

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0204/2004

19 March 2004

REPORT

on the 2003 regular report of the Commission on Turkey's progress towards accession
(COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

Rapporteur: Arie M. Oostlander

PR_INI_art47-1

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PROCEDURAL PAGE

By letter of 5 November 2003 the Commission forwarded to Parliament its 2003 regular report on Turkey's progress towards accession (COM(2003) 676 – SEC(2003) 1212 – 2003/2204(INI)).

At the sitting of 28 January 2004 the President of Parliament announced that he had referred this report to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible pursuant to Rule 47(1) of the Rules of Procedure and to all the committees concerned for their opinions (C5-0535/2003).

At the meeting of 7 October 2003 the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy appointed Mr Arie M. Oostlander rapporteur.

It considered the draft report at its meetings of 19 February, 16 and 17 March 2004.

At the last meeting it adopted the draft resolution by 39. votes to 2, with 7 abstentions.

The following were present for the vote: Elmar Brok (chairman), Baroness Nicholson of Winterbourne (1st vice-chairwoman), Geoffrey Van Orden (2nd vice-chairman), Christos Zacharakis (3rd vice-chairman), Mr Arie M. Oostlander (rapporteur), Anne André-Léonard (for Ole Andreasen), Per-Arne Arvidsson, Alexandros Baltas, Bastiaan Belder, Philip Claeys, Rosa M. Díez González, Andrew Nicholas Duff, Olivier Dupuis (for Emma Bonino), Glyn Ford, Michael Gahler, Gerardo Galeote Quecedo, Jas Gawronski, Anne-Karin Glase (for Alain Lamassoure pursuant to Rule 153(2)), Vitaliano Gemelli (for Franco Marini), Alfred Gomolka, Vasco Graça Moura (for José Pacheco Pereira), Cristina Gutiérrez Cortines (for Jacques Santer pursuant to Rule 153(2)), Magdalene Hoff, Richard Howitt, Giorgos Katiforis (for Jacques F. Poos), Efstratios Korakas, Joost Lagendijk, Catherine Lalumière, Armin Laschet, Jules Maaten (for Bob van den Bos), Nelly Maes (for Per Gahrton), Cecilia Malmström, Hugues Martin, Philippe Morillon, Pasqualina Napoletano, Jean-Thomas Nordmann, Reino Paasilinna (for Jannis Sakellariou), Lennart Sacrédeus (for Karl von Wogau), Jürgen Schröder, Ioannis Souladakis, Ursula Stenzel, The Earl of Stockton (for David Sumberg), Ilkka Suominen, Hannes Swoboda, Charles Tannock, Joan Vallvé, Luigi Vinci, Jan Marinus Wiersma and Matti Wuori.

The opinions of the Committee on Budgets, the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on Agriculture and Rural Development, the Committee on Regional Policy, Transport and Tourism and the Committee on Women's Rights and Equal Opportunities are attached.

The report was tabled on 19 March 2004.

DRAFT EUROPEAN PARLIAMENT RESOLUTION

on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

The European Parliament,

- having regard to the Commission's Strategy Paper on the progress towards accession by Bulgaria, Romania and Turkey of 5 November 2003 (COM(2003) 676)¹,
 - having regard to the 2003 regular report of the Commission on Turkey's progress towards accession of 5 November 2003 (SEC(2003)1212),
 - having regard to its resolution of 5 June 2003 on Turkey's application for membership of the European Union²,
 - having regard to its resolution of 20 November 2003 on Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours³,
 - having regard to the conclusions of the European Council (Thessaloniki, 19-20 June 2003 and Brussels, 12 December 2003),
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinions of the Committee on Budgets, the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on Agriculture and Rural Development, the Committee on Regional Policy, Transport and Tourism and the Committee on Women's Rights and Equal Opportunities (A5-0204/2004),
- A. whereas, in the face of strong resistance, courageous steps have been taken since the adoption of the last resolution⁴, but whereas further reforms still need to be undertaken, and rigorously implemented, in many areas,
- B. whereas in spite of the determination of the government, Turkey does not yet meet the Copenhagen political criteria and whereas a clear framework for guaranteeing political, civil, economic, social and cultural rights is not yet established, and more far-reaching efforts, than reparation and amendments, are needed to enhance the coherence of legal provisions and practice, which will underline the drastic and fundamental character of the transformation of Turkey towards membership,
- C. whereas in spite of some of the changes introduced as part of the packages of political reform, which constitute significant progress towards achieving compliance with the Copenhagen political criteria, Turkey has retained a Constitution adopted in 1982 during

¹ OJ C not yet published.

² P5_TA(2003)0265.

³ P5_TA-PROV(2003)0520.

⁴ P5_TA(2003)0265.

the military regime, reflecting a largely authoritarian philosophy,

- D. whereas a number of countries which will accede to the European Union in May 2004, including Poland, have adopted new constitutions, taking the view that this development is a point of departure for the process of reform and modernisation of their society and state,
 - E. whereas the AKP government has speeded up and implemented specific measures in order to continue on the path of reforms despite the difficult international situation (war in Iraq) and domestic situation (terrorist attacks), which is a reflection of the strategic importance for the Turkish authorities of managing to fulfil completely the Copenhagen criteria,
 - F. whereas possible accession must ultimately meet the expectations of EU citizens, who also need to be convinced about the democratic character of the reforms and their implementation,
 - G. whereas the Union must prepare itself for Turkey's accession, by means of measures ensuring that the Union is able to function smoothly, should the Council decide to open accession negotiations,
 - H. whereas a just, viable and functional settlement of the Cyprus problem, based on the UN plan is of essential importance to relations between the EU and Turkey and to Turkey's EU membership aspirations; whereas such a settlement would, on the one hand, satisfy the 'Balladur' principles applying to all current and future applicant countries for accession (no border problems, but good relations with neighbouring states, safeguarding of minority rights),
 - I. aware that meeting the political criteria of Copenhagen is a precondition for opening accession negotiations,
1. Welcomes the strong motivation and the political will demonstrated by the AKP Government and by the great majority of the people's elected representatives with regard to making reforms that are revolutionary for Turkey, not only in order to meet the Copenhagen political criteria, in keeping with Turkish authorities' oft-stated commitment to democracy and Europe, but also to advance the economic, social and political conditions of the Turkish people; points out that such reforms can only be judged on the basis of their actual implementation in terms of day-to-day practice at all levels of the judicial and security system and of both the civilian and military administration, and that they must have the support of society; is aware that this will be a long process in which Turkey will need to continue to take fundamental decisions, for which European aid will continue to be essential;
 2. Stresses that it will be Turkey's own sovereign decision whether it wants, or will be able, to adopt the political principles and values of the EU as appropriate for the Turkish state and society or to reject them as inappropriate for Turkey; to this end, believes that it is important to reinforce all political and cultural methods which help to increase knowledge of those values on the part of Turkish citizens, as well as knowledge of Turkey by European Union citizens;

3. Considers that, with reference to the Commission's last progress report, reforms have been carried out in a large number of areas which constitute important steps, but that many further steps still need to be taken; refers, in this connection, to the reserved comments made by the Commission, which speaks, for example, of a lessening of restrictions, whilst more rigorous application of the political criteria is required;
4. Regards the Monitoring Group which was recently set up by the Government in order to ensure that reforms are implemented in practice, and which is receptive to information provided by embassies and human rights organisations, as an important initiative, especially since it is an important signal of Turkey's wish to continue to make progress in fulfilling the Copenhagen criteria;
5. Welcomes the constitutional changes set out in the seven 'harmonisation' packages which have undisputedly improved the provisions in force hitherto; considers the drafting of a new Constitution a further and probably necessary reflection of the very fundamental nature of the changes required for EU membership and notes that a modern constitution may form the basis for the modernisation of the Turkish state, as called for by the Copenhagen criteria; considers that such a Constitution must be based on the principles of the rule of law and democratic foundations, with the rights of the individual and minorities balanced against collective rights, in accordance with the standards prevailing in the EU and be respectful of International Law;
6. Is convinced that Turkey, in view of the support of politicians, scientists and members of the judiciary, has the capacity to carry out such a vast project, and urges Turkey to cooperate closely with the Council of Europe Venice Commission with a view to adopting a new, modern Constitution;
7. Considers that the Commission's Pre-Accession Strategy, in addressing systematically the shortcomings in relation to the rule of law and the democratic deficit ; affirms the absolute priority of the Copenhagen political criteria for EU Member States, and that such an approach could then lead to work being begun on the other 31 chapters (adoption of the *acquis*); considers that the programme may incorporate aspects such as the drafting of a new democratic Constitution, the position of the army, the philosophy of the state and law, the setting up of the administration, the treatment of minorities and freedom of religion;

Copenhagen political criteria

Organisation of the State

8. Regards the restriction of the power enjoyed by the army at a political level and in society as a difficult, but unavoidable, process; considers that Turkey's current position in relation to the Cyprus conflict also reflects the political power of the army; expresses its confidence that the AKP Government will safeguard democratic values, and encourages it to continue its campaign against ultra-nationalism and bureaucratic inertia at all levels of the Turkish state, counter resistance from within the army, the judiciary, the national and local administration and some sections of Turkish society;
9. Welcomes the fact that the Government is in the process of bringing defence expenditure

under parliamentary control; points, however, with concern, to the influential (formal and informal) army network comprising *inter alia* think tanks, businesses and funds, which could prove to be an obstacle to the reform of the state; urges the full application of EU norms of company law, competition policy and financial accountability to those businesses with military connections;

10. Urges the Government to transform the existing boards for higher education (YÖK) and audiovisual media (RTÜK), in their capacity as watchdog bodies, into new, completely civilian councils which are not subject to any control by the military, in the same fashion and to the same standard as in the EU countries; underlines that these reforms should strengthen institutions of higher education and science to work independently without outside interference and to strive for highest academic quality;
11. Considers that the Government must do everything possible to bring about a change in mentality in administration, through capacity building efforts (including retraining, participation in (European) seminars and exchange programmes) and above all by promoting the recruitment of new officials with a greater understanding of the laws and processes required for EU membership;

Rule of law and democracy

12. Stresses again the importance of an active civil society in order to strengthen the democratic nature of society and to create support for reforms among the population, and considers that the Government should further promote the setting up and running of free civil society organisations; welcomes, in this connection, the Department for Associations recently established within the Ministry for the Interior;
13. Stresses the necessity to further inform the average Turkish citizen (public opinion) on the EU's ideals and values; encourages state authorities to engage in a dialogue and to cooperate with representatives from non-governmental associations, and through them with civil society; believes that this dialogue is necessary to achieve the changes in mentality that must accompany the recent normative reforms;
14. Points out that trade union freedom is not fully secured and that the social dialogue remains extremely limited; stresses the need for immediate action by the Turkish authorities to eliminate restrictive provisions and to put trade union law on a similar basis to that in other EU Member States;
15. Welcomes the wish expressed – within Government, Parliament and the judiciary – to abolish the state security courts; calls on the Government to put a proposal before the parliament as soon as possible;
16. Welcomes the fact that Turkey has become a member of GRECO (Group of States against Corruption) of the Council of Europe; takes the view, however, that efforts to tackle corruption must be pursued, since this phenomenon remains widespread in many spheres of public life;
17. Stresses the need both to fully respect international law and to accept the primacy of EU law over national law (ambiguity of Article 90 of the Constitution), given that the sharing or partial transfer of sovereignty is an essential prerequisite of the EU membership;

18. Requests Turkey again to implement without delay outstanding decisions of the European Court of Human Rights; points out that there is no room for a position of non-commitment and own interpretation; welcomes payment of just satisfaction in the long-running Loizidou case and calls on Turkey to implement without further delay the first (1996) ECHR judgement in the aforesaid case and restore the right of peaceful enjoyment of property to Mrs Loizidou and all other displaced persons within the framework of a viable solution;
19. Regrets the progress of the trial reopened against Sakharov Prize winner Leyla Zana and three other former Democracy Party (DEP) MPs; stresses that this case is symbolic of the gulf which exists between the Turkish judicial system and that of the EU; reiterates its call for amnesty for prisoners of conscience (a.o. Leyla Zana and the three other former MPs of Kurdish origin);
20. Stresses the need for continuing efforts to ensure a competent and independent judiciary; calls on the authorities to ensure that legislative changes translate into a change of mentality and conduct within all parts of the judiciary; urges that exchange and training programmes of public prosecutors and judges be continued, together with attendance at symposia on EU law, emphasises the importance of training of Turkish trainers, and welcomes the current projects, initiated by the Council of Europe, to train the judiciary in aspects of European law;
21. Deplores the political persecution, that in some cases goes as far as prohibition of political parties such as HADEP and DEHAP, constituting an attack on freedom of expression, organisation and assembly;
22. Calls for the electoral system to enable the entire population to be fully democratically represented, with particular reference to the Kurdish people and other minorities;

Human rights situation and protection of minorities

23. Notes that torture practices and mistreatment still continue; points to the Government's zero tolerance policy regarding torture; regrets the fact that little progress has been made in bringing torturers to justice; insists on the need for educational efforts to change the outlook of the police force in order to ensure that the law is strictly respected;
24. Condemns the intimidation and continuing harassment of human rights defenders and of human rights organisations by some authorities;
25. Awaits with interest the promised implementation of the right to broadcast in languages other than Turkish; calls on the Audiovisual Council (RTÜK) to take a non-rigid approach to requests to broadcast in the different languages and dialects and not to create additional obstacles or restrictions;
26. Calls on the Turkish authorities to put more effort into the quick and thorough implementation of the legislative changes concerning the cultural rights that allow the education in and the use of (traditional) languages other than Turkish in the media, points at the significance of these reforms for the Kurdish population (the largest minority), expects the authorities to provide the necessary means to stimulate the socio-economic development of the Kurdish regions, particularly in South-East Turkey, in order to create

the circumstances that enable the Kurdish population to build a peaceful and prosperous future;

27. Notes with concern that domestic violence and other forms of violence against women are still widespread; urges Turkey to provide full legal protection and judicial and economic aid to victims, as well as shelters and similar facilities, which are almost nonexistent; calls on the Commission to continue close monitoring of developments in this field;
28. Calls on Turkey to adopt gender equality as part of the sixth reform package of the Penal Code and to amend Article 51 of the general provisions, which relates to crimes committed under extreme provocation, applicable for offences traditionally viewed as being against virtue; additionally, requests the discontinuation of the practice of having sentences reduced in cases of 'honour crimes' on grounds of customs and tradition (Article 462), notes that such crimes should be considered as murder in the first degree, as well as the deletion of the term 'virginity' from the rape crime provisions under the Penal Code;
29. Expresses the fear that Turkey's reservation in respect of Article 27 of the Covenant on Civil and Political Rights significantly restricts the scope of the right of ethnic, religious and linguistic minorities to pursue their culture, practise their own religion or use their own language; refers, in this connection, to the remaining restrictions on the right of association;
30. Stresses that the 1923 Treaty of Lausanne concerning the position of minorities must not be interpreted in a minimalist way, as such an interpretation is not in accordance with the fundamental rights applying in the EU; notes that the Constitution already states in Article 10 the principle of equality before the law, points out that with the introduction of a new Constitution a minimalist interpretation of 'Lausanne' of this kind must be ruled out;
31. Points out that in the area of freedom of expression a number of adjustments to legislation have been made; deplores, however, the fact that prosecutors continue to cite provisions in the penal code (Articles 312 and 169) and alternative provisions in the anti-terrorism law (Article 7) with a view to nonetheless restricting freedom of expression; looks forward to the revision of the penal code in harmonisation with recent reforms;
32. Notes that Turkey still has a different interpretation of the concept of the secular state than that prevailing in the EU, and that this rather involves state control over the main religion and discrimination against other confessions;
33. Reiterates its call to the Turkish authorities to put an immediate end to all activities discriminating against and creating difficulties for religious minorities, including in the area of property rights, legal status, internal management, environmental planning rules and the training of clergy; urges in this connection the reversal of the threats of seizure against the Greek Orthodox Orphanage of Priggipos (B. Ada) and the recognition of its property rights, to its rightful owner, the Greek Orthodox community; reiterates its request for the reopening of the Greek Orthodox Halki seminary; regrets the fact that in the area of religious freedom there has so far been little improvement; calls Turkey to address all these difficulties drawing from the relevant case law of the European Court of Human rights (see a.o. case Kokkinakis, Manoussakis, Metropolitan Church of Bessarabia, Serif, Canea Catholic Church, Hasan and Chaush);

34. Welcomes dialogue between Turkey and the UN on the return of refugees, however regrets the continuing problems regarding the return of internally displaced persons and of refugees living in Europe to their place of birth and the fact that it is still very difficult for Syrian Orthodox to resettle in south-eastern Turkey for safety, economic and social reasons ; also regrets the continued presence of village guards in Kurdish and Syrian Orthodox villages and the unchanged situation in this respect;
35. Supports the appeal of Turkish intellectuals (academics, historians, activists of human rights, solicitors, educators, artists and writers) and NGOs who protest against the circular of the Ministry of Education of 14 April 2003; in accordance with the authors of the protest condemns the use of history as a means of indoctrinating the youth with opinions of racial hatred;

Reforms in the EU

36. Considers that the EU itself must be prepared for Turkey's possible accession and the consequent new geo-political situation for the EU ; calls on the Commission to carry out a wide study of the impact of accession to the Union, taking into account the need to reform present policy in a number of key areas such as agricultural and structural funds policy as well as in financial and institutional terms in order to cope with further enlargements, and to inform Parliament and the Council of what internal changes will be needed in the EU in order for it to function effectively, maintaining the EU model of integration; therefore reiterates its demand that the Member States resolve their disagreements on the constitution on the basis of the draft proposed by the Convention in which Turkey representatives participated;
37. Considers that, following from the above, the EU must have a constitution with efficient decision making procedures in the area of common security and defence policy before extending the EU external borders in a totally new and delicate geo-political region; takes the view that common answers need to be found in relation to the position of the EU in the region as a confederation of democratic constitutional states;
38. Considers that Turkey, as a NATO ally, and positioned at the crossroads of Europe, the Middle East and Central Asia, would significantly enhance European security and give EU policy in the region greater authority and effectiveness;
39. Considers that, with regard to the fight against terrorism, the EU is not sufficiently supportive of Turkey and that the EU must extend its cooperation with Turkey in this area; stresses that such cooperation makes reform of the Turkish judicial system and relevant legislation all the more urgent and even requires it as a precondition; deplores the recent rejection by the EU of the Turkish request that the terrorist group 'Islamic Great Eastern Raiders' Front (IBDA-C)' be included in the European list of banned terrorist organisations;

Turkey's external relations

40. Continues to insist that settlement of the Cyprus conflict is an essential condition for progress regarding Turkey's application for accession to the EU; welcomes the commitment of the new 'government' in northern Cyprus to reach a settlement by 1 May; calls upon the Turkish authorities to maintain their constructive attitude to achieve a

solution in the present round of negotiations on the basis of the Annan plan for a just, viable and functional solution of the Cyprus problem, consistent with relevant UN Resolutions;

41. Calls on the government of the Republic of Cyprus, ahead of its imminent accession, to maintain their sincerity vis-à-vis the Annan plan (in accordance with the requirements under the Balladur initiative, which also apply to the Cyprus Government) and to do their utmost to reach a settlement which is acceptable to both parties, on the basis of the proposals put forward by Secretary-General Kofi Annan, before 1 May 2004;
42. Encourages the Government to pursue the course it has adopted with a view to playing a constructive role in the region, by putting the interests of the local population and the regional economy first; urges Turkey to make all efforts so as to coordinate more effectively with the EU its policy in South Caucasus fully supporting the mandate and the action of the EU Special Representative for this region; requests Turkey to reopen the borders with Armenia and to promote good neighbourly relations with Armenia, to work together to promote equitable solutions to the regional conflicts and not to take any action that would stand in the way of a historic reconciliation;
43. Would like a dialogue to be established between Turkish and Armenian academics, social and non-governmental organisations in order to overcome the tragic experiences of the past as has been expressed in its earlier resolutions (of 18 June 1987, 15 November 2000, 28 February 2002 and 26 February 2004);
44. Welcomes the positive developments with regard to relations between Greece and Turkey both at a political and an economic level; encourages both parties to pursue this rapprochement by settling all outstanding border questions and signing bilateral agreements to strengthen cooperation between the two countries;
45. In the context of the continuing improvement of bilateral relations between Turkey and Greece encourages Turkey to act in the spirit of the Helsinki conclusions and in accordance with the principles of international law, which should, in this case likewise, take precedence over national law;
46. Calls on Turkey to respect and emphasise the Armenian and Syrian Christian cultural heritage as parts of Turkey's national identity;
47. Awaits a constructive position of the Turkish authorities concerning the restructuring of the state of Iraq where all ethnic and religious groups can find adequate respect for their political, economic, social and cultural interests;

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48. Instructs its President to forward its position to the Council and Commission, the Council of Europe, the European Court of Human Rights and the Government and Parliament of Turkey.

EXPLANATORY STATEMENT

In this text the central thesis is that Turkey is able, if it so wishes and if it considers it to be in its interest, to transform itself into a first class EU Member State. This would be a revolutionary reform in the structures and the philosophy of state and society. Each political problem with which Turkey is confronted on its way to membership in fact poses the question: does Turkey adopt the political values involved, yes or no? The answers are sovereign decisions of Turkey. The proper functioning of the EU depends in the end on the question of whether the Member States really share and implement the same political values. Because of that the fulfilment of the political criteria of Copenhagen should have absolute priority over the more technical criteria contained in the next "31" chapters.

Since the adoption by the European Parliament of the resolution of 5 June 2003 on Turkey's application for accession to the European Union, the process of reform which Turkey has embarked upon over the last few years has been pursued with a determination that gives us some grounds for optimism. The Turkish Government has shown great determination, and the Turkish Parliament, where Mr Erdogan's party has an absolute majority and can therefore act more effectively in adopting new 'harmonisation packages', has been very active. The most important point perhaps is the increased support for the drafting of a new constitution based on European standards with a view to satisfying the Copenhagen criteria. Such a constitution will reflect the revolutionary change needed if Turkey is to be transformed into a potential member of the European Union.

Progress and resistance

The reforms must be welcomed because they have to some extent led to an easing of the restrictions on freedom of expression, creating a climate of change as regards the role of the military in the public domain - hitherto a real taboo - and enhancing cultural rights. However, it was impossible even for 'key' officials to predict that cases such as that of Leyla Zana would never recur. This suggests that there is still a wide gulf between the principles of the European rule of law and judicial principles in Turkey. It is surprising that this did not stand in the way of Turkey being recognised as a candidate for EU accession by the Council. The establishment by Turkey of human rights boards at local level and a central consultative council run by the Foreign Affairs Ministry to which EU ambassadors may address complaints is a very positive development.

While recognising the importance of this spirit of openness amid these difficulties, it is clear that in Turkey there are powerful forces at work in the bureaucracy, the army and the judiciary (the deep state) which resist reforms and their implementation. Meeting the Copenhagen political criteria remains a long-term project whose outcome is still uncertain and which will require the combined efforts of all the social and economic players and Turkish society as a whole. One cannot simply decree a more open approach, nor change the mentality of a people from one day to the next. Turkey has its own culture and history, and existing political structures reflect various interests. One would have to be very optimistic to believe that the political criteria could be met in ten months so that work on the more technical chapters could begin. Nevertheless, the establishment of a Reform Monitoring Group to monitor the implementation and follow-up of reforms is evidence that the Government is sincere in its efforts.

However, the impact of the reforms depends essentially on how they are interpreted by the bodies concerned and how they are put into practice. The following remarks will clarify this.

Some examples

Since the adoption of the constitutional reform, various reform packages have addressed the question of **freedom of expression**. Both the Constitution and the Penal Code contain articles restricting this freedom in the name of the fight against terrorism and in order to prevent insults to the Turkish State, criticism towards its policies and threats to the indivisible unity of the Turkish Republic.

The modifications in the package of reforms concern the articles concerning the intention (potentially criminal) 'to insult' or 'to deride' state institutions. These definitions are open to various interpretations which may of course be arbitrary. The interpretation depends on the prosecuting authority.

According to Mr Gil Robles, the Council of Europe's Human Rights Commissioner, in his report published last December, several judicial proceedings have been initiated on the basis of the revised legislation despite the entry into force of the legislative amendments. This seems to prove that there is a lack of coordination between case law and the implementation of legislative changes.

Another particularly sensitive issue is **torture**. The Government, which at the beginning of its mandate had announced zero tolerance for torture, has been very active in eradicating it by legislative means. Nonetheless, cases of torture reported by NGOs are still frequent. In order to combat this barbaric practice more effectively, torturers must be punished and education and awareness campaigns must be stepped up in the police forces. and civil society must be mobilised to forcefully condemn such acts.

Another example which shows encouraging developments marred by implementation difficulties, is **freedom of association**. The law of 11 January 2003 lifted a number of restrictions. However, the state has retained its discretionary powers to control and inspect associations and their international contacts, despite a judicial guarantee covering the activities of associations. This proves that despite reforms in this area, relations between the state and associations continue to be plagued by suspicion, and this is a barrier to the development of associations and a spirit of cooperation. The recent establishment of a department specifically charged with promoting the interests of associations sends a positive signal to civil society, but it is as yet no more than a signal.

Freedom of religion is guaranteed by Article 24 of the Turkish Constitution, but the issue of the legal personality of religious communities remains a cause for concern, particularly in the case of communities which do not benefit from the protection of the Lausanne Treaty, under the present minimalist interpretation. **The situation of Protestant and Catholic communities remains precarious, because they are the victims of absolutely unacceptable discrimination.** This atmosphere of discrimination fosters the creation of a variety of bureaucratic obstacles to the normal life of religious communities. For example the training of ecclesiastics and Greek orthodox clergy remains problematical. The Halki theological college has been closed since 1971. This raises the problem of the implementation of religious freedom and **freedom of teaching** (which is an issue in itself!) and also the question of the survival of this religious minority, following the prolonged closure of this

college.

Finally, **the protection of human rights** must remain a priority for the Turkish authorities, since there are still restrictions on fundamental freedoms, and the enjoyment of these freedoms by Turkish citizens, even if guaranteed by law, still lags behind European standards. These efforts must then be pursued. The citizens of the Member States will judge Turkey specifically on its record in these areas.

Another domain where changes are still necessary is **the role of the military in Turkish political life and its relations with the civil authorities**. In their previous resolutions and assessments, Parliament and the Commission condemned the excessive influence of the army on affairs of state exercised by the State National Security Council, a powerful body ubiquitous in the decision-taking process, and asked the Turkish authorities to change this situation which is unknown in western democracies and unacceptable in an applicant country.

Turkey heeded this demand and the seventh legislative package adopted by the Turkish Parliament in July 2003 to some extent limited the prerogatives of the State National Security Council and changed the way it operates. Nevertheless, in practice the Turkish army continues to use formal structures and informal mechanisms to influence Turkish political life. It has not yet withdrawn from the Board of Higher Education (YÖK) or the Audiovisual Council (RTÜK). The government is gradually subjecting the defence budget and all the financial resources of the army to parliamentary controls. These measures should of course have been taken before the recognition of Turkey as an applicant country. The most important test for the normalisation of the role of the army will be the outcome of the Cyprus problem. The army is opposed to reunification and has frustrated the government's intentions. Preparing negotiations requires a dialogue with the military, which shows the decisive role it plays. In a state governed by the rule of law the opinion of the army on such an issue should be politically irrelevant.

The Cyprus question must be solved in order to fulfil the requirements of the Balladur-initiative (convincing efforts leading to undisputed borders and good neighbourly relations). Indeed, these requirements had to be fulfilled previously by the ten accession-countries joining the EU in May 2004. They have to be fulfilled in the future by other states applying for candidate status. It means that the government of Cyprus has to maintain fully its collaboration with the UN and to do its utmost for the reunification of the island. It asks that Turkey does the same. The Balladur-initiative will also be used to evaluate the qualities of Croatia in order to estimate its chances of becoming a candidate-member of the EU. The European Union does not want to import border problems, for these borders will become the new outer borders of the EU itself.

The deficiencies of Turkey as a constitutional state do have immediate effects on the **possibility to collaborate in the combat of terrorism**. As long as there are reasons to distrust the judiciary system and if there is not yet appropriate privacy legislation, this collaboration will meet many obstacles. The same holds true for the **field of foreign affairs**. When the East-West controversy was all dominant the choices were relatively simple. In the present more chaotic situation, it is necessary for the EU that all Member States share the same viewpoints and political values to be defended. As is stated in the communication of the High Representative Solana, which has been adopted by the Council, the EU primarily defends and promotes a just international order. This statement can only be shared by Member

States which themselves respect the rule of law internally.

A very delicate point is **the Armenian question**. The European Parliament has great interest in this issue. Nevertheless, the resolution only raises this point in a low profile way, bearing in mind the Turkish sensitivities. However, it has to do with the Balladur principles. As recently Turkish authorities intently provoked irritation, by demanding a very biased approach (by its circulars) to this question in schools, a warning has to be given from the EP side. Why should Turkey waste its existing popular support in the EU?

Conclusion

Turkey has been recognised by the Council as a candidate-member of the EU on several occasions. In this recognition the quality of Turkey as democratic and constitutional state did not play a dominant role to say the least. Initially Turkey also preferred to discuss only the more technical chapters 1 to '31' (the acquis) and to escape confrontation with political issues. The lessons learned in Central and Eastern Europe underline, however, the absolute priority for the political criteria to be fulfilled. The character of the EU is at stake and so the possibility for the citizens to identify themselves with the EU as a union of values. A clear analysis of the political shortcomings of Turkey as delivered by the Commission and the Parliament is extremely effective in encouraging Turkey to develop further in the European direction. Each problem met means a question to Turkey: 'do you accept and support the values of the EU involved in its solution?'

There is no room for complacency, because the 'rules of the game' have been known since the beginning of the process and must be respected. What is at stake is the future of Turkish citizens who should be the principal beneficiaries of the reforms and the future of all European citizens who wish to see the project of European integration consolidated, underpinned by democratic values and respect for human rights.

22 January 2004

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the 2003 regular report of the Commission on Turkey's progress towards accession
(COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Draftsman: Reimer Böge

PROCEDURE

The Committee on Budgets appointed Reimer Böge draftsman at its meeting of 16 December 2003.

It considered the draft opinion at its meeting of 20 January 2004.

At the last meeting it adopted the following suggestions unanimously.

The following were present for the vote: Terence Wynn (chairman), Reimer Böge (vice-chairman and draftsman), Anne Elisabet Jensen (vice-chairwoman), Joan Colom i Naval, Den Dover, Bárbara Dührkop Dührkop, Göran Färm, Esko Olavi Seppänen and Kyösti Tapio Virrankoski.

SUGGESTIONS

The Committee on Budgets calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

Financial aspects

1. Supports the strengthening of the European Union's pre-accession strategy for Turkey; welcomes the fact that in April 2003 agreement was reached between the European Parliament, Council and Commission to include Turkey in the *Pre-accession strategy* heading of the financial perspectives and to substantially increase financial assistance (1050m € foreseen for the period 2004-2006).
2. Points out that the pre-accession financial assistance programme for Turkey first adopted by the Council in December 2001, which also supports activities which in the other candidate countries would be financed by ISPA or SAPARD has led to a significant

reduction in the backlog of assistance built up over the period 1996-2001; welcomes the fact that since 2002 the value of projects considerably exceeded the value of new commitments.

3. Underlines that in 2003 the Community pre-accession financial assistance to Turkey totalled 144 m € and that the budget for 2004 foresees an amount of 235.6 m €; hopes that the decentralisation of management of the assistance programme will even accelerate the increasingly positive absorption rate of community funds in Turkey.
4. Reminds that Heading 7 of the current financial perspective *Pre-accession strategy* foresees the possibility of a closer partnership with neighbouring countries, some of which could be future Members of the Union.
5. Reminds that future enlargements and other developments for a closer partnership¹ should fit within the framework of the financial perspective beyond 2006; points out that insufficient financial resources could limit the ambitions and the role of the Union.

¹ **Report of Pasqualina NAPOLETANO on relations with our neighbours to the east and south** :European Parliament resolution on Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours" (COM(2003) 104 - 2003/2018(INI))

20 February 2004

OPINION OF THE COMMITTEE ON INDUSTRY, EXTERNAL TRADE, RESEARCH AND ENERGY

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Draftsman: W.G. van Velzen

PROCEDURE

The Committee on Industry, External Trade, Research and Energy appointed W.G. van Velzen draftsman at its meeting of 20 October 2003.

It considered the draft opinion at its meeting of 19 January 2004 and 18 February 2004.

At the last meeting it adopted the following suggestions by 18 votes to 13, with 7 abstentions.

The following were present for the vote: Luis Berenguer Fuster (chairman), Peter Michael Mombaur and Jaime Valdivielso de Cué. (vice-chairmans), W.G. van Velzen (Draftsman), Gordon J. Adam (for Imelda Mary Read), Per-Arne Arvidsson (for Bashir Khanbhai), Sir Robert Atkins, Guido Bodrato, Felipe Camisón Asensio (for Concepció Ferrer), Giles Bryan Chichester, Nicholas Clegg, Marie-Françoise Duthu (for Claude Turmes), Francesco Fiori (for Umberto Scapagnini), Neena Gill (for Gary Titley), Michel Hansenne, Hans Karlsson, Bernd Lange (for Norbert Glante), Rolf Linkohr, Erika Mann, Eryl Margaret McNally, Marjo Matikainen-Kallström, Ana Miranda de Lage, Elizabeth Montfort, Bill Newton Dunn (for Willy C.E.H. De Clercq), Angelika Niebler, Giuseppe Nisticò (for Paolo Pastorelli), Seán Ó Neachtain, Reino Paasilinna, Fernando Pérez Royo (for Harlem Désir), Elly Plooij-van Gorsel, Samuli Pohjamo (for Colette Flesch), Godelieve Quisthoudt-Rowohl, Alexander Radwan (for Paul Rübig), Konrad K. Schwaiger, Esko Olavi Seppänen, Alejo Vidal-Quadras Roca, Myrsini Zorba, and Olga Zrihen Zaari.

SUGGESTIONS

The Committee on Industry, External Trade, Research and Energy calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Believes that before any membership negotiations, Turkey should be examined in the light of its circumstances; it has a large population whose per capita income is low; the structure and competitiveness of its economy are not yet up to the EU standard; it suffers from a high inflation ratio, a government budget deficit and a current account deficit; notes, however, that the market economy is developing rather well and recognises the progress made by the Turkish government in the implementation of the reform programme of economic restructuring, which has improved competitiveness and the export potential of its economy;
2. Rejoices with the early positive results deriving from the implementation of the Turkish National Programme for the Adoption of the *acquis*, but the Turkish aspirations for an early accession date to be set by EU Heads of Government and States, necessitate a determined focus on short-term priorities combined with long-term perspectives;
3. Is of the view that priority should be given to the free movement of industrial goods by establishing conformity assessment and market surveillance mechanisms as well as institutions empowered to implement product safety and product specifications for all manufactured goods; in the category of short-term priorities, removal by Turkey of technical barriers to trade is a must;
4. Encourages Turkey to adopt a medium-term policy of industrial modernisation and of setting up of a business environment conducive to new initiatives for the promotion of SMEs by taking the following measures:
 - a) a fuller participation in the 6th framework programme of research, accompanied by an increase in levels of investment in science and education;
 - b) restructuring of state-owned enterprises, focussing on the steel industry;
 - c) setting up of a Register of company establishment;
 - d) urgent alignment of the Turkish telecommunications sector with the *acquis communautaire*, with particular stress on universal service, leased lines and data protection;
 - e) liberalize the market for postal services;
 - f) the need for stricter supervision and proper implementation of reforms and changes in the legal regime;
5. Notes with interest the progress made in the energy field but further alignment with the EU *acquis* and practice are needed, notably:
 - a) the Energy Market Regulatory Authority (EMRA) acts as a government body

restricting competition in the wholesale and electricity market;

- b) the status of transfer-of-operating-rights contracts (generation and distribution of energy) needs to be clarified and current disputes to be resolved;
- c) the gas sector monopolised by one company as to international trade transmission and storage activities and cross-subsidies should be reconsidered;
- d) the Caspian-Turkey pipeline needs careful analysis by the EU institutions paying particular attention to horizontal aspects of the project, such as energy efficiency, construction costs and associated subsidies, transport security, environmental impact and questions of equity;

22 January 2004

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Draftspersons: Miet Smet and Harald Ettl

PROCEDURE

The Committee on Employment and Social Affairs appointed Miet Smet and Harald Ettl draftspersons at its meeting of 22 October 2003.

It considered the draft opinion at its meetings of 16 December 2003 and 22 January 2004.

At the latter meeting it adopted the following suggestions unanimously.

The following were present for the vote: Theodorus J.J. Bouwman, chairman; Marie-Hélène Gillig and Winfried Menrad, vice-chairpersons; Miet Smet and Harald Ettl, draftspersons; Anne André-Léonard, Elspeth Attwooll, Regina Bastos, Hans Udo Bullmann (for Jan Andersson), Ieke van den Burg, Luigi Cocilovo, Proinsias De Rossa, Carlo Fatuzzo, Ilda Figueiredo, Anne Elisabet Jensen (for Marco Formentini), Karin Jöns, Jean Lambert, Thomas Mann, Mario Mantovani, Claude Moraes, Neil Parish (for Raffaele Lombardo, pursuant to Rule 153(2)), Manuel Pérez Álvarez, Bartho Pronk, Lennart Sacrédeus, Herman Schmid, Elisabeth Schroedter (for Jillian Evans), Helle Thorning-Schmidt and Barbara Weiler.

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the progress which has been made since the last Regular Report in respect of legislation concerning labour law, equal treatment of men and women, protection of health and safety at work, dialogue between the social partners, public health, and employment policy, and calls, where there is a gap in implementing provisions, for these to be drawn up swiftly with a view to speeding up the implementation of the new laws; expresses its concern at the absence of progress in relation to social inclusion and social security;
2. Is concerned about the increasing unemployment in Turkey and about the growing gap between the labour force (employed or looking for a job) and the overall adult population; stresses the need to draw up and sign the Joint Assessment Paper on Employment Policies, which would be an important step in the preparation for joining the Luxembourg Process; calls on Turkey to accelerate its efforts to develop a national employment policy in line with the European Employment Strategy;
3. Warns that Turkey's strict labour laws in terms of employment protection can have the paradoxical effect of increasing the insecurity faced by workers as employers circumvent the rules by taking on short term workers illegally;
4. Recognises the progress made in Turkey with regard to labour law; considers it imperative, however, that the law on the protection of young people be urgently adopted and the fight against child labour stepped up; endorses, in this connection, the criticisms made by the Commission regarding the inadequate administrative capacity of 'children's offices', and calls on Turkey to provide the latter with adequately trained personnel and financial assistance;
5. Stresses the importance of a well functioning social dialogue at all levels as well in the public and private sector, and urges the Turkish government to create all the necessary conditions for a free and genuine bipartite and tripartite social dialogue, e.g. by establishing full trade union rights, by the elimination of thresholds that could prevent trade unions from taking part in collective bargaining at company level and by making it easier to form trade union branches;
6. Is concerned about the lack of financial stability of the social security system; urges Turkey to take the necessary measures to cope with the administrative and management problems; points out that reducing the large informal sector is an important step; welcomes the recently introduced Unemployment Insurance Scheme but still stresses the need to implement a more general unemployment compensation system;
7. Is concerned about the sharp increase in poverty during the last years; recalls that poor households cut down on food consumption and spend less on health and education; it is estimated that 68.7% of poor households are rural (data from UN; 1997); points out that the lack of data and insufficient research do not allow an accurate positioning of Turkey

with respect to social risk, poverty, deprivation and social exclusion;

8. Welcomes the adoption of the new Civil Code in 2002 and the implementation of laws concerning equal treatment of women and men, but deeply deplores elements of the planned new penal code, such as the proposals for sentences for honour killings and rape, which is at odds with European human rights' standards; calls on Turkey to implement a specialised body for the promotion of equal treatment as demanded in Article 11 and 12 of the Racial Equality Directive¹ and Articles 13 and 14 of the Employment Equality Directive²;
9. Welcomes the legislative reforms aimed at improving the situation of minorities (especially Kurdish, Alevis and also Roma populations); stresses the need to put these reforms into practice as minority rights are still not recognised; calls on Turkey to provide official statistical data on vulnerable groups, such as ethnic minorities, disabled people, etc. in order to define goals to improve the education and employment situation of these groups;
10. Notes with concern that no specific reference is made in employment legislation to discrimination regarding sexual orientation, disability, age or ethnic origin, that direct and indirect discrimination and harassment are not defined and that, for that reason, it is not possible for legal action to be taken on grounds of violation of the right to respect for human dignity; calls on Turkey to swiftly adapt its legislation and practice in this connection in line with anti-discrimination provisions in the EU.

¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; OJ L 180, 19.7.2000, p. 22.

² Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; OJ L 303, 2.12.2000, p. 16.

28 January 2004

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Draftsman: Karl Erik Olsson

PROCEDURE

The Committee on Agriculture and Rural Development appointed Karl Erik Olsson draftsman at its meeting of 4 November 2003.

It considered the draft opinion at its meetings of 25 November 2003 and 26-27 January 2004.

At the latter it adopted the following suggestions by 18 votes to 2.

The following were present for the vote: Friedrich-Wilhelm Graefe zu Baringdorf (chairman), Karl Erik Olsson (draftsman), Niels Busk, Francesco Fiori, Georges Garot, Lutz Goepel, Willi Görlach, Liam Hyland, María Izquierdo Rojo, Elisabeth Jeggle, Salvador Jové Peres, Hedwig Keppelhoff-Wiechert, Heinz Kindermann, Vincenzo Lavarra, Véronique Mathieu, Hans-Peter Mayer (for Michl Ebner), Xaver Mayer, Jan Mulder (for Giovanni Procacci), Mikko Pesälä and Dominique F.C. Souchet.

EXPLANATORY STATEMENT

Turkey's desire and ability to become a member of the European Union is not in doubt. The question of when negotiations can begin may even be possible to answer by the end of 2004.

With Turkey as a Member State, the relative importance of agriculture in the EU will once again increase markedly. The Commission's figures (for 1999) show that agriculture in Turkey is more important than in any other country of the 27 Member States of the EU, as they will be in 2007. This applies both to the absolute number of people employed in agriculture (over 10 million) and the proportion of Turkey's workforce employed in agriculture (45.8%). The percentage of the country's gross national product created by agriculture is also considerably higher than the EU average.

If enlargement to incorporate Turkey is to be successful, the country must be fully and totally ready for membership. Failure to implement current Community law (*acquis communautaire*) in even a small number of areas may have a highly negative impact on the entire common agricultural policy in the EU. With so many people employed in Turkish agriculture, the EU will also have a highly important role to play in halting the depopulation of the countryside and ensuring that rural areas offer social conditions and job opportunities which make them attractive to live in.

The draftsman therefore welcomes the Commission's 2003 report on Turkey, as it specifies precisely where progress is still to be made.

Much has happened since the Commission concluded in 1989 that Turkey would not be able, even in the medium-term, to resolve the problems of alignment upon accession to the EC. The Commission now takes a far more confident view of the country's ability to carry out the necessary reforms. An important step has been taken with the new Turkish agricultural policy, which was adopted in 2002. However, it is also clear that, in most areas of agricultural policy, Turkey has either only taken the first steps to align with EU rules and regulations or has not even begun the process.

The draftsman, therefore, welcomes the huge effort that has been made in Turkey but acknowledges that it is difficult to carry out a detailed assessment of a process at such an early stage of development as it is in this case.

SUGGESTIONS

The Committee on Agriculture and Rural Development calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the provisional results of the reform of Turkey's agricultural policy in 2000; encourages the country to continue resolutely with the implementation of the adopted reforms;
2. Points out that talks on gradually bringing Turkey closer to the common agricultural policy should begin only in the event that the Council, with the assent of the European Parliament, decides in favour of Turkey's accession or a privileged partnership with the European Union;
3. Takes the view that, independently of the enlargement issue, the agricultural reforms in Turkey will help to combat the depopulation of rural areas; considers, however, that it would be of benefit to the country to strengthen its rural development policy further; calls on the Commission, in this context, to make funding available for this purpose in an appropriate way;
4. Recognises that major improvements are needed in the public sector if Turkey is to start setting up the administrative bodies necessary for managing the common agricultural policy; points out that it is important to establish these bodies in good time before the country's accession;
5. Welcomes the fact that greater effort has been put into registering and identifying animals and that a law on animal protection is to be considered by the parliament; is seriously concerned, however, at the problems in controlling certain animal diseases;
6. Considers the progress which the country has made in the plant health sector to be insufficient; therefore proposes introducing reforms which will ensure Turkey's internal market compatibility in this area;
7. Suggests, with a view to imports into the EU internal market, that Turkey take monitoring measures to guarantee the safety of Turkish foodstuffs.

23 January 2004

OPINION OF THE COMMITTEE ON REGIONAL POLICY, TRANSPORT AND TOURISM

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 –SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Draftsperson: Renate Sommer

PROCEDURE

The Committee on Regional Policy, Transport and Tourism appointed Renate Sommer draftsman at its meeting of 25 November 2003.

It considered the draft opinion at its meeting of 20-21 January 2004.

At this meeting it adopted the following suggestions by 39 votes to 1, with 3 abstentions.

The following were present for the vote: Paolo Costa (Chairman), Rijk van Dam, Gilles Savary, Helmuth Markov (Vice-Chairmen), Renate Sommer, (Draftperson), Sylviane H. Ainaridi, Pedro Aparicio Sánchez (for Danielle Darras), Rolf Berend, Graham H. Booth (for Alain Esclopé), Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Christine de Veyrac, Jan Dhaene, Den Dover (for James Nicholson), Jacqueline Foster, Mathieu J.H. Grosch, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Ioannis Koukiadis (for John Hume pursuant to Rule 153(2)), Constanze Angela Krehl (for Garrelt Duin), Giorgio Lisi, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Bill Miller (for Giovanni Claudio Fava), Enrique Monsonís Domingo, Francesco Musotto, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Dana Rosemary Scallon, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Brian Simpson, Ulrich Stockmann, Herman Vermeer, Brigitte Wenzel-Perillo (for José Javier Pomés Ruiz).

SUGGESTIONS

The Committee on Regional Policy, Transport and Tourism calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

Transport

1. Notes that in the field of **air transport** no progress has been made in approximating legislation to the laws and standards of the EU; that membership of the Joint Aviation Authorities since April 2001 is no guarantee for compliance with all rules and standards of that organisation, particularly since gaps and shortcomings still occur - most notably in the area of security and air traffic control - which are unacceptable in a candidate for EU membership;
2. Stresses that in the field of **railways** too almost no progress has been made in approximating legislation to the *acquis communautaire*, though it is true that the *acquis* itself has changed significantly as well; and that in particular the administration and funding of the state railway undertaking (TCCD) still leaves much to be desired;
3. Considers it fully unacceptable that Turkey is on the black list of countries in which port state controls are not seriously applied, and that a majority of the ships on the Commission's initial list of ships which should be prohibited are flying the Turkish flag.

Notes, therefore, that a national plan is needed – no such plan yet exists – both for the systematic transposition of EU legislation into national law in the field of **sea shipping** and for the application of the existing legislation.

4. Stresses that in **road transport** too, the transposition and application of the EU *acquis* is very poor, particularly as regards transport within Turkey. For international transport, it is true that the necessary rules are complied with, but these rules derive from international agreements concluded within the ECTM (European Conference of Transport Ministers) or the ECE-UN (UN Economic Committee for Europe), which have mostly only been ratified by Turkey but not transposed into national legislation. Notes that, for the area of road transport, a comprehensive study of legislative and administrative shortcomings is necessary. On the basis of such a study, a plan must be drawn up for the systematic transposition of the *acquis*. There is a particularly urgent need for action in terms of social provisions relating to road transport (e.g. driving and rest periods for drivers), and of rules for obtaining a driving licence, driver training, transport of hazardous goods, etc.;

Regional policy

5. Notes that a law was passed in 2002 determining the provisional NUTS 2 classification (Nomenclature of Territorial Statistical Units). However, the regional structures, with adequate resources in terms of staff and funding, which are needed for a decentralised administration according to the provisions of the structural funds, have not yet been created;
6. In particular, current experience with the 10 candidate countries shows that the creation of

these administrative capacities is of central importance. The traditional central planning authority will not be sufficient to deal with tasks such as the preparation of development plans, financial administration and control, monitoring and evaluation at regional level.

26 January 2004

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

for the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy

on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 – SEC(2003) 1212 – C5-0535/2003 – 2003/2204(INI))

Draftsperson: Anna Karamanou

PROCEDURE

The Committee on Women's Rights and Equal Opportunities appointed Anna Karamanou draftsperson at its meeting of 4 November 2003.

It considered the draft opinion at its meeting of 4 December 2003.

At the meeting of 20 January 2004 it adopted the following suggestions unanimously.

The following were present for the vote: Anna Karamanou (chairperson and draftsperson), Marianne Eriksson (vice-chairperson), Uma Aaltonen, Regina Bastos, Lone Dybkjær, Lissy Gröner, Mary Honeyball, Christa Kläß, Rodi Kratsa-Tsagaropoulou, Astrid Lulling, Thomas Mann, Maria Martens, Elizabeth Montfort (for Robert Goodwill), Christa Prets, Amalia Sartori, Olle Schmidt, Patsy Sørensen, Joke Swiebel and Elena Valenciano Martínez-Orozco.

SUGGESTIONS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to Articles 6 and 49 of the Treaty on European Union,
 - having regard to the Conclusions of the EU Helsinki Summit of 10-11 December 1999,
 - having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to the Universal Declaration of Human Rights and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women,
1. Welcomes the efforts made by Turkey in the field of women's rights and equal opportunities but deplores the fact that the Turkish national instrument 'General Directorate for the Situation and Status of Women' is still lacking a legal status and consequently the necessary economic and human resources; strongly encourages Turkey to continue in its commitment to promote equal treatment and opportunities for women and men;
 2. Notes with concern that domestic violence and other forms of violence against women are still widespread; urges Turkey to provide full legal protection and judicial and economic aid to victims, as well as shelters and similar facilities, which are almost nonexistent; calls on the Commission to continue close monitoring of developments in this field;
 3. Is concerned about the continual assaults, often of a sexual nature, on women by members of the state security services, notes with concern that Kurdish women in particular are victims of such attacks and calls on Turkey to investigate such attacks thoroughly and to take all effective measures necessary to prevent them from happening;
 4. Calls on Turkey to adopt gender equality as part of the sixth reform package of the Penal Code and to amend Article 51 of the general provisions, which relates to crimes committed under extreme provocation, applicable for offences traditionally viewed as being against virtue; additionally, requests the discontinuation of the practice of having sentences reduced in cases of 'honour crimes' on grounds of customs and tradition (Article 462), notes that such crimes should be considered as murder in the first degree, as well as the deletion of the term 'virginity' from the rape crime provisions under the Penal Code;
 5. Notes with satisfaction that life expectancy for women has significantly improved but deplores the fact that Turkey still belongs (with Romania and Bulgaria) to the group of countries which devote the lowest percentage (between 2.9 % and 5 %) of public expenditure to health care;
 6. Deplores the fact that the implementation of the new Civil Code provisions allowing equal sharing of goods acquired during marriage has been very limited;

7. Urges Turkey to implement Article 8 of the European Social Charter, ratified by Turkey, on the right of employed women to protection of maternity;
8. Notes with concern that the representation of women in elected bodies and government remains low and urges Turkey to increase the efforts to ensure greater representation of women in political and economic decision-making;
9. Considers equal participation by women in education to be a central and fundamental prerequisite for greater involvement of women in political and economic decision-making processes and calls on Turkey to improve significantly its support measures aimed at women in all areas of education, particularly in higher education and vocational training.