The December 2004 European Council decision to commence accession negotiations with Turkey did not come without effort, and neither did the agreement on the common negotiation framework reached on October 3, 2005. Having been granted the status of an official candidate state, Turkey was obviously anxious to start the screening process as a prelude to accession negotiations. The European Commission had already presented a draft of the negotiation framework to the Turkish government in June 2005, stating that the conditions set by the European Council to start the talks had been fulfilled and that the next step was the adoption of the framework by the member states. But some EU member states, still not ready to welcome Turkey to the EU, were yet to abandon the idea of privileged partnership status as an alternative to full admission. Hoping to change the nature of the integration process, Austria, in particular, insisted on including a provision in the accession framework that would allow for the prospect of privileged partnership, which Turkey strongly opposed. During the EU foreign ministers’ meeting in Luxembourg, there was also debate over whether Turkish entry into the EU should be reassessed, not only in terms of the Copenhagen criteria but also on the basis of the EU’s absorption capacity, an added condition that was not applied to previous enlargements. Austria was not the only member state that wanted these changes in the accession document. There were other states taking a similar stance, eager to anchor Turkey in the EU or at least keep the full membership prospect alive for the time being, given the adverse consequences of an outright rejection.

In the final version of the document, drafted after painstaking negotiations and deliberations on alternative scenarios, reference to privileged partnership was dropped, but the condition of absorption capacity remained. The paragraph that was the source of the controversy was

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1 As noted in chapter 8, starting the talks was contingent on the adoption of six additional items of legislation that the European Council expected Turkey to fully implement, and that condition as of June 1, 2005, was fulfilled.
ultimately worded as follows: “As agreed at the European Council in December 2004, these negotiations are based on Article 49 of the Treaty on European Union. The shared objective of the negotiations is accession. These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand. While having full regard to all Copenhagen criteria, including the absorption capacity of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.”

This final draft of the agreement was not what the Erdoğan government had hoped for, but it was acceptable. Even though added provisions appeared to be potential setbacks capable of delaying or diminishing the prospect of full membership, the wording of the document excluded those possibilities at least in the intermediate term. There was a stern reminder, however, that Turkey had to fulfill its obligations under the Additional Protocol extending the Association Agreement to all new EU member states, a step that Turkey was hesitant to take since that would have implied the recognition of the Greek Cypriot government. Turkey had signed the Protocol in July 2005, broadening the customs union to include Cyprus, but in an addendum had declared that Turkey did not recognize Greek Cypriots as the sole representative of Cyprus, firmly stating that “signature, ratification and implementation of this Protocol neither amount to any form of recognition of the Republic of Cyprus referred to in the Protocol; nor prejudice Turkey’s rights and obligations emanating from the Treaty of Guarantee, the Treaty of Alliance, and the Treaty of Establishment of 1960.”

The EU responded with a counterstatement in September 2005, reminding Turkey of its obligations and the expectation of “full, non-discriminatory implementation of the Additional Protocol, and the removal of all obstacles to the free movement of goods, including restrictions on means of transport.” The EU further warned that opening negotiations on relevant chapters of the acquis communautaire (the entire body of EU legislation) and the overall progress in negotiations depended on whether Turkey’s obligations to all EU member states were fully met.

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3 EU-Turkey News Network, Declaration by Turkey on Cyprus, July 29, 2006.
4 The Council of the European Union, Enlargement: Turkey, Declaration by the European Community and its Member States, 12541/05 (Presse 243), September 21, 2005, Brussels.