

THE ACTORS AND ROLES IN THE PROCESS OF EU NEGOTIATION PROCESS

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ABSTRACT

The Negotiation Process is a period of time when the candidate countries of the European Union regulate their national legislation in conformity with the Union Acquis for the full membership of European Union. In this study, the aforementioned process will be discussed and the actions which the candidate country should perform to be a full member will be presented within a framework. During the screening procedures which exist in the first stage of the negotiation process and are important in determining the level of the national legislations in the candidate countries in terms of the union acquis of EU, the national legislation of the related candidate country is analyzed to the letter. The Intergovernmental Conference which plays a key role in initiating this process is separately discussed. After the completion of the survey process at the second stage, it was aimed to prepare the Negotiation Position Documents to draw a framework for the activities of the candidate country in terms of the conformity with the Union Acquis and submit the Documents of Negotiation Position to the Presidency of the Consultancy of the European Union. At the fourth stage, the negotiations will be opened and the conformity of national legislations in the candidate countries in terms of the Union Acquis will be explained in three different stages such as transmitting the legislation, application of the legislation and execution. At the fifth stage, the way negotiations are completed, and the way final conclusion is achieved within this framework will be discussed. At the final stage, the ultimate stage of the membership will be explained through discussing the process of preparing and approving the agreements which conditions of participation of the candidate country to the association after the completion of the negotiations.

Key Words: European Union, Candidate Country, Acquis, Negotiation

ÖZET

Müzakere Süreci, Avrupa Birliği'ne aday olmuş bir ülkenin Birliğe tam üye olabilmek için ulusal mevzuatını Avrupa Birliği Müktesebatı'na uygun hale getirme dönemidir. Burada söz konusu süreç ele alınarak bir aday ülkenin tam üye olabilmesi için ne gibi adımlar atması yönünde bir çerçeve sunulmaktadır. Müzakere sürecinin ilk aşamasında yer alan ve aday ülkenin ulusal mevzuatının AB müktesebatına uyum sağlama konusunda ne düzeyde olduğunun tespiti açısından önemli olan tarama sürecinde, ilgili aday ülkenin ulusal mevzuatı en ince ayrıntısına kadar incelenmektedir. Bu sürecin başlatılmasında etkin rol oynayan ve müzakerelerin tamamlanmasında önemli rol oynayan Hükümetler Konferans ayrıca ele alınmaktadır. İkinci aşamada taranma sürecinin tamamlanmasından sonra aday ülkenin AB müktesebatına uyum açısından yapacaklarını belli bir çerçeveye bağlayan Müzakere Pozisyon Belgeleri'nin hazırlanması ve ardından bu Müzakere Pozisyon Belgeleri'nin AB Dönem Başkanlığı'na sunulması açıklanmaktadır. Dördüncü aşamada, müzakerelerin açılarak aday ülkenin ulusal mevzuatını AB Müktesebatına uyumu, Mevzuatın aktarılması, Mevzuatın uygulanması ve yürütme olmak üzere 3 farklı aşamada açıklanmaktadır. Beşinci aşamada ise müzakerelerin tamamlanmasının ne şekilde tamamlandığı bu bağlamda nihai kapamanın nasıl gerçekleştiği ele alınmaktadır. Son aşamada artık müzakereleri tamamlamış bir aday ülkenin Birliğe katılım şartlarını ortaya koyan antlaşmaların hazırlanma ve onaylanma süreci ele alınarak üyeliğin son aşaması açıklanmaktadır.

Anahtar Kelimeler: Avrupa Birliği, Aday ülke, Müktesebat, Müzakere

1. INTRODUCTION

The negotiation process is the final step for the membership of the European Union. In order to start the negotiations with any country, the candidate countries should fulfill the political requirements of Copenhagen:

- ✓ Respect to democracy and human rights, protection of aspects of constitutional state and minorities
- ✓ Free market economy
- ✓ Being able to compete with EU
- ✓ Ability of committing the responsibility of full membership and legal acquis of the Community and apply them
- ✓ The capacity of EU to accept new members (Ülgen, 2005: 10)

Solely meeting the political criteria is not solely enough for the candidate country to become a member of European Union. In addition, it will have to overtake the responsibility of adjustment to the economic criteria and membership within the process of negotiation. The term “entering into the obligation of membership” means overtaking “the legal acquis of EU” and “required management capacity to actualize the legal acquis”. (Şahin, 2004: 39)

At this stage, it is aimed to analyze the national legislations of the candidate country and adjust the candidate country into the Union Acquis. The candidate country completes the membership process in accordance with the criteria mentioned in the document of Negotiating Framework. In the document of Negotiating Framework, the basic principles of negotiation are determined. Through this framework, the meaning of participating the participation was explained. Accordingly, the participation begins when the candidate country accepts all the rights and responsibilities of the Union system which are called legal acquis and the institutional structure of the Union. Prior to the Fifth Expansion Wave, a Certificate of Negotiating Framework was separately prepared for each country while a single and common Certificate of Negotiating Framework was prepared for all the candidate countries within the process of the Fifth Expansion Wave. For 10 countries within the Fifth Expansion Wave, there are 31 topics of negotiation while there are 35 negotiation topics for Turkey.

Membership to the European Union requires the acceptance of the rights and responsibilities which are linked to the Union system which is called “the legal acquis of EU” (*acquis communautaire*) and the institutional framework of the Union. The legal acquis of EU is continuously expanding comprises of following clauses:

- I. The contents, principles and political objectives of Treaties which underlie the Union,
- II. The legislations and decisions accepted in accordance with treaties and the the judgement of the Court of Justice of European Communities,
- III. Other procedures which are binding and non-binding in terms of accepted law within the framework of Union (for example, the agreements between the institutions, resolutions, statements, advices and guide-books),
- IV. The joint activities, common attitudes, declarations, final declarations and other transactions which have been accepted in terms of common foreign and security policies,
- V. The joint activities, common attitudes, declarations, final declarations and other transactions which have been accepted in terms of justice and internal affairs,
- VI. The international treaties negotiated by the Communities or Communities and member states and the international treaties negotiated by the member states with each other related to the activities of Union.
(http://www.abgs.gov.tr/files/AB_Iliskileri/AdaylikSureci/MuzakereCercevesi/Muzakere_Cercevesi_2005.pdf)

It is envisaged that the negotiations are actualized with each candidate country on the base of same principles but in accordance with the performance of the related country in terms of “differentiation principles”. For that reason, the negotiation process doesn’t have to be parallel for each candidate country. Accordingly, the performance of the candidate country is evaluated in terms of the following criteria: The Criteria of Copenhagen and Madrid; high level nuclear security and environmental protection; resolution of the border conflicts within the framework of the methods envisaged in the United Nations Charter; and the priorities determined in the Association Agreements and Accession Partnerships. On the other hand, each candidate country has to conform with the policies international institutions, especially the World Trade Organization, and the policies and positions determined by the Union.

2. THE INSTITUTIONS PLAYING A ROLE IN THE NEGOTIATION PROCESS

During the negotiations, the Commission conducts a scanning process, supplies the necessary documents for Council of Ministers of the European Union and prepares the position documents of EU with the Presidency of Council of EU in the draft form in return for the documents of national position which the candidate countries prepare during the negotiations for full membership. (Reçber 2004: 246) The Commission is responsible from coordinating the technical issues related to full membership and make the necessary legal arrangements. In addition, the commission gets into unofficial contacts with candidate countries if needed and gives advices to candidate countries related to the application of the legal acquis.

The draft positions prepared by the Commission is presented to the Working Group for Expansion and then submitted to the approval of the European Union Council. The Foreign Minister of the State which overtakes the Term-presidency of EU or its permanent representative conducts the presidency of the negotiations and the Secretary of the Council provides the secretarial services of the negotiation. (<http://www.ikv.org.tr/arastirmalar/degerlendirmeler/degerlendirmeler.html>)

Just after the negotiation is decided, the Inter-Governmental Conference is established for each candidate country. (<http://www.ikv.org.tr/surecinaktorleri.php>) During the inter-governmental conferences conducted with the participation of the Foreign Ministers of the member and candidate countries, basic positions and strategies are presented and political issues are discussed. The main negotiations carried out at technical levels are conducted by the committee of negotiation in the presidency of the Permanent Representatives of the EU (COREPER) and the Chief Negotiator of the candidate country.

The European Parliament participates the process through taking stand with the reports prepared for the candidate countries during the negotiations and express an opinion related to the issues. The European Parliament approves the Accession Treaty at the final stage through the “simple majority” voting system. For that reason, the Commission informs the Parliament related to all the stages of the negotiations in order to allow it closely follow the process.

While conducting the negotiations for full membership, the candidate countries establish internal structures which are responsible from conducting those negotiations in accordance with the procedures envisaged by national laws. (Reçber, 2004: 246) The aforementioned structurings carry out transactions related to the issue of determining positions for full membership. Through those structurings, political parties, local administrations, the unions and non-governmental organizations play an important role in the establishment of the draft positions.

3. THE STAGES OF THE NEGOTIATION PROCESS

1. Screening Process
2. Preparation of the Position Documents
3. Submission of the Position Documents to Term-presidency
4. Opening of Negotiations

5. Completion of Negotiations
6. Preparation and Approval of the Accession Treaty

3.1. The Screening Process

The first stage of accession treaty consists of the screening process which is initiated with the decisions of Inter-Governmental Conference (HAK). The Screening Process may be regarded as a scale of negotiations between the EU and the candidate country about how to actualize the legal acquis and harmonization. Through the screening, it is aimed to provide the harmony between the candidate country and the legal acquis of EU as soon as possible and a framework related to regulations of the issues which don't overlap with the legal acquis of the European Union.

After the European Union Council takes a decision for negotiations, an Inter-Governmental Conference is established. The parties of the Inter-Governmental Conference (HAK) consists of the representatives of the candidate country and twenty-seven member states. Initiating the screening process which aims to determine whether the candidate countries accommodate to the legal acquis of the Union, the topics of the negotiations at the beginning and other issues related to the negotiation process are finalized during that Conference. (Reçber, 2004: 245)

During the screening process, the candidate country is informed about the legal acquis of EU and then the national legislations of the candidate country is analyzed and a scheme which indicates the level of adaptation to the Legal Acquis of European Union in order to determine the topics of the negotiation. At this point, the technical inspection of the screening is conducted by Technical Assistance Exchange Office although implementers and inspectors of the screening process is Inter-Governmental Conference. It is compulsory in the conducted screening that the legislation fields which the candidate country accepts and completes, especially the regulations which is contradictory to the Legislations of the Union and those who require amendments and abolishments should be determined.

After the process of screening, the EU Commission prepares a separate "screening method" for each topic and present them to the EU Council. (<http://www.ikv.org.tr/muzakeresureci.php>). Upon the approval of EU Council for the Screening Reports, the Actual Negotiations with the candidate country starts. (<http://www.abgs.gov.tr/tarama/Ozet.htm>) The basic principle is completing the screening process for all the topics and the process of Actual Negotiations will start. However, the negotiations related to some topics which the candidate country conform with the legal acquis of the EU can be started without waiting for the completion of the screening all of the topics. Upon the approval of the EU Council related to the screening reports, the Inter-Governmental Council gathers again and the topics which Actual Negotiations will be initiated is determined during that meeting.

During the fifth process of expansion, the screening has been conducted in both multilateral and bilateral forms. The multilateral screening procedure aims to inform the candidate countries about the entire legal acquis of EU and the related topics of legal acquis and provides explanations to all the candidate countries about the current legislations and their application.

Bilateral screening process is conducted as follows: the EU Commission discusses the legal acquis of EU in accompany with the experts of the candidate country for each of the candidate countries and the level which national legislations of the aforementioned country conforms with the legal acquis as well as the deficiencies to be completed are determined in detail. During this process, approximately 25% of the legal acquis which is necessary to initiate the negotiations with EU is discussed. (<http://www.ikv.org.tr/muzakeresureci.php>)

The negotiations for full membership are conducted through Inter-Governmental Conferences/meetings with the participation of the state ministers of the candidate country on one hand in addition to the meetings with Permanent Representatives of the EU (COREPER) and the negotiation committee of the candidate country on the other hand. During the meetings at the level of

ministers, basic positions, strategies and political issues are discussed. During the meetings at the level of permanent representatives, mostly technical issues are handled. (Reçber, 2004: 246)

3.2. Preparation of the Position Documents

Prior to the negotiations, the candidate countries are asked to provide *the Documents of Negotiation Positions*. The Negotiation Positions are the documents which reveal the status of the candidate countries in terms of their conformity to the legal acquis of the Union throughout “the process of negotiations for participation”. In those documents, the ways the candidate country will make its legislations in conformity with the legal acquis and what type of a institutional structure it will establish in order to implement is planned. (<http://www.ikv.org.tr/muzakeresureci.php>)

Although the negotiation position has no definite template, the candidate countries are responsible from fulfilling the necessary conditions to be followed while preparing their own positions during the process of negotiations. Among the aforementioned conditions, following issues should be followed while preparing the negotiation positions:

- ✓ Whatever the topic of legal acquis is mentioned or the party it belongs to, any of the explained position cannot priorly determine the issues in the positions in the other topics.
- ✓ Provisional arrangements ride on limitations in terms of both time and content and contains a detailed action plan for the implementation of the related legal acquis.
- ✓ The demands for provisional arrangements don't contain amendments for the rules and policies of the Union, can't prevent its natural activities and significantly spoil the competition.

The structure of each negotiation position changes depending on the content and scope of the related topic of legal acquis. However, each negotiation position has to employ the chapters of introduction and reasoning. In the introductory chapter, the status of the topic of the legal acquis on the date the position was prepared, the level of legislative alignment, and the planned calendar of alignment all should be discussed in detail. Similar to the Screening Reports prepared by EU Commission, “the Position Documents” are prepared separately for each topic by the candidate countries. In the documents, the candidate country declares in the aforementioned topic the ways Actual Negotiation process will function, at which level it will harmonize its national legislations into the legal legislations of EU and the institutional structure with which it will conduct the Actual Negotiations. (<http://www.ikv.org.tr/muzakeresureci.php>)

During the process of negotiations for full membership, preparation of the position documents related to all the topics in terms of legal acquis, sending them to the related member countries for approval after mutually exchanging for amendments all require a huge effort and takes much time. (<http://www.ikv.org.tr/arastirmalar/degerlendirmeler/degerlendirmeler.html>) Through its authorized organs and institutions, the European Union generally answers all the questions of the candidate country related to the “Position Document. (Reçber, 2004: 247) While preparing the “Joint Position Documents”, it is extremely difficult to establish a consensus among the member countries of the European Union. (Reçber, 2004: 248) If the authorized representatives of member countries reach to an agreement on the “Joint Position Documents”, the EU Council approves this document in accordance with the procedure required by its internal regulations and officially turns it into the “Joint Position Document”. This document is sent to the related candidate country with which negotiations for full membership is conducted and the negotiations for the topic accepted in the “Joint Position Document” are initiated. (Reçber, 2004: 248)

The candidate countries have right to ask for a transition period for the fields they encounter difficulty in adopting to the positions of negotiations day on the date of participation envisaged. The candidate country may also demand for “an exception” related to a field of legal acquis. The demands for transition period and exception should be conducted properly.

The candidate country or the EU may demand a transition period from numerous reasons. Here are some of the reasons:

- a. **Technical reasons:** In some occasions, it may be impossible to employ the legislations of the EU for the candidate countries at the stage of full membership. For example, harmonizing the legislations in the field of intellectual property may require becoming a party to some international contracts. Approval of the aforementioned contracts by the parliament may not occur prior to the date of full membership.
- b. **The need for cushioning the economic effects:** Membership of a new country to the EU will doubtlessly have some effects on the economy of EU. In order to minimize the negative sides of those effects, it is aimed to extend its implementation of the aforementioned field over a period of time. In this respect, for example, the right to move freely was given to the Spanish agriculture products was given 5 years after the full membership of Spain. Moreover, the citizens of the countries in the latest expansion may be given the right to move freely about seven years later. In the December 17 Summit, potential limitations were brought into the agenda for Turkish people since they were afraid that giving right to move freely to Turkish citizens could upset the balances in the business world of Europe.
- c. The need for protecting the current high standards in the candidate country
- d. Protection of the basic national interests (eg., Selling lands to the foreigners)
- e. The need for helping candidate countries to complete social and economic transition (Ülgen, 2005: 15-17).

For 10 countries who became member of EU as a result of the negotiations, 322 transition period was given for the 16 of the topics of negotiation in 31. Two out of three topics which a transition period was given to agriculture (73), taxation (59), environment (56) and single market (free movement of foods, free movement of people, freedom of service delivery and free movement of capital) (43). (Şahin, 2004: 44) Here are some examples of the topic which were given transition period: Free movement of goods, free movement of capital, competition policy, agriculture, transportation policy, taxation, social policy and employment, energy, telecommunication and information technologies, culture and audio-visual policy, environment, customs union, institutions and other topics.

In addition to the transition periods during the negotiations, the demands for “derogation” which are also called permanent exceptions also come into the agenda. However, the aforementioned requests for derogation aren’t easy to be accepted. Because, derogations mean being unable to employ the European Union Law in some fields but the European Union tries huge effort to implement its rules within a uniformity and limit the exceptions. Related to the exceptions, the most question of fact is the exception of Denmark’s achieving “the right to prevent foreigners from buying some real estates” as an exception to the rules of Domestic Market. (<http://www.ikv.org.tr/muzakeresureci.php>)

The derogations which are known as the permanent exceptions have two forms such as temporary and permanent ones. For example, England and Denmark were given a permanent exception related to using Euro or not and they were allowed to keep their national currencies. (Şahin, 2004: 43) However, this exception isn’t given to any of the countries to be a new member. Whenever the circumstances allow, every country has to accept Euro as their currency. The fundamental difference between the temporary derogations and the transition periods is that each country has to intercalate its activities until the end of the transition period in order to obtain the transition period. In the temporary derogations, there is no such an obligation.

Recognizing the transition period generally occurs upon the harmonization to the legal acquis of EU creates economic, social and political problems. Up to present, this privilege was given to the countries such as Poland, Hungary and Lithuania only in the topics of energy, environment and social policy not in every field of negotiation. (Şahin, 2004: 43) The EU frowns on the exceptions and

transition periods in the fields such as food security, struggling against internationally organized crime, nuclear security, asylum and migration.

In another alternative, transition periods and derogations are “the precautions for protection”. The precautions for protection mean suspending the harmonization process for a while in order to sort out the problems which may arise in conformity with the EU policies after full membership. (Ülgen, 2005: 20) At this point, the section in the Decision of the December 17 Summit employs an expression stating that the EU may keep its rights for precautions for protection related to the free movement of workers, agriculture policy and structural funds even after the full membership of Turkey.

3.3. Submission of Position Documents to Term-Presidency

The candidate country presents the “position document” which was prepared for each topic of legal acquis to the Term-Presidency of EU Council. The Term-Presidency of EU transmits the position document sent by the candidate country to member countries of EU and EU Commission.

The Directory of Expansion in EU Commission analyzes each position document with general directory related to the issue and prepares a “Joint Position Draft” after interviewing with the candidate country. The prepared “Joint Position Draft” is sent to the Council by the European Commission and is discussed on the “Joint Position Draft” by the Working Group for Expanding in the Council and the draft is finalized after receiving opinion from the member countries and then the draft is submitted to the Council of European Union (the Council of General Affairs and External Relations).

When the “Joint Position of EU” is accepted by the EU Council and enter in force by unanimous vote, it is sent to the candidate country and the negotiations actually start in the related topics.

3.4. Opening of Negotiations

In principle, the candidate country enters into obligation about undertaking the Legal Acquis of the European Union and implement them. (Reçber, 2005: 248) This process in which no selection is made about overtaking the legal acquis or employing it is different from the conventional negotiation processes since they are unilateral. Throughout the accession negotiations, the only issue they negotiated is the conformity calendar related to the topic.

The harmonization of legislations takes place in three stages:

- a. **Transfer of legislations:** In order to transfer the liabilities, rights and responsibilities in the legislations of European Union into the national law system of the candidate country, some regulative precautions in terms of law and obligatory precautions in terms of administration may be required. For that reason, the transfer comprises of not only repetition of the expressions of the related legislations in the national law but also abolishment of the conflicting provisions, making amendments and adding cumulative sentences so that national law can reflect the provisions of the related legislations.
- b. **Implementation of legislations:** It is necessary to establish the required infrastructure and regulations so that the legislations of the European Union is added into the provisions by the institutions responsible from the implementation of the related legislations and the rights, liabilities and responsibilities related to the aforementioned legislations are fulfilled the most effectively.
- c. **Execution:** It comprises of all the precautions that the competent authorities will take related to the implementation of the legislations (observation, instant inspections, obligatory correcting precautions, punishments etc.). (<http://www.ikv.org.tr/muzakeresureci.php>)

Establishing the administrative structures to provide implementation and execution in the harmonization of the legislations and mastering of those structures in the legislations that will be implemented plays a significant role in achieving the success of the process during the harmonization of the legislations.

Negotiations are generally started with the topics which are called “easy” fields and can be completed very soon. However, the same classification can't be conducted since priorities and locations of the related candidate country may differ. (Reçber, 2004: 249)

The negotiations take short time in some topics such as Economic and Monetary Union, Protection of the Consumers and Health of the Consumers, Joint Foreign and Security Policy, Foreign Economic Relations and Financial Control although they aren't opened primarily.

Fishing, Telecommunication and Information Technologies, regional Policy, the Customs Union, Cultural and Audio-Visual Policies and Corporation Law are the fields where the candidate countries encounter the least problems or completed the negotiations after slight amendments or regulations in their national legislations.

The most problematic topics which naturally take the longest time are as follows; Free Movement of Goods, Free Movement of Services, Free Movement of Capital, Competition, Transportation, Energy, Justice and Internal Affairs, and Employment and Social Policies.

During the negotiations, the most difficult topics which majority of the problems are encountered during the harmonization process in terms of content are Agriculture and Environment. When it is considered that approximately 50% of the Budget of the European Union is agriculture and nearly half of the legal acquis of the European Union is regulations related to agriculture; similarly, the legislations which regulate the environment is extremely comprehensive and require huge investments with big financial troubles for the candidate country throughout the negotiations, it is natural that the aforementioned topics are the most problematic ones for the candidate countries. (<http://www.ikv.org.tr/muzakeresureci.php>)

3.5. Completion of the Negotiations

When the candidate country obeys the process and applications mentioned in the position document during the actual negotiations, and as a result of this, provides harmonization with the legal acquis of EU in the related topic and the positive decision of Inter-Governmental Council which was taken by unanimous vote the topic is temporarily closed. Closing the negotiations related to any of the topics of the legal acquis means the parties keep their right to re-open the negotiations related to the aforementioned topic. The main reason for this is the principle that “if no agreement is achieved on everything, no agreement is obtained in anything” which is one of the main determinants of the negotiations.

The temporary closing means that the candidate country has achieved the harmonization in the aforementioned topic. However, the temporary closing also means that the closed topic may be re-opened, and within this context, the actual negotiations may be returned in case candidate country fails in providing harmonization or fulfilling their commitment. By this means, it is aimed that the candidate country doesn't crow over and maintain the targets mentioned in the Position Document.

Upon the candidate country fulfill the objectives mentioned in the Position Document in all the topics and achieved harmonization in the legal acquis of the EU, all the topics are eventually closed. The eventual closure may be regarded as an occasion which expresses that the candidate country may become a member of EU. The process of negotiation is finalized through the Eventual Closure.

3.6. Preparation and Approval of the Accession Treaty

After the completion of the negotiations, the Accession Treaty which determines the conditions to participate the European Union is prepared. When the expanding processes of Europe Union is considered, it may be recognized that the European Union Commission starts to prepare the draft of Treaty and its attachments during the process of negotiation.

The Accession treaty employs the topics which were discussed and adjudicated during the negotiations. They include the following topics:

- ✓ Condition of accession to the EU institutions for new member,

- ✓ Periods of transition and derogations given to the new member,
- ✓ The contribution of new member to the EU budget and support he will receive from the budget,
- ✓ The amendments in the common policies so that harmonization is achieved.
- ✓ New programs to constitute in order to ease the process of orientation of the new member to full membership. (Ülgen, 2005: 59)

The aforementioned draft is analyzed and discussed in a working group which consists of the member countries, the related candidate country and the representatives of the Commission and Council and finalized at the end. Following those transactions, as accepted in the Clause 49 of the draft Accession Treaty¹ (ABKA), the Parliament evaluates the report of the EU Committee and opens the Treaty up into the process of voting in the general session in accordance with the approving procedure. According to this procedure, the decision of approving is taken through the vote of one more than half of the total number of the members of the Parliament, namely, through simple majority. After the approval of the EP, the Treaty should be unanimously approved by the Council.

Following the approval of the European Parliament and the Council, the Treaty is signed by the member countries and the related candidate country, the Accession Treaty is approved by the contracting parties (the members of EU and the candidate country) according to their constitutional practices (through the approval of Council or referendum) and then it goes into operation and the accession process is completed. (<http://www.ikv.org.tr/muzakeresureci.php>)

4. CONCLUSION

In conclusion, we can state that the negotiation process is the final step for a country which became a candidate for European Union to be a full member. At this stage, necessary amendments or appendices are included so that national legislation of the related candidate country harmonizes to the legal acquis of EU and the final stage of the full membership is accomplished. The speed of this process is determined by the progress of the related candidate country in fulfilling the necessary membership conditions.

The negotiations generally start with the topic which may be called “easy” fields and can be finalized very soon. However, it is hard to make the same classifications for all the candidate countries since the priorities and status of the related candidate country related to those topics may vary. Considering all the Copenhagen Criteria, including the absorbing capacity of the Union, an open gate was kept for the privileged partnership of Turkey, except full membership through stating that “Turkey should be tightly connected to the European structures even if Turkey fails in fulfilling its liabilities for full membership.”

The negotiation process is the most important instrument for the EU integration and EU Expansion. During and after the negotiation process, the levels which candidate countries achieve in harmonizing the legal acquis of EU are very important in terms of the future of EU and accomplishing the integration positively. It is the final stage of full membership where national legislations of the candidate countries are scanned and adapted into the legal acquis of EU.

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