



ekonomipolitikalarıarařtırmaenstitüsü  
economicpolicyresearchinstitute

tepav@tepav.org.tr  
www.tepav.org.tr

**Theory and practice of EU enlargement**

*outline*

I. Accession criteria: Legal or political?

Political criteria

Economic criteria

Capability to implement the acquis

II. Accession procedure: David v. Goliath?

Union procedure

Accession Treaty

The 'framework for negotiations' of December 2004

III. Important negotiation chapters I: Internal Market

Free circulation of goods

Free circulation of persons

Freedom to provide services

Free movement of capital

Competition law

IV. Important negotiation chapters II: External relations

Customs Union

External relations

Common Foreign and Security Policy

V. Turkey as EU candidate

Historical development EU-Turkey relations

Turkish reforms and the political criteria

The Cyprus issue

Good neighbourly relations

## **Theory and practice of EU enlargement**

### **Part I: Accession criteria - Legal or political?**

#### **I. Historical development of Accession criteria**

1. Article 237 TEC
2. Article 0 TEU (Maastricht version)
3. Article 49 TEU (Amsterdam version)

#### **II. Article 49 EU**

1. European State
2. Political criterion
  - a) Democracy
  - b) Rule of Law
  - c) Human Rights
3. Economic criterion
  - a) Market economy
  - b) Ability to withstand competition
4. Capability to adopt the *acquis communautaire*
  - a) Transposition of EU law
  - b) Administrative capacity

#### **III. Right to Accession for European States?**

#### **IV. Practice**

1. Greece, Spain, Portugal (1981/1986)
2. Austria, Sweden, Finland (1995)
3. Poland, Czech Republic, Hungary, Slovak Republic, Slovenia, Latvia, Lithuania, Estonia, Malta, Cyprus (2004)
4. Bulgaria, Romania (2007)

#### **V. Conclusion**

**Theory and practice of EU enlargement**

**Part II: Accession procedure - David vs. Goliath?**

**I. The legal basis (Article 49 EU)**

1. Admission to the Union and Accession Treaty
2. Contents and limits of an Accession Treaty
  - a) conditions of admission
  - b) adjustments to the EU Treaty

**II. Union procedure (Article 49 paragraph 1 second sentence EU)**

1. Application to the Council
2. Recommendation from the Commission
3. Assent of the European Parliament
4. Decision of the Council

**III. The Accession Treaty (Article 49 paragraph 2 EU)**

1. The convening of an Intergovernmental Conference
  - a) Recommendation from the Commission
  - b) Decision of the European Council
2. Conduct of the Intergovernmental Conference
  - a) Draft EU Common Positions on negotiation chapters
  - b) EU Common Positions
  - c) Candidate countries replies
  - d) "Closing" of negotiation chapters
3. Signature of the Accession Treaty
4. Ratification of the Accession Treaty
  - a) Ratification in the old Member States
  - b) Ratification in the acceding State

**IV. Practice**

1. The negotiations on the fifth enlargement
2. The "framework for negotiations" of December 2004

**V. Conclusion**

**Theory and practice of EU enlargement**

**Part III: Important negotiation chapters – Internal Market**

**I. The development of the EU internal market**

1. Negative integration
2. Positive integration
3. Jurisprudence of the European Court of Justice

**II. Free movement of goods (Chapter 1)**

1. Technical barriers to trade
2. Public procurement

**III. Free movement of persons (Chapter 2)**

1. Free movement of workers – transitional periods
2. Social security of workers
3. Mutual recognition of profession qualifications
4. Citizen's rights

**IV. Freedom to provide services (Chapter 3)**

1. Banking
2. Insurance
3. Securities

**V. Free movement of capital (Chapter 4)**

1. Restrictions on capital movement
2. Money laundering

**VI. Company law (Chapter 5)**

1. Company law directives
2. Intellectual property

**VII. Competition law (Chapter 6)**

1. Anti-trust
2. State aid
3. Public undertakings

**VIII. Conclusion**

**Theory and practice of EU enlargement**

**Part IV: Important negotiation chapters – External relations**

**I. The development of EU external relations**

1. Trade
2. External dimensions of internal policies
3. Common Foreign and Security Policy
4. European Security and Defence Policy

**II. Customs Union (Chapter 25)**

1. EU Customs acquis
2. Administrative capacity

**III. External relations (Chapter 26)**

1. Commercial policy
2. Bilateral agreements with third countries
3. Development policy and humanitarian aid

**IV. Common Foreign and Security Policy (Chapter 27)**

1. Political dialogue
2. EU sanctions
3. EU statements and declarations
4. ESDP missions

**V. Conclusion**

# **Theory and practice of EU enlargement**

## **Part V: Turkey as EU candidate**

### **I. Historical development of EU-Turkey relations**

1. The Ankara Association Agreement 1963
2. The application for membership 1987
3. The customs union 1995
4. The Luxemburg Council 1997
5. The Helsinki Council 1999
6. The Accession Partnerships 2001 and 2003
7. The Brussels Council 2004

### **II. Turkish reforms and the political criteria**

1. Democracy and Rule of Law

The NSC

The Judicial System

Political Parties

Emergency rule

2. Human Rights

International standards and the domestic legal order

Capital punishment

Pre-trial detention

Freedom of expression

Freedom of press

Freedom of religion

Cultural rights

Equality

### **III. The Cyprus issue**

1. UN Proximity talks 1999-2002
2. Direct talks 2002
3. The Annan-Plan 2002-2004
4. The referenda in April 2004
5. The EU package for the Turkish Cypriot Community
6. Signature of the Protocol regarding the adaptation of the Ankara Agreement

### **IV. Good neighbourly relations**

1. The Aegean Sea dispute with Greece
2. The relations to Armenia

### **V. Conclusion**