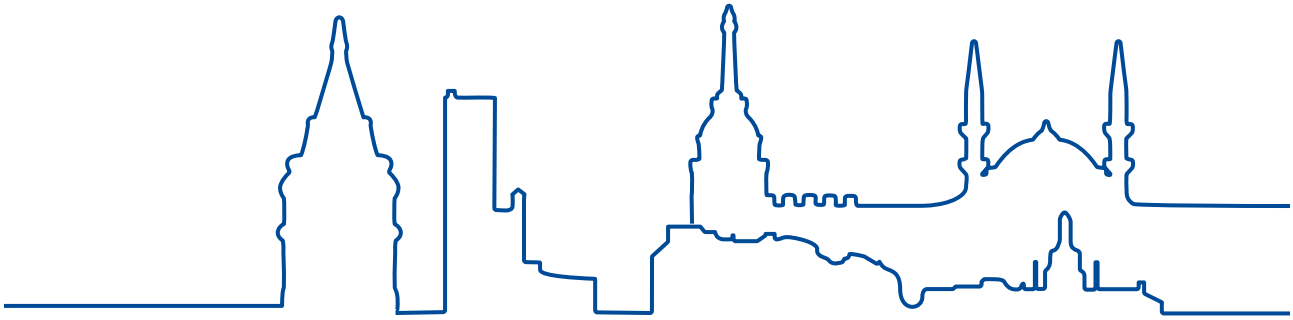


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ASSESSING THE POTENTIAL OF EU AGENCIES FOR THE FUTURE OF EU-TURKEY RELATIONS, PART I: TURKEY'S FULL MEMBERSHIP WITHOUT VOTING RIGHTS IN THE EEA AND EMCDDA

Michael Kaeding
Frederic Krull

Executive Summary

Currently, Turkey plays a particularly privileged role in two EU agencies: the European Environment Agency (EEA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). To assess the dynamics and potential of EU agencies to strengthen Turkey-EU relations, we focus on this relationship and Turkey's existing involvement in the EEA and EMCDDA over the last twenty years. We show that despite similarities, Turkey's involvement in EU agencies varies between these two agencies in various dimensions. To conclude, we recommend strengthening the idea of transgovernmental outreach and consider that EU agencies, which are driven by policy sector-specific interdependencies, are a valuable asset for both Turkey and the EU as the road to EU membership remains uncertain.

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Introduction

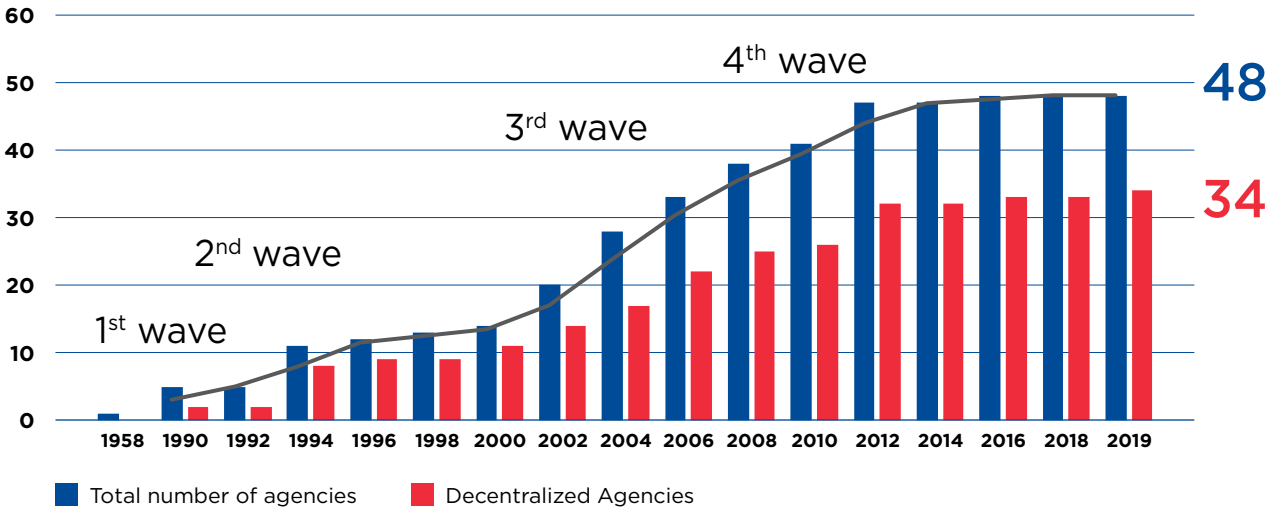
In the future, EU-Turkey relations have to find answers to two fundamental questions: what do we want to do together in the future, and how do we want to do it. This policy brief is one of three contributions arguing that Turkey's participation in decentralized EU agencies may offer an interesting path toward enhanced cooperation via transgovernmental networks[1] as the road to EU membership remains uncertain amid prolonged enlargement fatigue across the EU. In fact, EU agencies may potentially offer "more leeway to craft flexible integration arrangements"[2] in view of preparing a new, modernized Customs Union. In the end, EU agencies' engagements with Turkey could represent one of the many pieces of the puzzle needed for Turkey[3] and its future relationship with Europe.

What are EU Agencies?

EU agencies have existed since the beginning of the European integration process.[4] They have evolved in different waves[5] (see Figure 1), covering various policy areas, and eventually, became an indispensable feature of executive governance in the EU[6] and its future shape.

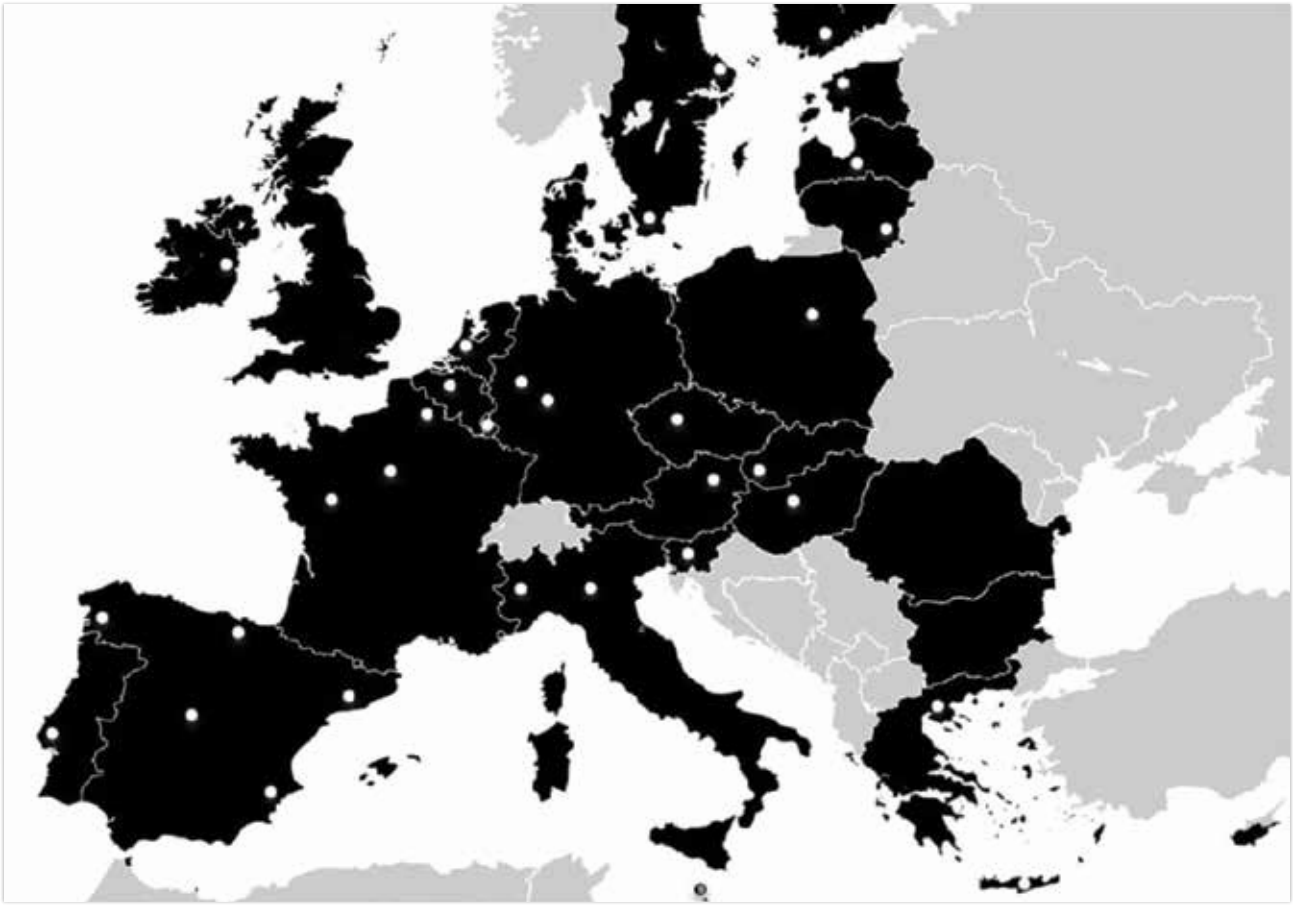
Today, it is practically impossible to imagine running the European Union and crafting Europe's future without them.[7] EU agencies stand for solutions to European problems, assisting in designing and implementing Europe's future. Figure 2 displays the geographical spread of these agencies across the European Union (EU).

Figure 1. Waves of agencification across Europe



Source: Authors´ own compilation

Figure 2. Geographical spread of decentralized EU agencies across the EU



Source: Kaeding, 2020: 156.[8]

These agencies are not only based in Brussels and/or Luxembourg but have mushroomed[9] all over Europe, acting as European platforms of policy expertise.

International Dimension of EU Agencies: Third Country Involvement

The relevance of EU agencies for EU governance—at least in terms of content and numbers—has grown hand in hand with the increasing relevance of the international dimension of EU agencies.[10] Third country participation in EU agencies, for example, is an important element of participatory external differentiation in the EU.[11]

In recent years, those few studies that have looked into the participation and influence of third countries in EU agencies have focused predominantly on the European Economic Area (EEA)/European Free Trade Agreement (EFTA) and European Neighbourhood Policy (ENP) countries.[12] For the Western Balkans region, only a very preliminary mapping has been done so far.[13]

This policy brief addresses regional challenges and starts to fill the gaps by offering an initial assessment of Turkey's many forms of cooperation with EU agencies, focusing in particular on the Copenhagen-based EEA (European Environment Agency) and the Lisbon-based EMCDDA (European Monitoring Centre for Drugs and Drug Addiction)—in which Turkey's representatives play an important role already today.

The European Environment Agency (EEA) and European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

The European Environment Agency (EEA) was established by a 1990 Council Regulation and has been fully operational, with its headquarters located in Copenhagen, since 1994. Its aim is to support the EU and its member states as well as cooperating countries to make informed decisions on improving the environment. In achieving this goal, it seeks to provide independent, timely, sound, and reliable information on the state of the environment to policy-makers and the general public in Europe. To collect the necessary data, the EEA relies on and coordinates its work with the European Environment Information and Observation Network (Eionet), consisting of the 32 EEA members and six cooperating countries.

The European Centre for Drugs and Drug Addiction (EMCDDA) was established by a 1993 Council regulation and started work, with its headquarters located in Lisbon, in 1995. It aims to support science-based decision-making in the fields of drugs and drug addiction in the EU and its member states and to contribute to the broader debate on the drug phenomenon in Europe. Similar to the EEA, the EMCDDA also relies on a network of national focal points (NFP'S) that are organized in the Réseau Européen d'Information sur les Drogues et les Toxicomanies (Reitox Network) to support the agency's core task of collecting and reporting information on the issue of drugs across Europe in a harmonized and standardized manner. The Reitox Network consists of the 29 member states of the EMCDDA and the European Commission.

Table 1. Overview of the features of the EEA and EMCDDA: Legal basis, mission, organization, member countries, budget, staff

	EEA (COPENHAGEN)	EMCDDA (LISBON)
Legal basis	(EEC) No 1210/90, 07 May 1990; amended by Regulation (EC) No 401/2009, 23 April 2009	(EEC) No 302/93, 08 February 1993; amended by Regulation (EC) No 1920/2006, 12 December 2006
Mission	Support sustainable development by helping to achieve significant and measurable improvement in Europe's environment, through the provision of timely, targeted, relevant, and reliable information to policymaking agents and the public	Support evidence-based decisions and actions at the EU and national levels by providing factual, objective, reliable, and comparable information concerning drugs and drug addiction and their consequences
Organization	Directorate, Management Board and Bureau, Scientific Committee + eight working programs and 17 specified working units	Directorate, Management Board, Scientific Committee + six specified working units
Member countries	27 EU member states + Iceland, Liechtenstein, Norway, Switzerland, and Turkey	27 EU member states + Norway and Turkey
Budget	54,504,683 EUR (2019)	17,165,715 EUR (2019)
Staff	~ 230 employees (2020)	~ 100 employees (2020)

Source: Authors' own compilation

In both agencies, Turkey is a systemic part of the agencies' governance structure as a member of the management board—although without voting rights, as we will examine now in detail.

Key Drivers of Cooperation between a Third Country and an EU Agency

To assess and understand the key drivers of cooperation between these two EU agencies, the EEA and EMCDDA, and Turkey, we rely on work by Lavenex and others[14] who identify two main motivations explaining the different forms of cooperation between third countries and EU agencies: a foreign policy rationale and/or a sector-specific interdependence logic.

According to the top-down foreign policy rationale, we expect EU agencies to act political, serving the general interest of the EU by supporting "the European Commission in promoting its core foreign policy agenda to enhance regional stability, strengthen liberal democratic values, foster regional economic wellbeing through third countries' approximation to the EU acquis."[15] In this way, the country's integration status determines the level of cooperation between the EU agency and the third country, i.e., patterns of cooperation "mimic" the level of integration.

According to the bottom-up, sector-specific interdependence logic, we expect EU agencies to be functionalistic, serving the functional needs of the EU stemming from sector-specific interdependences and degrees of externalities of non-cooperation with third countries. In this way, EU agencies cooperate with third countries' regulators "with whom they have strong sectoral interdependence."[16] Additionally, "EU agencies working in fields marked by higher interdependencies will be more involved in the external dimension of EU governance."[17]

To assess EU agencies' engagement with Turkey, we will show in the following section that while "in reality elements of both approaches occur simultaneously and interact in many ways,"[18] more recently, the sector-specific interdependence logic seems to have gained the upper hand.

Turkey's Full Membership without Voting Rights in the EEA and EMCDDA is Driven by Different Logics over Time

There are various forms of cooperation between EU agencies and third countries, one of them being actual participation as a member. Full membership in EU agencies is typically restricted to the 27 EU member states. However, some agencies foresee in their founding regulations the participation of third countries as full members.

Drawing on Öberg,[19] we distinguish between three broader groups of countries that are eligible for different types of membership: first, the EEA/EFTA countries Iceland, Lichtenstein, Norway, and Switzerland; second, all countries that are at some stage of the accession process[20]; and third, countries that either share the EU's and its member states' interests in the agencies' fields, or implement the EU acquis in the respective field based on other agreements with the EU.[21] Within the second group, merely achieving candidate status only allows for limited participation in EU agencies.[22]

Turkey is a member of both the second and the third group. As mentioned above, Turkey holds "membership without voting rights" in two out of 34 decentralized EU agencies, namely in the European Environment Agency (EEA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

This membership without voting rights grants Turkey almost the same rights as EU member states, except for the right to vote in meetings of the management boards—the main decision-making bodies in the agencies' governance structure. Interestingly, Turkey is, alongside the EEA/EFTA states, the only third country that has been granted membership without voting rights.

As a means to step up the Union's pre-accession strategy, a 1997 Council meeting[23] concluded that the EU would allow for the participation of applicant countries in specific community programs and agencies. Later, the EEA and EMCDDA were found to be suitable agencies for incorporating applicant countries in the near future.[24] Turkey applied to become a member of both agencies in 2000.

What are the underlying logics of action—the foreign policy rationale or the sector-specific interdependence logic—for this "special" cooperation between Turkey and the EEA and EMCDDA? Assuming that the nature of cooperation is determined by the overall status of Turkey's membership process, the timing within these arrangements plays an important role. Moreover, the level of actual engagement between Turkey and the two agencies is an indicator for technical, sector-specific cooperation.

EEA

While elements of sectoral interdependence clearly exist in the cooperation between the EEA—which provides timely and reliable data on the European environment—and Turkey, more indicators point to the top-down foreign policy rationale as the prevailing logic of action in this case.

The arrangement between the EEA and Turkey was the first of its kind and was concluded against the backdrop of the earlier stages of Turkey's accession process. In 2001, alongside 12 other candidate countries[25]—all of which later joined the Union in the subsequent enlargement rounds—Turkey reached an agreement with the EEA[26] and joined as a full member without voting rights as early as 2003. Since then, the Turkish Ministry of Environment and Urbanization has served as the national focal point (NFP) in the EEA's observation network. The agreement concluded with the EEA can therefore be understood in light of the earlier stages of Turkey's accession process and the Union's strategy to approximate the then candidate countries with relevant tenets of the EU acquis and prepare them for full participation in the agency.

Turkey's membership in and activities with EU agencies are subsidized under the Instrument for Pre-Accession Assistance (IPA). Yet, in the case of the EEA, this subsidy is often limited to the amount that each state pays in membership fees. In the 2019 IPA Annual Action Programme for Turkey, a predominant foreign policy perspective on the cooperation was explicitly expressed:

> *Participation to the European Environment Agency fosters cooperation among Ministry of Environment and Urbanism and European Commission, enables the institutional capacity building and assists Turkey for the harmonization with the EU acquis and policies in the field.*[27]

Looking at Turkey's practical engagement with the EEA, we see that Turkey has been improving in the provision of so-called "core data flows" of national environmental data to the agency in the period between 2005 and 2013. Yet, in 2014, Turkey's data reporting performance dropped by 34% and has since fluctuated, but is overall comparatively low.[28] This further supports the assumption that Turkey's cooperation with the EEA predominantly follows a foreign policy logic and is hence closely associated with the overall membership process and acquis process that has been underway since 2005—although this process effectively came to a halt in 2013.[29]

In reviewing lessons learnt from the IPA period between 2014 and 2020, the 2020 Action Plan for Turkey concludes that "Enhanced cooperation between the Ministry of Environment and Urbanisation and the European Commission increased thanks to Turkey's participation in the European Environment Agency's activities"[30]—again pointing to the larger foreign policy-related goals of this cooperation.

EMCDDA

In the case of the engagement between Turkey and the EMCDDA, elements of foreign policy rationale, such as the approximation with the EU acquis, are present. However, cooperation in this case seems to be largely decoupled from the overall membership process, suggesting sector-specific interdependence as the prevailing logic of action.

In 2001, Turkey was invited to participate in the EMCDDA as an observer and signed an agreement to join the agency as a full member without voting rights in 2007.[31] Yet, only in 2014, after a set of preconditions was fulfilled, was this agreement put into force. In this case, Turkey went through the "rather lengthy and cumbersome procedure"[32] of joining an EU agency as a third country, despite the indeterminate nature of its

membership process that was unfolding in the late 2000s and early 2010s.

In addition to the membership fee subsidy, various IPA-funded projects have been carried out between the EMCDDA and Turkey since their initial encounter in the early 2000s. Projects focused, among other areas, on the establishment and strengthening of a new NFP to the EMCDDA, the Turkish Monitoring Centre for Drugs and Drug Addiction (TUBİM), the development of a national drug strategy for Turkey, and strengthening qualitative and quantitative data collection capacities.[33] Close cooperation in the field of international monitoring of drug trafficking and consumption—a sector marked by high interdependence, also as Turkey is a transit country and important partner for limiting drug trafficking in the region and to Europe[34]—continued regardless of the hurdles in the accession process and crisis in bilateral relations. This rather technical approach, in contrast to the foreign policy rationale, again, becomes apparent in the 2019 IPA Annual Action Programme for Turkey:

> *Turkey and EU cooperate under the EMCDDA in assessing the many facets of the drug situation in Europe to improve relevant tools. TUBIM, as a member of Board of Directors of EMCDDA, participates in all activities and important meetings of EMCDDA and has been taking an active role in the preparation of the European Drug Reports and has access to the scientific data and analysis provided by the EMCDDA.*[35]

On the occasion of the launch of the latest EU-funded project with TUBİM in 2018, then Head of the EU Delegation to Turkey Christian Berger commented on the importance of capacity-building projects for Turkish engagement with EU agencies:

> *Improving Turkey's data collection capacities on drugs and drug addiction will directly benefit the cooperation between Turkey and EU agencies and, thereby, increase our joint capacity to fight this serious cross-border problem.*[36]

When Turkey joined the EMCDDA as a member in 2014, TUBİM emerged as a credible institution on the national and EU level, compatible with other NFPs. In particular, the data provided to the EMCDDA by Turkey has been improving over the years by qualitative and quantitative means, as indicated in the EU Commission's annual Turkey reports of 2019 and 2020.[37]

In concluding, the following main observations stand out: first, Turkey owes its rather special membership in the EEA and EMCDDA to its status as a candidate country and high sector-specific interdependencies in the field of environment and drug monitoring. Second, earlier cooperation with the EEA follows a foreign policy rationale to support the Commission's goals in the field of environment and to position Turkey within the relevant tenets outlined in the EU acquis. This cooperation is hence more associated with the overall membership process. On the other hand, Turkish cooperation with the EMCDDA, which was agreed on at a later stage of the accession process and was preceded by a longer preparation phase, shows more elements of sector-specific interdependence as the dominant logic of action. IPA-funded projects were carried out continuously and cooperation improved progressively over the years, despite the indeterminate future of the EU-Turkey relationship.

Policy Outlook and Recommendations

Since June 2019, negotiations between Turkey and the EU have been at a standstill, with no further possibility of opening or closing chapters at this point.[38] However, the country is important for Europe's future, remaining a "key partner for the European Union in essential areas of joint interest, such as migration, counter-terrorism, economy, trade, energy and transport."[39]

Even though the enlargement process is in crisis—in part due to prominent shades of Euroskepticism across Europe and its member states[40] as well as the changing global setting—EU agencies' engagement with third countries matters.

The two examples discussed in this policy brief, the EEA and EMCDDA, show that Turkey's engagement with EU agencies is complex and driven by different logics of action.

Future cooperation of this kind should follow a functionalist logic, focusing on longer-term co-operation in policy sectors marked by high inter-dependence and backed by appropriate funding schemes and evaluation processes. Other EU agencies that operate in fields of mutual interest might therefore consider, together with the partner Directorates-General of the European Commission, opening up for Turkish membership.

In times where Turkey's relationship with the EU has become extremely complex and dynamic, a new institutional framework needs to view EU agencies as a participatory form of external differentiation. As outlined by Müftüler-Baç, "Further enlargement of the Union and its multiple links with non-member European countries indicate that expansion of the scope of differentiated integration is, indeed, inevitable."[41]

EU agencies offer the potential to improve the future of EU-Turkey relations as EU agencies may turn out to be short- and medium-term stepping-stones to future full membership in the decade(s) ahead for Turkey.

Endnotes

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9 | M. Busuioc and M. Groenleer, "The Theory and Practice of EU Agency Autonomy and Accountability: Early Day Expectations, Today's Realities and Future Perspectives," in *European Agencies in Between Institutions and Member States*, ed. M. Everson, C. Monda, and E. Vos (Alphen a/d Rijn: Wolters Kluwer, 2014), 175.

10 | See H. Hofmann, E. Vos, and M. Chamon, ed., *The External Dimension of EU Bodies and Agencies: Law and Policy* (Cheltenham: Edward Elgar Publishing, 2019).

11 | Exceptions to the rule are Lavenex, "The external face of differentiated integration," mapping third country participation in seven agencies (EASA, ECHA, EEA, EFSA, EMA, Europol, Frontex); M. L. Öberg, "Third countries in EU agencies: participation and influence," in *The External Dimension of EU Agencies and Bodies*, ed. H. Hoffmann, E. Vos, and M. Chamon, 204–221 (Cheltenham: Edward Elgar Publishing, 2019), focusing on the EEA and EFTA's possibilities to influence the content of the EU *acquis* via their involvement in a selected number of EU agencies.

12 | Lavenex, "The external face of differentiated integration"; Öberg, "Third countries in EU agencies."

13 | M. Milenković, "The Western Balkans and Differentiated Integration – the Potential Role of the European Union Agencies," (TARN workshop, Brussels April 12, 2018).

14 | Lavenex, "The external face of differentiated integration," later tested systematically for ENP and EEA/EFTA country by D. Rimkutė and K. Shyrokykh, "The Role of EU Agencies in the Acquis Transfer: The Case of the European Neighbourhood Policy Countries," TARN Working Paper Series 17/2017; D. Rimkutė and K. Shyrokykh, "Transferring the acquis through EU agencies: the case of the European Neighbourhood Policy countries," in *The External Dimension of EU Agencies and Bodies*, ed. H. Hoffmann, E. Vos and M. Chamon, 183–203 (Cheltenham: Edward Elgar Publishing, 2019); K. Shyrokykh and D. Rimkutė, "EU Rules Beyond its Borders: The Policy-specific Effects of Transgovernmental Networks and EU Agencies in the European Neighbourhood," *Journal of Common Market Studies* 57 (2019): 749–767; Öberg, "Third countries in EU agencies."

15 | Shyrokykh and Rimkute, "Transferring the acquis through EU agencies," 5.

16 | Ibid., 6.

17 | Ibid., 7.

18 | Lavenex, "The external face of differentiated integration," 841.

19 | Öberg, "Third countries in EU agencies," 207-209.

20 | Under this group, Albania, the Republic of North Macedonia, Montenegro, Serbia, and Turkey are currently eligible for cooperation with EU agencies.

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The interpretations and conclusions made in this policy brief belong solely to the authors and do not reflect IPC's official position.

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