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# **Past and Current Paths to European Union Accession: Romania and Turkey a Comparative Approach**

Dogaru, Tatiana - Camelia

National School of Political Studies and Public Administration

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# Past and Current Paths to European Union Accession: Romania and Turkey a Comparative Approach

Tatiana-Camelia Dogaru<sup>1</sup>

## Abstract

Several decades ago, leaders of six European countries with an inclusive vision of Europe and strong courage started a construction without precedent, the European Union. The remarkable construction evolved not only concerning the number of the Member States, but also in terms of institutional and functional development. Nowadays, the European Union is one of the most important changing factor concerning the governance and the policy-making process at European level and not only, and there is no doubt that the EU will continue to grow as an increasing number of countries express interest in membership.

This paper reveals in a comparative perspective the path to European Union Accession, and is based on documentary analysis, using strategy-level documents of the countries and the Progress Reports the European Commission provided during the past enlargement.

**Keywords:** Europeanization, EU Accession process, enlargement

## 1. Introduction

“The European Union is open to all European countries” states the Treaty on European Union. The article 49 of this treaty constitutes the legal basis for any accession, and mentions the basic conditions for enlargement „Any European State which respects the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law may apply to become a Member of the Union”. Notwithstanding, getting the membership status is not automatically, each enlargement accelerating the debate on deepening versus widening, specific policy issues, budgetary concerns and the EU politics of conditionality.

In this sense, a country can only become a member if it fulfils the criteria and conditions for accession as defined by the EU leaders at their summit in Copenhagen in 1993, and by a number of subsequent EU decisions (EU, 2013:5; Iancu, 2009). The so-called Copenhagen criteria are (Matei, Matei, Iancu, 2011): (a) political: stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; (b) economic: a functioning market economy and the capacity to cope with competition and market forces in the EU; (c) the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. In December 1995, the Madrid European Council called on candidate countries to transpose the EU *acquis* into their national legislation and also to ensure that it is effectively implemented through appropriate administrative and judicial structures, as a requisite of EU membership.

Meeting these criteria transform the application for EU membership in a long and rigorous process. Whilst the pace of the accession procedure will differ for every applicant, generally speaking, a number of steps can be identified: (1) application for membership, (2) granting candidate status, (3) opening of negotiations, (4) negotiations, (5) accession. A view on this process can be drawn as follow (EC):

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<sup>1</sup>Assist. dr. National School of Political Studies and Public Administration, 6 Povernei Street, Sector 1, Bucharest, Romania, Tel.: +4021.318.08.97, dogaru\_tatiana@yahoo.com

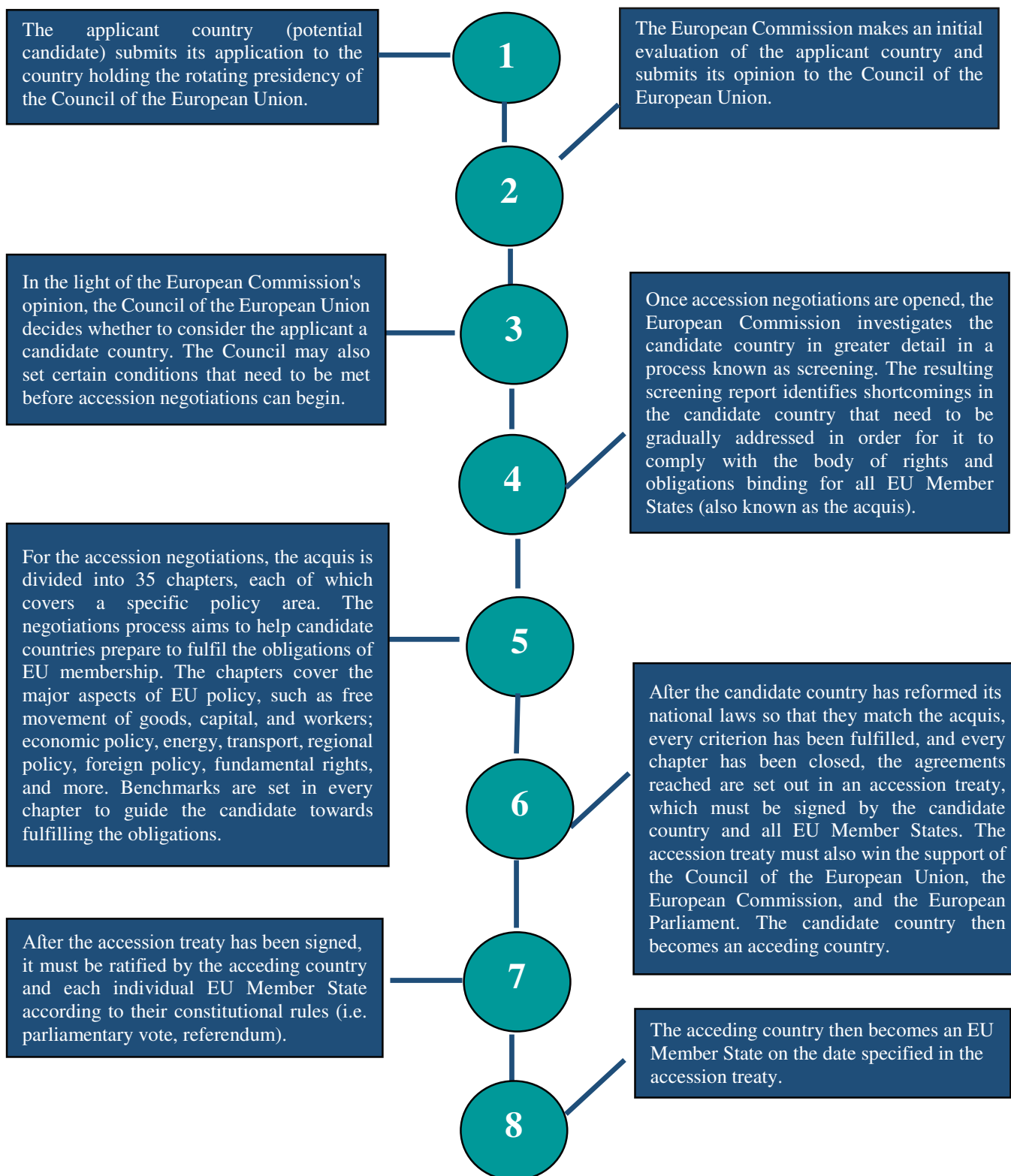


Fig. 1: EU Accession process  
 Source: European Commission, [http://ec.europa.eu/enlargement/pdf/publication/factsheet\\_en.pdf](http://ec.europa.eu/enlargement/pdf/publication/factsheet_en.pdf)

## 2. Conceptual framework: theoretical approach to enlargement

Despite its enormous relevance, enlargement still needs clarification taking into consideration that throughout enlargement process, the European Union evolved through “learning by doing so” (LaGro, 2007:7). From European Union’s view the enlargement process is an historic opportunity to promote stability and prosperity throughout Europe. In this context, the enlargement of the European Union (EU) is a key political process both for the EU itself and the international relations of Europe in general.

The literature on EU enlargement (Schimmelfennig, Sedelmeier, 2002:504) has focused primarily on three dimensions, namely: (1) applicants' enlargement politics; (2) member state enlargement politics; and (3) EU enlargement politics. During time, a further dimension started to receive attention, the impact of enlargement.

Each year the Commission adopts its "Enlargement package" - a set of documents explaining its policy on EU enlargement and reporting on progress achieved in each country. In its enlargement strategy Communication (COM (2012) 600 final) in 2012 the Commission introduced a new approach to rule of law. In its 2013 Communication (COM (2013) 700 final) the Commission set out a framework for strengthening economic governance. In 2014 (COM (2014) 700 final), the Commission sets out new ideas to support public administration reform in the enlargement countries.

Understanding enlargement links to European integration and Europeanization processes, and, also to multilevel governance. So few definitions of these processes are needed here. According to Ladrech (1994:69) (one of the most quoted sources) "Europeanization is a process reorienting the direction and form of the national political order so that the economic and political dynamics of the Community becomes a component of the organisational logic of the national politics and policy-making". Europeanization has been interpreted as a globalization process in the European realm, representing a state which is contiguous to the European integration, encompassing, among others, its impact upon the national administrations (Matei, 2004:29-43).

Others representative scholars give definition to Europeanization, for instance, Radaelli (2003:30) defines Europeanization as "a process of (1) construction, (2) diffusion and (3) institutionalisation of formal and informal rules, procedures, public policy paradigms, styles, "ways of doing things", beliefs and common values, which are first defined and consolidated in the European Union policy-making and then incorporated in the logic of domestic discourse, identities, political structures and public policies". Börzel (1999) offered a similar definition: "Europeanization is a process by which domestic policy areas become increasingly subject to European policy-making." (Börzel, 1999:574). Olsen (2002:923-924) described Europeanization as: (1) a change in external boundaries, (2) developing institution at the European level, (3) central penetration of national systems of governance, (4) exporting forms of political organization, (5) a political unification project. Concerned to improve the meaning of Europeanization concept, theorists (Matei, Matei,2010) have outlined the Europeanization approach in terms of a three dimensional process:

- top - bottom (from top to bottom, from the Union to the Member State) entitled by Dyson and Goetz (2003) [in Bache, 2005:6], Goetz, Hix (2000), George (2001) "the first generation" in Europeanization research, trying to explain the internal reactions to the exogenous pressures.
- bottom - up (from bottom to top) represents the second generation of studies, known according to Wallace's assertion as the metaphor of "magnetic fields" (Wallace, 2000:381).
- horizontal - through which administrations and different ways of governance tend to be convergent as result of a mimetic process.

Moreover, Olsen (2002) argues that the various definitions of Europeanization are complementary, without being in a relation of exclusion. Some scholars (Matei, Iancu, 2007:95) referred to Europeanization in terms of "Europeanization by deepening" and "Europeanization by enlargement". In other way, the enlargement (widening) means additional member states, while deepening represents the increasing scope and reinforce the EU's powers.

Regarding the European integration and Europeanization concepts, Andersen and Sitter (2006:315) argue that "European integration is the whole process of creating institutions and Community policies, and Europeanization defines the variation of national impact of integration". Linking EU deepening and widening is complex and multi-dimensional by nature, with many developments in different areas with different trajectories. Initially, EU deepening was broadly defined as a "rise in scope and level of European integration in terms of institution-building, democratic legitimacy and European policies" (Faber, Wessels, 2006:3). Therefore, the first meaning was as a process of gradual and formal "vertical institutionalisation" (Schimmelfennig, Sedelmeier, 2002:503). On the other hand, the EU widening was broadly defined as a "process of gradual and formal horizontal institutionalization" (Schimmelfennig, Sedelmeier, 2002:502). Due to the controversy on deepening and widening, some scholars (Umbach, Hofmann, 2009:10) drawn several pattern of EU deepening and widening. The table above presents these:

| Patterns [...]   | means [...]   | is a central pattern of [...] |          |
|--|---|-------------------------------|----------|
|  |   | deepening                     | widening |
| Continuity   | ... despite some inevitable gaps in the integration process, the EU follows a course which is not always straight, but which has so far been characterised by gradual and simultaneous EU widening and deepening. | √                             | √        |
| Cyclical relation  | ... that informal integration steps are followed by formal ones   | √                             | √        |
| Reaction to EU internal/external developments and crises | ... both processes continue as results of certain dynamics already going on within the political system rather than as responses to a clear and well-designed intention to deepen or widen the system             | √                             | √        |

Table 1: Patterns of the interrelation of EU deepening and widening

Source: adapted by author from Umbach and Hofmann: Towards a theoretical link [...]

In other words, Europeanization is discussed as a process which takes place under the guidance of the EU, necessary for any state interested in the EU accession (Grabbe, 2003; Papadimitriou, Phinnemore, 2008). For the purpose of its finalisation, it has been acted by virtue of the principle of conditionality, intrinsic to the EU program of expansion towards the Central and Eastern Europe. Conditionality is the negotiation strategy of the stimulants granted by the EU to a state so that its government can realize the conditions of accession to the EU (Schimmelfennig, Sedelmeier, 2004:662). Basically, the candidate countries have to respect the criteria decided during the Copenhagen Summit and to adopt the EU Acquis. Regardless, the approach of the above process, it is important to keep in mind, the idea from enlargement commissioner Olli Rehn speech, who in 2007 pointed out that “[d]eepening and enlargement are [...] not contradictory but complementary” and that “[i]t is the amalgam of the two that has made the Europe of today stronger, more powerful and more influential” (Rehn, 2007:1; Umbach, Zuber, 2007:2). Moreover, the relationship between Europeanization and European integration is an interactive one, inter-networking elements affecting the distinction between the dependent and the independent variable. The graphic representation of this relationship can take the form drawn below.

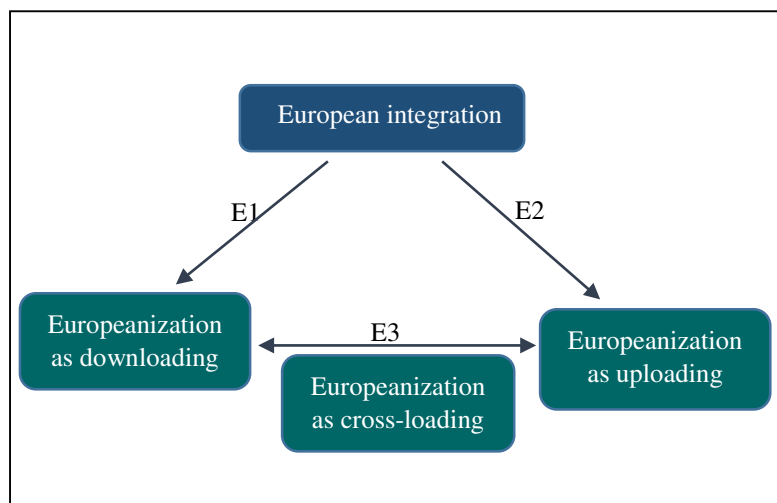


Figure 2: Relationship between the process of European integration and Europeanization

Source: adapted from K. Howell, [Developing Conceptualisations of Europeanization: Synthesising Methodological Approaches, 2004]

Regarding the governance term, it can be remark that today, the notion of governance is used in many different context. For some scholars (Torfing, Peters et al. 2012:14) governance represents the „process of steering society and the economy through collective action and in accordance with some common objectives”, while for others (Popescu, 2014) the governance must be understood as „something totally different” from what is centralized state monopoly, which attempts to explain the dispersion of central government authority both vertically and horizontally.

### 3. Research methodology and analysis

In December 2004, the EU completed accession negotiations with Bulgaria and Romania, despite some continued EU concerns about the status of judicial reforms and anti-corruption efforts in both countries.

Bulgaria and Romania formally joined the EU on January 1, 2007. Currently, five countries are considered by the EU as official candidates for membership: Iceland, Macedonia, Montenegro, Serbia, and Turkey. All are at different stages of the accession process, and face various issues and challenges on the road to EU membership. In this context, the research sample used in this paper consists of two countries, namely, Romania and Turkey. The main reason for choosing these is drawn on the controversial debate on the previous enlargement stage, the “big bang” enlargement of 2004 (Tatham, 2009) and the ongoing one. In line with the goal of this analysis, the author consider that it is important to present a few relevant moments in the history of Romania and Turkey linked to EU accession.

In this respect, we notice that in 1993, Romania signed the Association Agreement with the EEC and EAEC, acquiring the status of an associated state. Looking back, it can be remark that 1993 is a very important moment, because in the same year EU asserted about enlargement and carried out, at Copenhagen, the access conditions for the membership. Two years later, in 1995 during another special moment for European Union development (meeting of the European Council in Madrid, adding a fourth criterion), Romania applied for candidacy. Keeping the same rhythmicity, in 1997 shifted from the associate state status to a candidate state status. As a consequence of the acceptance of application for membership, the European Council announces that since 1998, the Commission will make periodical monitoring reports on Romania's progress according to the criteria set up at Copenhagen (Matei, Dogaru, 2011). Officially, the European Council decides to start the accession negotiations with Romania after an analytical examination of the *acquis* and the preparation of the positions for each chapter in 2000. The negotiations for accession started in 2000 and ended in 2004. The year 2005 situates Romania among the countries that have closed all the negotiation chapters, aspect that facilitates the signing of the accession treaty with the EU. Two years later (2007), the new status of Romania (EU membership) is institutionalized. Particularly in this period, Romania is trying to comply with the practices and the patterns of the EU (Matei, Dogaru, 2012: 131-132).

Comparative to Romania, the European Union - Turkey relation has a long history. Looking back, it can be remark the difficult roadmap for EU accession, with ups and downs. In 1963 Turkey and the EEC entered into an Association Agreement containing a membership perspective. Nevertheless, Turkey's 1987 application for full membership in the European Community was essentially rejected. In 1999 At the Helsinki Summit in December, the European Council gives Turkey the status of candidate country for EU membership, following the Commission's recommendation in its second Regular Report on Turkey. Few years later, in 2001 the European Council adopts the EU-Turkey Accession Partnership, providing a road map for Turkey's EU accession process. Officialy in 2005, the accession negotiations were opened with Turkey. Negotiations are opened on the basis that Turkey sufficiently meets the political criteria set by the Copenhagen European Council in 1993, for the most part later enshrined in Article 6(1) of the Treaty on European Union and proclaimed in the Charter of Fundamental Rights. The European Union expects Turkey to sustain the process of reform and to work towards further improvement in the respect of the principles of liberty, democracy, the rule of law and respect for human rights and fundamental freedoms.

In 2007 the European Commission presented to the European Council the Regular Report concerning Turkey's accession negotiations, and one year later published the progress report on Turkey's preparation for EU accession. No matter how long is the process, accession talks begin with a screening process to determine to what extent an applicant meets *Acquis*. Nowadays, the *Acquis* is approximately 130,000 pages of legal documents grouped into 35 chapters and forms the rules by which Member States of the EU should adhere. Coming back to process of negotiation and the time of this the analysis highlights the following findings. Accession negotiations with Romania were officially opened at the intergovernmental conference held in February 2000. Between 2000 and 2004, Romania was involved in a constant process of negotiation of the *acquis*, such as:

- [in 2000]: substantive negotiations started on five chapters of the *acquis*: “Small and medium-sized enterprises”, “Science and research”, “Education”, “External relations, and “Common foreign and security policy”. The accession conference held in June 2000 decided to provisionally close all of these chapters. As recommended by the Commission, the Presidency has proposed to open negotiations for four additional chapters in the second half of 2000: “Statistics”, “Culture and audio-visual policy”, “Competition policy”, and “Telecommunications”, and provisionally closed the “Statistics” chapter. So, in 2000 had been opened nine chapters, and provisionally closed six chapters. The label “provisionally closed” is a consequences of one of negotiation principles of the fifth enlargement, according to that a chapter is permanently closed when the remaining 30 chapters are closed (RR, 2000:12-13).

- [in 2001]: negotiations started on eight new chapters: “Free Movement of Capital”, “Company Law”, “Fisheries”, „Transport policy”, “Taxation”, “Social Policy and employment”, “Consumer and Health Protection”, and “Customs union”, and had been closed three: “Company Law”, “Fisheries” and “Consumer and Health Protection”. Thus, at the end of 2001, the total number of chapters opened was 17, out of which 9 have been provisionally closed (RP, 2001).
- [in 2002]: the main objective of negotiation was to open all the negotiation chapters, to provisionally close as many chapters as possible, based on the advancement in accession preparations, and to fulfill the commitments taken during negotiation. Consequently, 13 chapters were opened: “Free movement of goods”, “Free movement of persons”, “Free movement of services”, “Agriculture”, “Economic and Monetary Union”, “Energy”, „Industrial policy”, “Regional Policy”, “Environment”, “Justice and Home Affairs”, “Financial Control”, “Financial and budgetary provisions”, and “Institutions”. In the same time, 7 chapters have been provisionally closed: “Economic and Monetary Union”, “Social Policy and employment”, „Industrial policy”, “Telecommunications”, “Culture and audio-visual policy”, “Customs union”, and “Institutions”. Also, in 2002 was opened the chapter “Others” (RP, 2002).
- [in 2003]: in the context of the two Intergovernmental Accession Conferences, Romania provisionally closed six chapters: “Free movement of goods”, “Free Movement of Capital”, “Taxation”, “Free movement of persons”, „Transport policy”, “Financial Control”. In this time, an intermediary negotiation round for “Free movement of services took place”.
- [in 2004]: all 31 negotiating chapters have been opened. Now, were closed “Agriculture”, “Financial and budgetary provisions”, and “Energy”. Therefore, from 31 chapters opened, 27 have been provisionally closed. The following chapters remain to be concluded: Competition policy, Environment, Cooperation in the field of justice and home affairs and chapter “Other” (RR, 2004).

After negotiation on the all 31 chapters of *acquis*, in 2007, Romania become member of European Union.

For Turkey, the analysis reflects the next findings (RP, 2006-2013). As agreed at the European Council in December 2004, accession negotiations have been launched on 2005 with the adoption of the Negotiation Framework by the Council of the European Union.

- [in 2006]: has been opened the chapter: „science and research”, and provisionally closed in the same year. Concerning others 8 chapters, as a result of the EU Council decision of December 2006, the authorities decided that cannot be opened: „Free Movement of Goods”, “Right of Establishment and Freedom to Provide Services”, “Financial Services”, “Agriculture and Rural Development”, “Fisheries”, “Transport Policy”, “Customs Union” and “External Relations”(EC, 2006).
- [in 2007]: negotiations started on five new chapters: “Enterprise and Industrial Policy”, “Statistics”, “Financial Control”, “Trans- European Networks”, “Consumer and Health Protection”. On the other hand, in 2007 France has declared that it will not allow the opening of negotiations on 5 chapters: “Agriculture and Rural Development”, “Economic and Monetary Policy”, “Regional Policy and Coordination of Structural Instruments”, “Financial and Budgetary Provisions”, “Institutions”).
- [in 2008]: going further have been opened other few chapters, namely: “Company Law”, “Intellectual Property Law”, “Free Movement of Capital”, “Information Society and Media”.
- [in 2009]: two chapters got the attention of negotiation process: “Taxation”, and “Environment”, and 6 chapters have been block for opening: „Freedom of Movement for Workers”, “Energy”, “Judiciary and Fundamental Rights”, “Justice, Freedom and Security”, “Education and Culture”, “Foreign, Security and Defence Policy”).
- [in 2010]: only one chapter was opened: “Food Safety, Veterinary and Phytosanitary Policy”.
- [in 2013]: after three years Turkey succeed to open one more chapter, “Regional Policy and Coordination of Structural Instruments”, after France lifted its blockage on this.

Thus, in synthetic formula, the current status of the accession negotiations is: 13 chapters opened, 1 chapter opened and provisionally closed and 19 chapters that are not opened (Ministry for European Affairs, 2013). The analytical examination of the *acquis* (screening) was conducted on the following negotiation chapters:

| <b>Negotiation chapters of the Acquis</b> |                         |                                 |                         |
|---|-------------------------|---------------------------------|-------------------------|
| <i>Romania</i>                            |                         | <i>Turkey</i>                   |                         |
| <i>Chapter's name</i>                     | <i>Chapter's number</i> | <i>Chapter's name</i>           | <i>Chapter's number</i> |
| Free movement of goods                    | Chapter 1               | Free movement of goods          | Chapter 1               |
| Free movement of persons                  | Chapter 2               | Freedom of movement for workers | Chapter 2               |

|   |            |  |            |
|---|------------|--|------------|
| Freedom to provide services                                 | Chapter 3  | Right of establishment and freedom to provide services     | Chapter 3  |
| Free movement of capital                                    | Chapter 4  | Free movement of capital                                   | Chapter 4  |
| Company law   | Chapter 5  | Public procurement   | Chapter 5  |
| Competition policy  | Chapter 6  | Company law  | Chapter 6  |
| Agriculture   | Chapter 7  | Intellectual property law                                  | Chapter 7  |
| Fisheries   | Chapter 8  | Competition policy   | Chapter 8  |
| Transport policy  | Chapter 9  | Financial services   | Chapter 9  |
| Taxation  | Chapter 10 | Information society and media                              | Chapter 10 |
| Economic and Monetary Union                                 | Chapter 11 | Agriculture and rural development                          | Chapter 11 |
| Statistics  | Chapter 12 | Food safety, veterinary and phytosanitary policy           | Chapter 12 |
| Social policy and employment                                | Chapter 13 | Fisheries  | Chapter 13 |
| Energy  | Chapter 14 | Transport policy   | Chapter 14 |
| Industrial policy   | Chapter 15 | Energy   | Chapter 15 |
| Small and medium-sized enterprises                          | Chapter 16 | Taxation   | Chapter 16 |
| Science and research  | Chapter 17 | Economic and monetary policy                               | Chapter 17 |
| Education and training                                      | Chapter 18 | Statistics   | Chapter 18 |
| Telecommunications and information technologies             | Chapter 19 | Social policy and employment                               | Chapter 19 |
| Culture and audiovisual policy                              | Chapter 20 | Enterprise and industrial policy                           | Chapter 20 |
| Regional policy and co-ordination of structural instruments | Chapter 21 | Trans-European networks                                    | Chapter 21 |
| Environment   | Chapter 22 | Regional policy and coordination of structural instruments | Chapter 22 |
| Consumers and health protection                             | Chapter 23 | Judiciary and fundamental rights                           | Chapter 23 |
| Co-operation in the field of justice and home affairs       | Chapter 24 | Justice, freedom and security                              | Chapter 24 |
| Customs union   | Chapter 25 | Science and research                                       | Chapter 25 |
| External relations  | Chapter 26 | Education and culture                                      | Chapter 26 |
| Common foreign and security policy                          | Chapter 27 | Environment  | Chapter 27 |
| Financial control   | Chapter 28 | Consumer and health protection                             | Chapter 28 |
| Financial and budgetary provisions                          | Chapter 29 | Customs union  | Chapter 29 |
| Institutions  | Chapter 30 | External relations   | Chapter 30 |
| Other   | Chapter 31 | Foreign, security and defence policy                       | Chapter 31 |
|   |            | Financial control  | Chapter 32 |
|   |            | Financial and budgetary provisions                         | Chapter 33 |
|   |            | Institutions   | Chapter 34 |
|   |            | Other issues   | Chapter 35 |

Table 2: Negotiation chapters  
Source: the author based on officially data

During the accession and negotiation process both countries got assistance from European commission through programmes concentrate to support the Accession Partnership priorities that help the candidate countries to fulfil the criteria for membership.

#### 4. Conclusions

My research focuses on the path to European accession followed by Romania and Turkey, starting from the point of Treaty of European Union, art. 49. Pragmatically speaking, the statement of “Europe is open to all the countries from the continent sharing its values and agreeing on following its common policies” (Prodi, 2001:34), should be completed with: “Europe is pen to all states [...] ending their accession negotiation” (Matei, Iancu, 2007). The two models of Europeanization, Europeanization by deepening and Europeanization by enlargement represent a constant topic on European public agenda. In this context, the fifth enlargement, but especially, the next stage of enlargement, including Turkey create a large controversy.



Within the Enlargement framework, accession policy aims to help candidate countries to reach European standards through the support of empirical projects. The enlargement process is a very dynamic and constant process of translation of the *acquis*, which is made by different actors, including different European actors and also the candidate country itself.

Despite the lure of the benefits of membership and a similar process for joining, there is considerable variation in the efforts by applicant countries to meet the European Union's requirements, and Turkey is a relevant example in this sense. Regarding the goal of this paper, the analysis reveals that the impact of negotiating is different, from one case to other. Nevertheless, the process point out several patterns link to its stages. For instance, sequence of opening and closings, where although we are expected to find more differences in the sequence of chapter opened by each country, the analysis shows certain similarities. This can be explained by the practical demands of organizing the vastly complex process of enlargement (Glenn, 2002:7). Concerning length of negotiations for each chapter, the data shows that the negotiation process is not a linear relationship, however enlargement could be seen as a technical process. In one country the negotiation on a chapter may take few month, while in other may take few years. The analysis performed in this paper, having as sample Romania and Turkey, stresses this patterns. On patterns of transition periods (Glenn, 2002), one could notice that in some cases the transition periods reflects the European Union's concerns about the consequences of enlargement, and in other cases the transition periods emphasis the concerns of candidate countries.

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