could affect the EU's approach towards Turkey. Statements by President Erdoğan and Minister of Justice Abdulhamit Gül in recent days regarding the importance of rule of law and Turkey's strategic objective of EU membership give reason to be hopeful about a U-turn in EU process. In order for Turkey's efforts to mend its relations with the EU to be credible and elicit a positive response by the EU, they have to be accompanied by concrete steps aiming at amelioration of the democratic, legal and human rights situation backed up by a comprehensive political, legal and administrative reform strategy.

