

EXPECTING THE SAME RESULTS FROM DISSIMILAR LEGAL TEXTS: AN ASSESSMENT OF ASSOCIATION AGREEMENTS OF TÜRKİYE AND GREECE

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Research Article

Abstract

This article compares the association agreements of Greece, which signed the first association agreement with the European Economic Community (EEC), and Türkiye, which subsequently signed a similar agreement. It has been argued for a long time that the Ankara Agreement was inspired by the Athens Agreement. This article tries to reveal that although the aims and purposes of these agreements are similar, they diverge considerably when examined closely, both in spirit and wording. The argument of the article is that the Athens Agreement was prepared from the very beginning by the EEC to bring Greece to full membership as quickly as possible. But the Ankara Agreement with Türkiye appears to be a derivative agreement very similar to the Athens Agreement, but it has different important clauses and a deliberately weakened regulatory power. As a result, the Ankara Agreement, which is still in force and forms the legal basis of Türkiye's relations with the EU, neither had the proper content to carry Türkiye into full membership at the time it was signed, nor it is not meaningful in this context to expect same results from the legal texts that differ in this way. This paper attempts to prove this assertion.

Keywords: Association, EU Membership, Türkiye, Greece, European Economic Community

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Farklı Hukuk Metinlerinden Benzer Sonuçlar Beklemek:

Türkiye ve Yunanistan Ortaklık Anlaşmalarının Karşılaştırılması

Öz

Bu makalede Avrupa Ekonomik Topluluğu ile ilk ortaklık anlaşması imzalayan Yunanistan ve ardından benzer bir anlaşmayı imzalayan Türkiye'nin ortaklık anlaşmaları karşılaştırılmıştır. Ankara Anlaşmasının Atina Anlaşmasından esinlendiği uzun süredir savunulmuştur. Bu makale, bu Anlaşmaların hedefleri ve yapılış amaçları benzer olsa da hem ruhu hem de lafzı yakından incelendiğinde önemli derecede ayrıştıklarını ortaya koymaktadır. Makalenin iddiası şudur: Atina Anlaşması AET tarafından en başından Yunanistan'ı en hızlı şekilde tam üyeliğe taşımak için hazırlanmıştır. Türkiye ile yapılan Ankara Anlaşması ise, ilk bakışta Atina Anlaşmasına benzer şekilde düzenlenmiş bir türev anlaşma gibi görülse de önemli maddeleri farklı şekilde düzenlenmiş ve yaptırım gücü bilinçli olarak zayıflatılmış bir anlaşmadır. Sonuç olarak, halen yürürlükte olan Ankara Anlaşması, AB ile olan ilişkilerimizin (müzakere eden ülke statüsü ile birlikte) hukuki temelini oluşturmaktadır. Ancak, bu anlaşma Atina Anlaşması'nın aksine, ne imzalandığı dönemde ne bugün Türkiye'yi tam üyeliğe taşıyacak bir içerik ve kapsama sahip olmamıştır. Bu şekilde farklılaşan hukuki metinlerden benzer sonuçları beklemek de bu bağlamda anlamlı değildir. Elinizdeki çalışma bu tezi kanıtlamaya çalışmaktadır.

Anahtar Kelimeler: Ortaklık, AB üyeliği, Türkiye, Yunanistan, Avrupa Ekonomik Topluluğu

Introduction

The Athens Agreement of 1962¹ and the Ankara Agreement of 1963² are agreements signed pursuant to Article 238 of the EEC Treaty³. It is often

¹ Council Decision of 25 September 1961 on the conclusion of the Agreement establishing an Association between the EEC and Greece, Official Journal of the European Communities, 293/63, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31963D0106&from=HR>

² Agreement on measures and procedures required for the implementation of the Agreement establishing an Association between the EEC and Turkey", Official Journal 64/737/EEC, 217, 21/12/1964 P. 3703-3704. https://eur-lex.europa.eu/resource.html?uri=cellar:f8e2f9f4-75c8-4f62-ae3f-b86ca5842eee.0008.02/DOC_2&format=PDF

³ Article 238 of the Treaty establishing the EEC: The Community may conclude with a third country, a union of States or an international organization agreement creating an association

claimed that the Ankara Agreement is directly inspired by the Athens Agreement. Although at first glance they may seem to have a common character in terms of their aims, scopes, and objectives and almost the same wordings in many articles, these two agreements differ from each other in essential points. Both agreements set the establishment of a customs union and then full membership as the ultimate goal. Greece Agreement contains clearer, more concrete and precisely defined provisions. Considering the results of both agreements, one of the agreements led Greece to a customs union with the EEC in 1968⁴, covering industrial products and many processed agricultural products, and finally to the EC membership in 1981. The other agreement took Türkiye only to a customs union in 1996 and to the status of a negotiating country for full membership 60 years after the signing of the Association Agreement (AA).

The following question arises here: Did the EEC at that time, as the Association Agreement was being initiated, show her intention to make a full member of the Community? As known, Greece was an orthodox Balkan country with Hellenistic roots, economically backward and newly returned from a seven-year military junta to democracy.

If the assertion that the Athens and Ankara Agreements are identical agreements is true, they could have led Greece and Türkiye to at least close consequences if not necessarily to the same results, owing to the diverging country-specific economic conditions of both countries. The clearest proof of this would come through the assessment of the different effects and results generated by these agreements. This paper will compare and evaluate the Athens and Ankara agreements as legal bases for the two countries' relations with the EU. Political issues regarding the controversial relations between the EU and Türkiye will be discussed partially and as much as necessary.

After the short introduction, Section I summarize the developments in Greece and Türkiye's association history, including the motivations of contracting parties of the agreements. Section II and III examine the

embodying reciprocal rights and obligations, joint actions and special procedures. Treaty establishing the EEC and connected documents. Luxembourg: Publishing Services of the European Communities, "Treaty establishing the EEC", p. 5-183.

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:11957E/TXT&from=en>

⁴ Association between Greece and EEC, Annual Report presented by Greece, GATT Document L/3319, from 20 January 1970,

<file:///C:/Users/m.eren/Desktop/Greek%20customs%20union.PDF>

Association between Greece and EEC, Tariff Alignment and negotiations under Art. XXIV:6, GATT L/3401/Add.1 from 22 June 1970,

<https://docs.wto.org/gattdocs/q/GG/L3799/3401.PDF>

Associations Agreements of Athens and Ankara respectively. In Section IV, a comprehensive examination of the agreements will be carried out by means of a comparison of the main economic provisions.

I. Historical Background and the Motivations of Greece and Türkiye for an Application and the Reactions of EEC

“To be honest, Greece’s application for accession in 1962 was greeted with enthusiasm in Europe, especially by Walter Hallstein⁵. Hallstein revealed in the idea that the country that was the cradle of the European democracy, Greek spirit that had made Europe great, wanted to come and be a member! It was the first new state that wanted to join the EEC, and we were almost drunk with joy, we were very enthusiastic. At times, you might say we found it rather difficult not to express our enthusiasm too openly, because after all we were facing tough negotiations”.

These words, which reveal the sincere feelings expressed during Greece's application for association in the summer of 1959, belong to the rapporteur who at that time was in charge of the evaluation of Greece's membership on behalf of the Commission⁶. This positive approach was always dominant during the membership process of Greece, which started in 1959 and ended with its accession in 1981.

On 8 June 1959, just two years after the establishment of the EEC, Greece applied to the EEC to establish a membership based on Article 238 of the Treaty of Rome⁷. Just 52 days after this application, on 31 July 1959, Türkiye applied for association, again on the basis of the same article. The reasons of Greece and Türkiye for applying for the EEC membership was almost similar. Although we will not go into details here, we can summarize the common motivation shared by both countries in a few points. Desiring to be a member of the European family, both countries aimed to join the EEC,

⁵ Walter Hallstein, was the first President of the Commission of the EEC for the period between 1958 and 1967.

⁶ Interview der Hans-August Lucker, François Klein, Bonn 15. Mai 2006, Traduction Centre Virtuel de la Connaissance sur l'Europe (CVCE), https://www.cvce.eu/en/obj/interview_with_hans_august_lucker_the_association_agreement_between_greece_and_the_eec_bonn_15_may_2006-en-c0a40276-36e3-4263-ad73-888578b88254.html

⁷ Ibid. FN 3

with the thought that after becoming a member of the Council of Europe politically and NATO militarily, it would probably help to improve their economically backward situation. At the beginning of the 1960s, both countries were making a significant part of their exports to the EEC countries. However, their desire to take part in this new formation in Europe was becoming. Both countries aimed to reveal their economic and political standings which at that time relied more on commercial concerns. Especially for Türkiye, the decrease in economic aid from the USA, from which it had obtained a large amount of external financial resources, and the binding nature of these aids on certain political conditions led Türkiye to seek new sources from which it can find long-term loans. In this framework, at the end of the 1950s, Türkiye began to see the EEC as a "lifebuoy" that could save itself from the economic crisis⁸. Greece was also cautious to not stay out of European integration, considering its own economic problems and thinking that becoming a full member of the EEC would help it overcome these problems.

The reasons behind Greece's interest in the EEC were undoubtedly the political developments that emerged at the end of 1950s. To put it in different words, by means of membership, Greece also hoped to bolster its nascent democracy and its bonds with the West while at the same time freeing itself from the American political and economic influence favored by the military⁹.

Similar titles with Greece can be used as the reason for Türkiye's application for EEC membership. As Türkiye did until 1959, was the primary motivation. Also, the noticeable economic reasons, the strengthening of democracy, and last but not least, the concern of remaining in an economically and politically at a disadvantaged position against Greece played an important role.

In terms of the Community, it can be said that signing an Association Agreement first with Greece and then with Türkiye has more of a political implication. Close relations with these two countries formed the cornerstones of the Mediterranean policy that the Community would later pursue. The most fundamental difficulty faced by the Community in 1959 was undoubtedly the

⁸ Baskın Oran (Ed.), *Türk Dış Politikası*, Cilt: 1, 7. Baskı, İstanbul: İletişim Yayınları, 2003, p. 813.

⁹ Etienne Deschamps and Christian Lekl, "The Accession of Greece", CVCE, Centre Virtuel de la Connaissance sur l'Europe (CVCE), European Navigator, 2016.
https://www.cvce.eu/content/publication/1999/1/1/61a2a7a5-39a9-4b06-91f8-69ae77b41515/publishable_en.pdf

balanced or equidistant approach it had to maintain in its relations with both countries. Due to both these constraints and pressure from the United States, both treaties were given equal status. The Community's will to maintain its relations with Greece and Türkiye in a balanced way can be understood from the similar association status it has provided to these two countries. The most important political reason behind this balance policy was the existence of sensitive political disputes such as Cyprus between Türkiye and Greece, though both countries were NATO members at the same time. The obligations undertaken by the Community, however, appear to be reasonably counterbalanced by the eventual advantages to the EEC of greater shipments of Community goods to these countries, a greater supply of badly needed labor for the EEC member states, and the prospects of full integration of Greece and Türkiye into the Community with all the economic and political implications which such an integration may carry with it.¹⁰

II. Athens Agreement of 1961

The preliminary exchanges of views and substantive negotiations lasted almost two years. The delay in their conclusions can partly be attributed to the fact that Greece was the first country to conduct bilateral negotiations for a separate agreement with the EEC, her association agreement being the first of its kind. Hence, the Community was careful in working out the scope and depth of the agreement, realizing that it was setting a precedent¹¹.

In the Athens Agreement, which also includes the option of full membership, the envisaged method to achieve this goal was to reach a customs union in the first stage. While this was being done, the understanding of a possible asymmetry between the obligations of the parties, such as tariff reduction, constituted the basic logic of the agreement. As trade liberalized, the Greek reduction calendar worked more slowly than the Community calendar. The Community reduced the level of customs tariff applied to Greek industrial products to the level applied between member countries within the Community on the date of entry into force of the Agreement. 1 July 1968 was the date when the Community members adopted the Common Customs Tariff by nullifying the customs duties applied to each other's industrial products and taxes with equivalent effects and quotas. As for the imports of Greece from

¹⁰ Feld, Werner, *The Association Agreements of the European Communities: A Comparative Analysis*, International Organization, 19, 2, (1965): 234
<https://www.jstor.org/stable/pdf/2705812.pdf>

¹¹ Tsalicoglou, *ibid* p. 9

the Community, the Agreement divided the Greek industrial products into two categories as “produced” and “not produced” in Greece on the date the Agreement entered into force. On the other hand, tariffs on products not manufactured in Greece are gradually reset over a twelve-year period, while for products manufactured in Greece, this process is spread over a twenty-two-year transition period. As for the agricultural products, special regulations were made for some sensitive products (wine, tobacco, raisins, olives, resins, naphtha oil, etc.) exported from Greece to the EEC, while all remaining products were subjected to the same regime applied to Greek industrial products.

However, the overthrow of the government by a military coup in Greece on April 21, 1967, which heralded a period of military dictatorship and diplomatic isolation, led to the suspension of the Association Agreement and it was expected that the Colonels' Junta would come to an end on July 24, 1974, and the transition to civilian administration was expected in order to regain its functionality. The AA started to function again from where it left off with a decision taken by the Council on 17 September 1974. After a long-term military regime, Greece's decisiveness towards EEC membership became stronger. The will to protect democratic institutions, the security concerns that emerged after the withdrawal from NATO's military wing, and once again the attempt to weaken relations with the United States, which the Greek army attaches great importance to, can be put forward amongst the main factors for their motivation. On 12 June 1975, Greece applied for full membership of the EEC. On June 24, 1975, the Council immediately requested that it express its opinion on the admission of Greece to full membership and referred the file to the Commission. Greece's application for full membership is interpreted as moving to a different track (based on Article 237 of the EEC Treaty¹²), leaving aside the rights and obligations arising from the association law (in accordance with Article 238 of the EEC Treaty). In this way, Greece wanted to take a step forward. The Commission, on the other hand, stated that although it welcomed the application, it had some reservations about its timing. The Commission recommended that a certain period should be considered as a transition period before the obligations of membership are assumed, in order for the country to realize the considerable structural transformations and regulations that it has not yet realized in terms of politics and economy. In addition, and more importantly, it was emphasized that the premature membership of Greece would harm the balanced approach

¹² Article 237 of Treaty establishing the EEC: “Any European State may apply to become a member of the Community. It shall address its application to the Council which, after obtaining the opinion of the Commission, shall act by means of a unanimous vote.”

to both countries employed by the EC in the Eastern Mediterranean. The Commission gave a negative report to the application in a sense.¹³ A number of the caveats set out in the Commission's opinion provoked strong reaction in Greece. Nevertheless, the Council did not comply with this recommendation and decided to officially start the full membership negotiations on 27 July 1976.¹⁴ The support given to Greece by Germany and France, the two most significant member countries of the EEC at that time, played a very important role in taking this decision. While France's support was primarily based on political reasons, Germany's support was based on economic reasons. To emphasize more concretely, France prioritized the strengthening of the democratic regime in Greece, as it was situated on the edge of the Balkans, and to which it gave unconditional support for full membership. On a symbolic level, its accession would also make a reality of the Hellenic culture's full and complete attachment to European and Western civilization. Germany, on the other hand, was acting more in line with its own economic interests as well as the cultural dimension of the business. Germany was traditionally Greece's strongest trading partner, or, in other words, its largest supplier. Greece's membership would increase its power both in this country and in the Balkans¹⁵.

Thanks to the strong political will and support behind it, the negotiations, which started on July 27, 1976, were completed in a record time of 34 months

¹³ Commission, Opinion on Greek Application for Membership, age, p. 10. "The prospect of Greek membership raises the problem of the disagreements between Greece and Türkiye, an Associate country whose agreement with the Community also has full membership as its stated final objective. The European Community is not and should not become a party to the disputes between Greece and Türkiye. The Commission is consequently of the opinion that the European Community should urge upon Greece and Türkiye the need for them to reach just and lasting solutions to the differences which separate them. The Community should consider what part it could play, in parallel with the preparatory work for Greek accession, to facilitate this process. It is evident that the success these initiatives does not depend on the Community alone and it would therefore be inappropriate for the decision on Greek membership to be dependent on it. Until now the balance in the Community relations with Greece and Türkiye has found its expression in their identical status as Associates both of them with the possibility of full membership as the final objective, albeit with different timetables. Unavoidably the prospect of Greek membership of the Community introduces a new element in this balance."

¹⁴ "One of the first actions of the Greek Council was to set up an Association Committee which among other duties is charged with ensuring the continuity necessary for the smooth operation of the Association Agreement. While the Greek Council meets only twice a year, the Association Committee meets twice a month under a chairmanship alternating every six months between Greece and the Community and takes care of all routine matters. Since its inception the Committee has become a very useful and significant cog in the institutional machinery" P. 240 *ibid* FN 10, P. 237

¹⁵ See FN 12

and concluded on May 23, 1979. The Accession Treaty was signed on 28 May 1979 and Greece joined on 1 January 1981, as the tenth member of the European Community. Considering the interruption of a seven-year military regime, it was a remarkable improvement that relations could progress at this level and bring this country to full membership.

III. Ankara Agreement of 1963

When we evaluate the situation of Türkiye, we can say that it was faced with a very different and slow-motion process than the one Greece went through. Regardless of the political will and backing for Greece, when the agreements concluded with both Türkiye and Greece are inspected thoroughly, it is understood that a very different result could not be in question.

The negotiations between Türkiye's association application and the signing of the Ankara Agreement took place in three periods. Although the relations were interrupted to some extent by the military coup of May 27, 1960, Türkiye agreed to conclude an association agreement according to Article 238 of the Treaty of Rome. The parties agreed to start the process with a 6-year preparation stage and a financial aid of 175 million ECU. During the negotiations, Germany supported Türkiye, while Italy, due to economic reasons, and France, with the claim that democracy was not fully established, constantly caused difficulties for Türkiye¹⁶. Despite this, the Ankara Agreement was signed on 12 September 1963 and entered into force on 1 December 1964. Fulfilling the obligations arising from the Ankara Agreement and the Additional Protocol¹⁷ (AP) was extremely difficult for Türkiye due to the economic difficulties it was experiencing at that time.

Parallel to all these developments, the Community made many preferential trade agreements with third countries in the 1970s. The expansion of the Community and the free trade agreements that some of the new members concluded with the Asian, Caribbean and Pacific countries (ACP) and Mediterranean countries with which they have colonial and traditional ties also caused Türkiye to suffer significant losses instead of benefiting from its association status. Also, owing to the effects of the two oil crises in the 1970s, Türkiye experienced great problems such as economic crisis and political

¹⁶ Rıdvan Karluk, *Avrupa Birliği ve Türkiye*, 8. Baskı, (İstanbul: Beta Yayınları, 2005), 663.

¹⁷ Additional Protocol, Official Journal of the European Communities, L 361, No. 31.12.1977, p. 60-75.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21970A1123%2801%29>

instability. These difficulties also affected the relations with the EEC, which is one of the important agenda points of Turkish foreign policy. During the 1974-1976 period, relations between Türkiye and the EEC became tenser than ever before. The most important reason for this was the military intervention of Türkiye in Cyprus on 20 July 1974. While the military intervention had a negative impact on the Community's view of Türkiye, the Community greeted the overthrow of the Colonels' Junta in Greece and the return to democracy as a positive side effect of the intervention with great affection¹⁸. As a result of economic and political turbulence, Türkiye announced a unilateral decision to the Community on 25 December 1976 to suspend the operation of the reduction calendar for a while, based on Article 60 of the Additional Protocol, due to the difficulties it experienced. Thus, she declared that she had fulfilled the tariff reductions until January 1, 1976 and that she would not make the tariff reductions in 1977 and 1978 and would postpone them¹⁹. However, on 9 October 1978, Türkiye made some demands from the Community in order to revive the relations. These were the freezing of Türkiye's obligations for 5 years, the removal of restrictions applied to Turkish goods (to correct the balance of payments deteriorated due to rising oil prices), the benefiting of Türkiye from the preferential trade concessions applied by the EEC against the underdeveloped or developing third countries, and the provision of a new financial aid. The Community accepted only the first one and on September 21, 1979, the parties mutually decided to stop the operation of the reduction calendar. As it is known, Greece concluded the accession negotiations in those days, signed the accession agreement and reached its goal of full membership 15 months later. There was no major change for Türkiye in the following period as well, and relations severed very quickly after the army seized power on September 12, 1980, due to the increasing political and economic instability in the country. On this date, Greece had only 3 months left for full membership.

Are the differences between these processes based on different conceptions of countries or on different legal backgrounds in the agreements concluded with them? We are arguing that they are rather based upon the legal background of the agreements, as demonstrated below.

¹⁸ Oran, *ibid*, p. 848

¹⁹ Karluk, *ibid*, p. 664

IV. Assessment of the Agreements

A. The Purpose and the Spirit of the Agreements and Their Preambles

The Ankara Agreement²⁰ took the introductory part of the Athens Agreement²¹ verbatim. The intentions of the parties while making the former agreement, the purposes, the goals to be achieved, and the legal foundations on which the agreement is based are reflected in the text with the same words²². The purpose of both agreements is stated as "to contribute to the development of countries, raising their living standards, and increasing employment through the development of trade and economic relations between the EU and the relevant country." (Article 2) The method determined to achieve this was the establishment of a customs union to be reached gradually between the six members and the associate members.

While no preparation period was foreseen for the Customs Union in the association agreement with Greece, the Ankara Agreement includes a five-year preparatory period. Greece started the transition period in November 1962, when the Athens Agreement entered into force.²³ For Türkiye, the end

²⁰ See FN 2

²¹ See FN 1

²² - Determined to establish more and more close ties between the Greek/Turkish people and the peoples united in the EEC;

- Determined to ensure the continual improvement of living conditions in Greece/Türkiye and the EEC, through accelerated economic progress and harmonious expansion of trade, thereby reducing the distance between the economy of Greece/Türkiye and those of the Member States of the Community;

-Considering the special problems posed by the development of the Greek/Turkish economy and the necessity for an economic aid to Greece/Türkiye in a given period of time;

-Europe Economics, to the effort to improve the living standards of the Greek/Turkish people. They agree that the support of the Community will facilitate the future accession of Greece/Türkiye to the Community.

-Deciding to consolidate the security of peace and freedom by following together the ideal inspired by the Treaty establishing the EEC;

- In accordance with Article 238 of the Agreement establishing the EEC, they decided to conclude an agreement creating an association between Greece/Türkiye and the EEC.

The Athens Agreement, on the other hand, decreed that, after a very short transition period, a Customs Union to be established immediately and a common commercial policy to be developed, policies should be harmonized as soon as possible in the areas envisaged in the AA. The most obvious difference between the two agreements is in the speed or pace set to reach the targets. Another important difference is that the agreement with Türkiye contains more general statements in many respects than the agreement with Greece.

²³ The transition period is set out as a period of 12 years, as envisaged in the Treaty of the European Communities, in the Athens and Ankara Agreements. The 12-year and 22-year terms

of a five-year preparation period and the shift to the transition period have been achieved through the Additional Protocol. Although the AP was signed in November 1970, after a two-year negotiation with the EEC, its entry into force could only take place on January 1, 1973, due to some political difficulties in the ratification process in Türkiye. The AP links the Ankara Agreement to concrete targets and to a certain program. The association relationship that Greece was able to establish with a single agreement was realized through two international agreements, an AA and an AP brought in addition to it.

The quality and bindingness of the Ankara Agreement were the subject of a lawsuit in a case at the Court of Justice of the European Communities (ECJ). As it was called at that time and the Advocate General who handled the case emphasized in his report that the introductory parts of the Ankara and Athens Agreements were almost exactly the same. However, he mentioned an important divergence on how to reach the targets set in the introduction. Accordingly, the Ankara Agreement envisaged the establishment of a customs union in which these targets would be gradually passed and the convergence of the Community and Türkiye's economic policies. The Athens Agreement, on the other hand, decreed that after a very short transition period, a customs union to be established immediately, a common commercial policy to be developed, and policies should be harmonized as soon as possible in the areas envisaged in the AA. The most obvious difference between the two agreements is in the speed or pace set to reach the targets. Another important distinction is that the agreement with Türkiye contains more general statements in many respects than the agreement with Greece²⁴.

are not randomly chosen terms. These should be viewed as to ensure the compliance with Article 24 of the GATT with the principle of "realization within a reasonable time", as emphasized in Article 24 of the GATT Agreement, so that free trade agreements or customs unions do not violate the GATT rules.

²⁴ Opinion of Mr. Advocate General M. Darmon delivered on 10 November 1992. *Kazim Kus v Landeshauptstadt Wiesbaden*. Reference for a preliminary ruling: *Hessischer Verwaltungsgerichtshof - Germany*. EEC-Türkiye Association Agreement - Decision of the Council of Association - Concept of legal employment - Right of residence. Case C-237/91, European Court reports 1992, p. I-06781.
<https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:61991CJ0237>

B. Economic Provisions of the Agreements

1. Customs Union

If we make an evaluation with the Athens Agreement on one side and the Ankara Agreement plus the Additional Protocol on the other, it could be easily seen that the rules regarding the free movement of goods and customs union are regulated with the same scope and content. Issues such as gradual reductions to in customs tariffs, the periods granted to them, the adoption of the Community's Common Customs Tariff at the end of a 22-year transition period, the quantitative restrictions on trade between the parties, and the prohibition of all measures with equivalent effect were stipulated in a similar framework in both agreements.

On the other side, the Ankara Agreement foresaw a customs union that covers only industrial products, which can be reached through the planned tariff reductions, and excludes the agricultural sector. Provisions on other fundamental freedoms of the single market are regulated by weaker provisions, which cannot be classified easily as binding in both content and wording when compared with the Athens Agreement.

It was aimed that both countries would reach the same goal, starting at different times and over a period of 22 years. In the case of Greece (1962+22 years), at the latest in 1984, and in the case of Türkiye (1973+22 years), it was envisaged to reach the CU at the latest in 1995, with an eleven-year difference. Nevertheless, owing to the political support and other accelerating effects, Greece was able to reach the elimination of the quantitative restrictions for industrial products on November 1, 1962²⁵, and established the CU simultaneously with all EEC countries on July 1, 1968, with minor exceptions. Türkiye was able to reach a CU with the EU, limited to industrial products only, on January 1, 1996. This was achieved with great difficulties and without almost any economic or financial assistance.

2. Agricultural Sector

Another fundamental difference between the Ankara and Athens agreements is in the field of agriculture. Art. 11 of the Ankara Agreement²⁶

²⁵ See FN 4

²⁶ Art. 11 Ankara Agreement: 1. The Association shall likewise extend to agriculture and trade in agricultural products, in accordance with special rules which shall take into account the

foresaw that the association regime includes agriculture and the exchange of agricultural products according to special procedures taking into account the Community's Common Commercial Policy. Art. 32 of AP ruled the following: "This Protocol shall extend to agricultural products, save as otherwise provided in Art. 33 to 35 of AP." Art. 33 AP ruled the harmonization of Türkiye's agricultural policy with the Community's agricultural policy within a period of 22 years, without setting the implementation or the rules on how to achieve it. Until the harmonization of agricultural policies, Türkiye and the Community would apply a preferential trade regime between each other. The details of this regime were to be determined by the Association Council (Art. 35). This harmonization has not been achieved even today, despite the 50 years that have passed since 1973.

On the other hand, Article 32 of the Athens Agreement²⁷ clearly revealed that the association regime will cover agriculture and the trade of agricultural products as well. The text from which it is directly inspired is Article 38 of the EEC Treaty²⁸. It is stated that "The Common Market includes the trade of agriculture and agricultural products". The rules, operations and methods of the Common Agricultural Policy (CAP) regulated between this article and Article 47 of the EEC Treaty are the subjects of Articles 32-43 of the Athens Agreement.

common agricultural policy of the Community. 2. 'Agricultural products' means the products listed in Annex II to the Treaty establishing the Community, as at present supplemented in accordance with Article 38 (3) of that Treaty.

²⁷ Art. 32 Athens Agreement: The Association shall extend to agriculture and trade in agricultural products.

'Agricultural products' means the products listed in Annex II to the Treaty establishing the Community, as at present supplemented in accordance with Article 38 (3) of the Treaty. These products are listed in Annex II to this Agreement.

Art. 33 Athens Agreement: The functioning and development of the Association in respect of agricultural products shall be accompanied by progressive harmonization of the agricultural policies of the Community and of Greece. In establishing the common agricultural policy the Community shall take due account of the special situation, potential and interests of Greek agriculture. The purpose of harmonization shall be to ensure equality of treatment between products of Member States and like products of Greece on the markets of the Contracting Parties, taking into account the objectives set out in Article 39 of the Treaty establishing the Community. The agricultural policies of the Community and of Greece shall be harmonized in accordance with Articles 35 and 36 by the end of the transitional period laid down in Article 15 at the latest.

²⁸ Art. 38 EEC Treaty: The common market also includes agriculture and trade in agricultural products. Agricultural products are understood to mean the products of the soil, livestock and fisheries, as well as the products of the first stage of processing that are directly related to them.

Furthermore, Art. 33 of the Athens Agreement decrees that the Community will consider the special situation, potential and interests of Greek agriculture during the establishment of the common agricultural policy. The purpose of harmonization shall be to ensure the equal treatment of Member States and similar products of Greece in the markets of the Contracting Parties, taking into account the objectives set out in Article 39 of the Treaty establishing the Community.

As seen above, the related articles of the association agreement signed with Greece set an example for concrete, definitive and target oriented provisions for a successful implementation. This clear divergence between the Ankara and Athens Agreements regarding the agricultural sector constitutes an important evidence that reveals how differently the association policies in agriculture and trade with agricultural products were applied to Greece and Türkiye, both being agricultural countries in the 1960s.

3. Free Movement of Workers

One of the most important freedoms in the European Union is the free movement of workers. In this area, the provisions of the Ankara Agreement and the AP differ from the Athens Agreement. Art. 12 of the Ankara Agreement²⁹ stipulates that the EC and Turkey agree to be guided by Articles 48, 49 and 50 of the Treaty establishing the Community for the purpose of progressively securing freedom of movement for workers between them. Furthermore, Article 36 of the AP³⁰ stipulates that free movement shall be secured by progressive stages between the end of the 12th year and the end of the 22nd year, in accordance with the principles envisaged in the Article 12 of the AA, and the necessary procedures in this regard will be decided by the Association Council. On the other hand, Article 44 of the Athens Agreement³¹

²⁹ Art. 12 Ankara Agreement: “The Contracting Parties agree to be guided by Articles 48, 49 and 50 of the Treaty establishing the Community for the purpose of progressively securing freedom of movement for workers between them.”

³⁰ Article 36 Additional Protocol: “Freedom of movement for workers between Member States of the Community and Turkey shall be secured by progressive stages in accordance with the principles set out in Article 12 of the Agreement of Association between the end of the twelfth and the twenty-second year after the entry into force of that Agreement. The Council of Association shall decide on the rules necessary to that end.

³¹ Art 44 Athens Agreement: “Freedom of movement for workers under Articles 48 and 49 of the Treaty establishing the Community shall be secured between Member States and Greece at a date and in accordance with rules to be determined by the Council of Association, but not before the end of the transitional period laid down in Article 6 of this Agreement.

states that labor mobility between Greece and the EC countries will be secured according to Articles 48 and 49 of the EEC Agreement, according to the time and procedure determined by the Association Council, after a period of 12 years at the earliest. As it is seen, it is understood that the two clauses of the agreement, which seem similar at first glance, actually contain important differences. While the Athens Agreement contains a much more direct, clear and concrete procedure by referencing Art. 48, the agreement with Türkiye has been weakened by a less obligatory and indefinite expression, open to interpretation, such as the verb phrase "to be guided by Art. 48."³²

This has been discussed in the second half of the 1980s, when the 22-year period expired, to determine whether the right of free movement as regulated in Article 12 of the Ankara Agreement would automatically enter into force after a 22-year transition period and whether it constitutes a directly applicable legal norm. It has also been the subject of some lawsuits filed by Turkish workers living in the EC countries regarding their free movement rights in the courts of their countries.

As a result of the interpretation of these cases coming before the ECJ, the Court, in its comment on whether Article 12 of the Ankara Agreement and Article 36 of the Additional Protocol are directly effective or not, concluded³³

³² "Examination of Article 12 of the Agreement and Art. 36 of the Protocol therefore reveals that they essentially serve to set out a program and are not sufficiently precise and unconditional to be capable of governing directly the movement of workers" from the decision of Court of Justice of the European Communities. Case 12/86, See FN 33

³³ Judgment of the Court of 30 September 1987. *Meryem Demirel v. Stadt Schwäbisch-Gmünd*. Reference for a preliminary ruling: *Verwaltungsgericht Stuttgart* - Germany. Association Agreement between the EEC and Türkiye-Freedom of Movement for Workers. Case 12/86. European Court reports 1987 Page 03719. ATAD The Court stated the following issues in its reasoning regarding the preliminary decision questions. To the question of its competence of jurisdiction to give preliminary rulings concerning the interpretations of Ankara Agreement, the Court referred to *Haegeman* Decision from 1974, in which he had interpreted the Athens Agreement. According to that decision, The Athens Agreement was concluded by the Council under Articles 228 and 238 of EC Treaty as appears from the terms of the decision dated 25 September 1961. This agreement is therefore, in so far as concerns the Community, an act of one of the institutions of the community within the meaning of Art. 177. The provisions of the agreement, from coming into force thereof, form an integral part of community law. Within the framework of this law, the Court accordingly has jurisdiction to give preliminary rulings concerning the interpretations of this agreement. (Judgment of the Court of 30 April 1974. - R. & V. *Haegeman v. Belgian State*. Reference for a preliminary ruling: *Tribunal de première instance de Bruxelles* - Belgium. - Case 181-73)

Further, the criterion for an agreement between the Community and a non-member country to be considered as "directly applicable" is that it contains a clear and unequivocal obligation in the letter and spirit of the provision that does not require additional enforcement measures. Articles 12 of the Ankara Agreement and Article 36 of the Additional Protocol are not definitive

that "this article is more of a program; it does not have clear content and an unequivocal obligation in the letter and spirit of the provision that does not require additional enforcement measures, and therefore it is not directly applicable."³⁴ Another case of ECJ decisions regarding the direct effects of the Association Council was the following: decisions of the Association Council are legally binding and qualify for direct effect in the legal order of EU Member States if they contain clear and precise commitments that do not require further implementing measures. The same conditions for direct effect are applicable to the provisions of association agreements themselves and their protocols.³⁵

4. Right of Establishment and Freedom to Provide Services

In order to remove the restrictions on the right of establishment in Article 13 of the Ankara Agreement and the restrictions on the freedom to provide services in Article 14, it is stated that the parties agree to be guided by Articles 52 to 56 and Article 58 of the Treaty establishing the Community for the purpose of abolishing restrictions on freedom of establishment between them.³⁶ As mentioned above, "to be guided by" is an abstract verb requiring interpretation, a characteristic that weakens this provision of the agreement.

On the other hand, Article 47 of the Athens Agreement ruled that they will facilitate in a balanced and progressive way the right of establishment of

and unconditional provisions that directly regulate the free movement of workers, as they mainly contain a program-determining purpose. In this context, Article 7 of the Agreement does not include sanctions in connection with the above articles.

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³⁴ Georg Nolte, " Freizügigkeit nach dem Assoziationsvertrag EWG-Türkei: Auslegungskompetenz, Unmittelbare Anwendbarkeit und Familiennachzug", *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht*, 47, (1987): 763. https://www.zaoerv.de/47_1987/47_1987_4_t_755_777.pdf

³⁵ Case C-192/89, *Sevince*, EU: C:1990:322. 64 See e.g. Case 17/81, *Pabst & Richarz*, EU: C:1982:129; Case C-438/00, *Deutscher Handballbund v. Maros Kolpak*, EU: C:2003:255; Case C-228/06,

Soysal et. al. U:C: 2009:101.

³⁶ Art. 13 Ankara Agreement: "The Contracting Parties agree to be guided by Articles 52 to 56 and Article 58 of the Treaty establishing the Community for the purpose of abolishing restrictions on freedom of establishment between them."

Art. 14 Ankara Agreement: "The Contracting Parties agree to be guided by Articles 55, 56 and 58 to 65 of the Treaty establishing the Community for the purpose of abolishing restrictions on freedom to provide services between them."

nationals of Member States in the territory of Greece and of nationals of Greece within the Community, in accordance with the principles of Articles 52 to 56 and Article 58 of the EC Treaty.³⁷ Unlike the Ankara Agreement, this explicit and direct reference to the Treaty establishing the EC sets another example of the diverging terms or clauses in both agreements. In Article 49 of the Athens Agreement³⁸, it is stipulated that within the 12-year transition period, the Association Council will decide on measures to facilitate the freedom of service between the Community and Greece. This article has the same content as the provision regulated under the heading "right of establishment and right to provide services" in Article 52 of the EC Treaty³⁹. As a result, upon evaluation, it becomes apparent that the Athens Agreement includes a program detailing when and how Greece will achieve the free movement of goods and workers, the right of establishment, and the freedom to provide services, all through concrete decisions.

5. Non-Discrimination Rule and Accession of New Members

Article 5 of the Ankara Agreement and the Athens Agreement states that discrimination based on nationality is prohibited in the application area of the agreements. However, in addition to the general provision above, unlike the Turkish AA, the Athens Agreement also includes the non-discrimination of Greek citizens who are currently living in any EU country, as stipulated in Article 7 of the EEC Agreement. In the second paragraph of the same article, it was decided that companies belonging to the contracting parties cannot be subjected to discrimination in the same way if their branches, headquarters or management are located in the relevant countries.

³⁷ Art. 47 Athens Agreement: "The Contracting Parties shall, in progressive and balanced stages, facilitate the establishment of nationals of Member States in the territory of Greece and of nationals of Greece within the Community, in accordance with the principles of Articles 52 to 56 and Article 58 of the Treaty establishing the Community, except for the provisions of those Articles which lay down the time limits and the procedure for attaining freedom of establishment. "

³⁸ Art. 49 Athens Agreement: "The Council of Association shall, during the transitional period laid down in Article 6 of this Agreement, decide on the appropriate measures to be adopted to facilitate the provision of services between the Community and Greece."

³⁹ Art. 52 of EC Treaty: "Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be abolished by progressive stages in the course of the transitional period".

When we come to the final provisions of the agreements, some interesting differences stand out. As stipulated in Article 21 of the Ankara Agreement⁴⁰ and Article 56 of the AP⁴¹, in the event of a third state acceding to the Community, the mutual interests of the Community and Türkiye, as specified in the AA, shall be taken into account. Further, the agreements declare the necessity of making appropriate consultations at the Association Council on this matter.

In Article 64 of the AA with Greece⁴², the above text was included in the same way, but two paragraphs were added. In the first paragraph, it is stated that in the case of a future association (when a new AA is made with another country), the harmonization of relations between the new associate member and Greece may be the subject of a new agreement, according to consultations with the Community. In the second paragraph, it was emphasized that in the event of a new member's accession to the Community, the rights and obligations that this new situation may create for Greece can only be valid through a supplementary protocol.

⁴⁰ Art. 21 Ankara Agreement: "The Contracting Parties hereby agree to work out a consultation procedure in order 'to ensure coordination of their commercial policies towards third countries and mutual respect for their interests in this field, inter alia in the event of subsequent accession to or association with the Community, by third countries."

⁴¹ Art. 56 of Additional Protocol: "In the event of a third State acceding to the Community, appropriate consultations shall take place in the Council of Association so as to ensure that account can be taken of the mutual interests of the Community and Turkey stated -in the Agreement of Association."

⁴² Art. 64 Athens Agreement: "The Contracting Parties shall consult each other in the Council of Association in order to achieve, in, the transitional period laid down in Article 6, the coordination of their commercial policies in relation to third countries, in particular in the fields mentioned in Article 1 13 (1) of the Treaty establishing the Community."

"For this purpose, each Contracting Party shall, at the request of the other Party, furnish all relevant information on agreements which it concludes and which contain tariff or commercial provisions, as well as on changes which it makes in its external trade arrangements."

"Where such agreements or changes might have a direct and particular effect on the functioning of this Agreement, there shall be appropriate consultation in the Council of Association in order to take into account the interests of the Contracting Parties."

"Should an agreement be concluded concerning accession to or association with the Community, full account shall be taken of the mutual interests stated in this Agreement; appropriate consultation shall take place to this end. In the case of an association, the adjustment of the relations between Greece and the associated country, may be the subject of an agreement after consultation with the Community."

"In the case of an accession, rights and obligations shall devolve on Greece only after a supplementary protocol has been concluded with Greece. The necessary adjustments to this Agreement shall be agreed by the Contracting Parties. To this end, each Contracting Party shall take the necessary measures in accordance with its constitutional requirements."

The fact that this additional provision, which was foreseen in the Athens Agreement, was not included in the Ankara Agreement further demonstrates that these two agreements are not necessarily similar, nor do they share the same scope. While the Community, in its more comprehensive agreement with Greece, aimed for the full membership of Greece as soon as possible, taking into account the interests of the country, it is understood that a different objective was considered for Türkiye, with a less comprehensive and slower functioning mechanism from the outset of the agreement.

6. Public Procurement, Protection Clauses and Membership Perspective

Another detail is seen in Article 57 of the Additional Protocol⁴³, which was made in addition to the Ankara Agreement. Here, a target was set for mutual liberalization of public procurement between the Community and Türkiye after a 22-year period. The fact that a similar article was not regulated at all in the Athens Agreement presents an interesting detail. Since it was thought that Greece would achieve a full membership before the end of the 22-year transition period, the issue might have been left to the negotiations for full membership.

Another striking difference pertains to the protection rules of both agreements in case of economic problems. Article 60 of the AP⁴⁴, signed with

⁴³ Art. 57 Additional Protocol: “The Contracting Parties shall progressively adjust the conditions for participation in contracts awarded by public authorities and public undertakings, and by private undertakings which have been granted special or exclusive rights, so that by the end of the period of twenty-two years there is no discrimination between nationals of Member States and nationals of Turkey established in the territory of the Contracting Parties.”

The Council of Association shall determine the timetable and rules for this adjustment; when doing so it shall be guided by the solutions adopted by the Community in this field.”

⁴⁴ Art. 60 of Additional Protocol: “If serious disturbances occur in a sector of the Turkish economy or prejudice its external financial stability, or if difficulties arise which adversely affect the economic situation in a region of Turkey. Turkey may take the necessary protective measures. The Council of Association shall be notified immediately of those measures and of the rules for their application.

“If serious disturbances occur in a sector of the economy of the Community or of one of more Member States, or prejudice the external financial stability of one or more Member States, or if difficulties arise which adversely affect the economic situation in a region of the Community, the Community may take, or authorize the Member State or States concerned to take, the necessary protective measures. The Council of Association shall be notified immediately of such measures and of the rules for their application.”

Türkiye, states that "in case of serious disturbances in the Turkish economy or in any of the economies of the member countries, the relevant countries will take the necessary protective measures, and while doing this, these measures must be reported to the Association Council without delay."

Article 68 of the Athens Agreement⁴⁵ on the other hand, refers directly to Article 226 of the EC Agreement⁴⁶, which includes the protection rules of the EC Agreement, stating that "member states can use this article in their relations with Greece, and beyond that, for the purpose of that article, Greece shall be treated as a Member State." As seen, Greece is accorded completely equal status with other member states in this context. Regarding the measures to be taken, Türkiye is left within the limits of the Association Law, with the Association Council being the related institution for Türkiye. In contrast, Greece deals with the European Commission, just like any other member state, under Article 226 for any protective or compensatory measures it intends to take.

Finally, as stated in the relevant articles of both agreements (for Türkiye, Article 28 of the Ankara Agreement⁴⁷, and for Greece, Article 72 of the Athens Agreement⁴⁸), "if the operation of the agreements shows that all the

⁴⁵ Art. 68 of Athens Agreement: Member States of the Community may apply Article 226 of the Treaty establishing the Community in their relations with Greece. For the purpose of that Article, Greece shall be treated as a Member State.

⁴⁶ Art. 226 of EC Treaty: 1. During the transitional period, in the event of difficulties which severely and are likely to persist in an economic sector or which are likely to significantly worsen the economic situation of a specific area, a Member State may apply for authorization to apply safeguard measures in order to restore the situation or the economic sector concerned adapt the economy to the common market.

2. At the request of the State concerned, the Commission shall, without undue delay and in an emergency procedure, determine the protective measures it considers necessary and at the same time determine the conditions and details of their application.

3. The measures approved under paragraph 2 may deviate from the provisions of this contract to the extent and for as long as this is strictly necessary to achieve the objectives set out in paragraph 1. Priority should be given to those measures which least disturb the functioning of the common market. Vertrag zur Gründung der Europäischen Wirtschaftsgemeinschaft, Rom 25 März 1957,

<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:11957E/TXT&from=EN>

⁴⁷ Art. 28 Ankara Agreement: As soon as the operation of this Agreement has advanced; far enough to; justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community.

⁴⁸ Art. 72 Athens Agreement: As soon as the operation of this Agreement has advanced far enough to justify envisaging full acceptance by Greece of the obligations arising out of the Treaty establishing the EEC, the Contracting Parties shall examine the possibility of the Accession of Greece to the Community.

obligations arising from the EC Treaty can be assumed by Greece and Türkiye, the contracting parties will examine the possibilities for these countries to join the Community.” Regarding both agreements, after seeing the different conditions and different regulations mentioned above, the option of full membership does not make much sense for Türkiye. An agreement that was designed for the first time for Greece and was expected to lead it to full membership as soon as possible acquires quite different content when it comes to making a similar agreement with Türkiye, due to international or regional balances and conjunctures.

At this final point, the fact that similar association agreement provisions led these two countries to extremely different results can only be explained beyond the limits of association law. After the evaluation of the agreements, we can conclude that the EEC distinguished its association relationship with Greece from its relationship with Türkiye in two ways. The first way was the differentiation of the association agreements by using the altered expressions and decrees affecting their normative features and power of influence, as in the case of Türkiye. Another way was interpreting and practicing the provisions of other association agreements in the most expansive way by accelerating the implementation after a very rapid transition period, as in the case of Greece. The EC opened the way to full membership in the fastest possible way, in accordance with the spirit and purpose of the association. The difference between the levels of economic and political support and tolerance for the two countries emerges exactly here.

Conclusion

In the light of all these discrepancies, it is difficult to claim that the association agreements, which form the legal bases for relations between Greece and Türkiye with the European Community, are similar or identical. Furthermore, the Ankara Agreement is not inspired by the Athens Agreement. It is revealed in the examination made in terms of both the aim and the verbatim, as well as the spirit of the agreements, that these two agreements contain different rights and obligations for those two countries. While the association agreement tailored for Greece aims to take the country to full membership as soon as possible, the agreement concluded with Türkiye was not designed from the beginning for such a result. The reason behind signing such an agreement with Türkiye could be attributed to conjectural developments and international or regional balances, including pressures from the United States of America.

The realization pace of the Ankara Agreement is much slower than that of the Athens Agreement. The methods and approaches to achieve the targeted level of integration have been somewhat obscured by the differing content and arrangements in the agreement articles. The Ankara Agreement's impact has been further diminished by use of non-binding terms and programmatic provisions. Thus, it would not be a very realistic assessment to think or claim that these two agreements could bring Türkiye and Greece into an equal position at the end of the 1970s. The Ankara Agreement and the Additional Protocol represent a "softened, slowed down, and in many respects blurred" version of the Athens Agreement. For this reason, although they have similarities in many points, the Ankara and the Athens Agreement should be considered as two different agreements. These differences, which emerged in terms of the wording and spirit of the agreements, become more evident when the political approaches towards both countries during those periods are examined.

Beyond that, the tolerance and political support given to Greece has never been given to Türkiye. Especially after the military regime, Greece's full membership process was accelerated in order to establish democracy and ensure the development of institutions. Indeed, there have been periods of military coups in four Mediterranean countries. Three of them, Greece, Spain, and Portugal benefited from this high political patronage of the Community, while Türkiye, exceptionally, was the only country that could not benefit from this protection. As often seen in history, the influence of Germany and France came into play here as well, and Greece was brought from an associate member position to a full member position in a very short time. The facts presented above reveal that the conditions faced by Türkiye, compared with Greece, have never been the same.

For all these reasons, the value of negotiating with the EU for full membership should be better understood today. Türkiye has never been as close to the EU as it is today. Türkiye should know the value of the legal status in its relations with the EU by concentrating on the present status, instead of wasting time looking for the reasons for a 60-year-long controversial and disappointing relationship with the EU. From the technical point of view and considering the wording of it, the Ankara Agreement was not planned from the beginning as an agreement that would lead Türkiye to full membership. The Ankara agreement was planned as the Athens agreement minus one, and its effective implementation failed due to the political mismanagement of the EU side and the economic and political inadequacies of the Turkish side. Therefore, efforts should be intensified to continue and complete the membership negotiations as soon as possible.

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