

**A COMPARATIVE STUDY OF THE EUROPEAN UNION'S
ENLARGEMENT STRATEGY TOWARDS TURKEY AND BULGARIA
WITH RESPECT TO THE ENVIRONMENTAL AID**

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ABSTRACT

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This thesis mainly analyses the change in the enlargement strategy of the European Union (EU) especially in the case of Turkey. Although the Union has always sought ways to enlarge, it has been rather reluctant as far as accepting Turkey as a full member into the EU is concerned. In 2004, the EU enlarged so as to include the Central and East European countries (CEECs), but Romania and Bulgaria were left behind since they did not fulfill the membership criteria at the time. However, these two countries became members on January 1, 2007 and Turkey is still waiting in the line to become a member. Therefore, the writer has chosen Turkey and Bulgaria in order to analyze the change in the enlargement strategy of the Union. The medium to arrive at conclusions as regards the strategy is mainly the environmental aid as the two countries display noticeable differences. Furthermore, the enlargement strategy papers prepared by the European Commission have also been analyzed in order to see the changing attitude of the EU especially by re-introducing the concept of absorption capacity. Even though the Union states it keeps its open door to new members, the new enlargement strategy proves that it will be rather difficult for the candidate states and especially Turkey to enter into the EU.

Keywords: Enlargement, Enlargement Strategy, Environmental Aid, Absorption Capacity.

ÖZ

AVRUPA BİRLİĞİ'NİN TÜRKİYE VE BULGARİSTAN'A UYGULADIĞI GENİŞLEME STRATEJİSİNİN ÇEVRE YARDIMI GÖZ ÖNÜNDE BULUNDURARAK KARŞILAŞTIRILMALI ÇALIŞMASI

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Bu tez Avrupa Birliği'nin (AB) özellikle Türkiye ile ilgili genişleme stratejisini incelemektedir. Birlik, her zaman genişlemeyi arzu etmişse de, Türkiye'yi tam üye olarak Kabul etmek söz konusu olduğunda tereddüt etmiştir. 2004 yılında AB Merkez ve Doğu Avrupa ülkelerini bünyesine katarak genişlemiştir fakat Romanya ve Bulgaristan o sırada üyelik kriterlerini yerine getirmediği için geride kalmışlardır. Fakat, bu ülkeler 1 Ocak 2007'de tam üye olmuşlardır ve Türkiye hala üye olabilmek için sırada beklemektedir. Bu nedenle, yazar Türkiye ve Bulgaristan'ı Birliğin genişleme stratejisini incelemek için seçmiştir. İki ülke oldukça büyük farklılıklar gösterdiğinden, stratejiyle ilgili sonuçlara varabilmek için temel araç olarak çevre yardımları seçilmiştir. Ayrıca, özellikle hazmetme kapasitesini yeniden gündeme getirerek Birliğin değişen tutumunu görmek için genişleme stratejisi dokümanları da incelenmiştir. Her ne kadar Birlik yeni üyelere kapısını açık tuttuğunu belirtse de, yeni genişleme stratejisi yeni üyelerin ve özellikle Türkiye'nin AB'ye girmesinin oldukça zor olacağını kanıtlamaktadır.

Anahtar Kelimeler: Genişleme, Genişleme Stratejisi, Çevre Yardımı, Hazmetme Kapasitesi.

*To my beloved mother, Zehra Bilgi.
Nothing would compare to what you have done and are doing for me.*

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INTRODUCTION

Smaller or larger? Remain as it is or include new members? These were just two of the many questions concerning the European Union (EU) as regards its enlargement rounds. Eventually, the Union has always sought to enlarge and it did so. However, it is not possible to say that all enlargements have been smooth. That is, all enlargement rounds created problems but these problems were somehow solved.

When these issues are taken into consideration, one can ask why the Union wants to enlarge. This thesis will firstly try to answer this question in detail. At first glance, it may be stated that the Union wants to enlarge because enlargement brings benefits to the Union. One benefit can be, as Nugent asserts, is the promotion of security, which means to ensure peace and stability both in the European continent and in the neighbouring states as well.¹ Another benefit listed by Nugent is economic opportunities as the EU internal market increases with each enlargement, making it one of the most important trade actors in world economy.² Yet another benefit is in terms of politics, since enlargement creates a more powerful and prestigious Union in the international arena.³ The final benefit is on the part of the existing member states as enlargement gives them the opportunity to pursue their own interests and externalize their internal problems.⁴

As well as benefits, there are the costs of enlargement such as the problem of identity, changes in the institutions and decision-making procedures, internal dynamics and balances, economic and political difficulties.⁵ On the other hand, it seems on the part of the EU that the benefits are far greater than the costs, which acts as a driving force for the enlargement rounds.

¹ Nugent, Neill. *"The EU and the 10+2 Enlargement Round: Opportunities and Challenges"* in *European Union Enlargement* edited by Neill Nugent, New York: Palgrave Macmillan, 2004.

² Nugent, 2004.

³ Mayhew, Alan. *Recreating Europe, The European Union's Policy towards Central and Eastern Europe*. Cambridge: CUP, 1998.

⁴ Preston, Christopher. *Enlargement and Integration in the European Union*. New York: Routledge: 1997.

⁵ Nugent, 2004.

As mentioned above, enlargement rounds have not always been smooth and in each enlargement round, the Union and the associating states encountered some problems due to the strategies that the EU applies and the characteristics of the candidates. The strategies or the criteria that the EU has used have changed in time and today the issue of enlargement criteria has become more and more complex. Another point of analysis for this thesis is the strategies and the criteria that the Union resorts to as far as the enlargement rounds are concerned. However, the focus will be mainly on the developments within the last two decades. With the June 1993 European Council meeting in Copenhagen, a set of new criteria have been introduced which are called the Copenhagen Criteria. These criteria are basically related to political, economic criteria as well as the adoption of the *acquis* and all candidate states have to fulfill these in order to be a member state. On the other hand, fulfilling the Copenhagen Criteria is a lengthy process for many associating countries and it takes many years for them to become a member.

Turkey can be considered as a country that has spent many years in fulfilling the so-called Copenhagen Criteria. It started its adventure of becoming an associate EU member in 1963. Here, one can possibly argue that if a country started negotiations such a long time ago, it should have already become a member by now. However, the case has proved to be just the opposite and the accession negotiations with Turkey opened only in October 2005 and it can be said that it will take quite a long time for Turkey to become a full member in the EU.

Bulgaria, on the other hand, is now a full member of the EU starting from 1 January 2007. The case of the negotiation process for Bulgaria has been totally different from that of Turkey. In fact, Bulgaria closed the negotiations with the EU in 2004 although it applied for membership only in 1995, which was much later than the Turkish application.

When these two different country pictures are taken into consideration, it is inevitable to ask whether the EU applies same or different strategies for each specific candidate. This thesis will try to find the answer to this question. However, the enlargement strategies (i.e. pre-accession strategy for the CEECs consisting of

Europe Agreements, Accession Partnerships and the National Programme for the Adoption of the Acquis, pre-accession assistance, opening European Community programmes and agencies and the new enlargement strategy of the EU for Turkey and Croatia and the prospective candidates including consolidation, conditionality and communication) that the EU applies for each candidate state are numerous and it is quite difficult to analyze the similarity and the difference between Turkey and Bulgaria in each aspect. Hence, the writer will narrow down the focus of analysis by firstly elaborating on the environmental chapter of the acquis, to which the EU gives the utmost importance by having the most detailed environmental legislation in the world. Basically, the environmental acquis requires that candidate states have a clean environment (including air, water, waste, nature protection, nuclear power, etc.) where sustainable development is also ensured. Therefore, the EU, in order to transpose its environmental acquis gives a huge amount of aid to the candidate countries. On the other hand, big differences can be seen between these countries as far as the environmental aid is concerned. Consequently, it can be understood that while the writer will analyze the environmental acquis and its requirements, she will also analyze the pre-accession aid that the EU has given to these two states (Turkey and Bulgaria) in the field of environment. However, before focusing on the environmental aid, the writer will also take a look at the different types of aid that the EU offers as pre-accession aid due to the fact that transforming a country in order to be eligible for the EU membership requires a lot of funding even if it is just in the field of environment and the writer would like to reveal what these fund types are.

The focus of analysis will be between 2002 and 2006 as Turkey has been able to get a bigger amount of aid since 2002. Before that Turkey was able to get financial assistance from the Euro-Mediterranean Partnership. However, Turkey gets limited aid from the EU compared to that of Bulgaria. That is, Turkey only got funding from the PHARE (Poland and Hungary: Assistance for Restructuring their Economies) funds between 2002 and 2006 and it did not receive any ISPA (Instrument for Structural Policies for Pre-Accession) or SAPARD (Special Accession Programme for Agriculture and Rural Development) funds. Moreover, starting from 2007 onwards it will be eligible for the IPA (Instrument for Pre-Accession Assistance) and

it is said that it will receive approximately 1 billion euros under this funding, the environmental allocation of which is still uncertain.⁶

On the contrary, Bulgaria has received a large sum of money from the PHARE programme for its national programme for adopting the acquis. In addition, it is a beneficiary of the TAIEX (Technical assistance office) and SME (Small and Medium-sized Enterprises) Finance Facility. As well as PHARE, Bulgaria gets funding from the ISPA project in order to accomplish its environmental and transport infrastructure projects. Furthermore, SAPARD funds Bulgaria in agricultural and rural development projects. The European Investment Bank is another source of aid for Bulgaria especially in meeting the standards of a market-based economy. Finally, Bulgaria will be able to receive aids with its accession to the Union especially in its first year so that it can adjust its institutions fully to implement the Union laws.⁷

If these differences as regards the aid and especially environmental aid are taken into consideration, it can be argued that Turkey and Bulgaria are totally different from each other in terms of access to the EU aid. However, it should not be forgotten that such differences may lead to varying conclusions about the enlargement or pre-accession strategies that the Union applies for the candidate states. One may assert that the EU has variable strategies that changes from one candidate state to another. This is exactly the point that this thesis will take a careful look into. In other words, after analyzing the similarities and differences between the two states as regards the financial support given by the EU in the environmental chapter of the acquis, the thesis will try to arrive at a conclusion about whether the EU has variable strategies or not. The writer will try to develop her conclusions based on the enlargement Strategy Papers prepared by the European Commission, where the EU has shown a changing approach especially with the introduction of its absorption capacity criterion in 2005 Enlargement Strategy Paper and its related concerns.

Hence, the thesis will try to answer the following questions:

- Why does the European Union (EU) want to enlarge?
- What are the benefits of enlargement for the EU?

⁶ More information can be found at http://ec.europa.eu/comm/enlargement/turkey/eu_relations.htm

⁷ More information can be found at http://ec.europa.eu/comm/enlargement/bulgaria/eu_relations.htm

- What is the pre-accession strategy of the EU before 2005?
- What is the enlargement strategy of the EU now?
- What are the enlargement criteria for the candidate countries?
- Why does the Union use pre-accession aid?
- What are the pre-accession aid instruments?
- What does the EU require as regards the environmental acquis?
- What was the case of environmental pre-accession aid for Turkey between 2002 and 2006?
- What was the case of environmental pre-accession aid for Bulgaria between 2002 and 2006?
- What can be concluded as regards the enlargement strategy of the EU towards these two states based on the environmental aid?
- What has been the change in the enlargement strategy of the EU?
- What can be argued as regards the change in the enlargement strategy towards Turkey?
- What can be the prospects for future study?

After answering these questions, the writer will try to arrive at some conclusions. However, she will, of course, try to refrain from forming definite suggestions as this is a debatable subject and is open up to further discussion due to the fact that the EU will continue to adapt its enlargement policy and pre-accession strategy after the accession of new countries.

1. REASONS, STRATEGIES AND CRITERIA FOR EU ENLARGEMENT

1.1 REASONS FOR EU ENLARGEMENT

As mentioned in the introduction, despite the costs and the disadvantages that the enlargement rounds bring with themselves, the European Union (EU) has always been interested in increasing the number of its members. Here, one can ask whether enlargement is really essential for the EU. Mayhew answers this question by saying that “enlargement is necessary for the future survival of the Union”⁸ on the grounds that in a globalized world where the issues of increasing security and being a leader in trade and economics is becoming more and more important.

Then, with this answer another question comes into mind which is why enlargement is vital for the EU. Various answers have been given to this question and the first part of this chapter will try to elaborate on these answers. While analyzing these, the writer will refer to reasons as benefits just as listed by many works cited in this thesis.

The willingness of the EU to enlarge can be based on various benefits. Nugent explains these benefits in two aspects.⁹ According to him, there are some rationalist and sociological or constructivist explanations as regards the EU enlargement. As far as rationalist views are concerned, it is stated that enlargement promotes security and creates better economic opportunities, so here one questions how it does so. In the area of security, it is possible to say that enlargement promotes peace and security in the European continent and the neighbouring states as well. When the EU includes new members, these members and the EU no longer see each other as adversaries but as partners. This, in turn, leads to a more secure environment. That is, enlargement eliminates the risk of fragmentation among the states as the new and old members work closely with each other on security matters with equal and mutual understanding their security concerns which are basically related to stability, and peace as well as having a solid foreign and security policy. Furthermore, when the

⁸ Mayhew, 1998.

⁹ Nugent, 2004.

EU enlarges, especially seen as in the last enlargement round, it creates more democratic and liberal societies and political systems which mainly stems from the criteria that the candidate states have to fulfill in order to be eligible for membership. As well as these security benefits, an enlarged EU gives it the opportunity to better tackle with some other transnational security issues such as organized crime, illegal trafficking of drugs, and illegal immigration since these problems are transnational in nature and require more concerted efforts (i.e. member states working altogether and focusing their efforts) to diminish the threats that can emerge from these problems.

When it comes to the field of economy, it can be said that the EU “seeks to enlarge to maximize economic growth and the prosperity of the Union.”¹⁰ More specifically, the first and foremost benefit that can be gained by enlargement is the increased size of the EU internal market. In other words, due to the common regulatory framework between the member states, similar economic and fiscal policies will be pursued which will foster the business confidence among the members. The second advantage can be on the part of the member state companies.¹¹ In an enlarged Union, the member state companies can have the opportunity to access to a wider market and better facilities in terms of production costs, which means that these companies will look for lower-cost locations and will definitely find such places with the accession of new members. The final benefit, which is directly related to the second benefit, is that there will be more chances for direct investment when the Union includes new members. Existing member states and especially their multinational companies (MNCs) will be able to find new production locations and new markets which will lead to the boost of the Union’s and the member states’ economy.¹²

Apart from these rationalist views, Nugent asserts that there are some social constructivist ideas as regards the reasons of EU enlargement.¹³ Social constructivist views claim that the motivations behind enlargement should not be solely seen in terms of security and economic concerns, but should include some social terms since

¹⁰ Mattli, W. and T. Plümpert, “The Demand-side Politics of EU Enlargement: Democracy and the Application for EU Membership”, *Journal of European Public Policy*, 9:4, August 2002, pp. 550–574.

¹¹ Mayhew, 1998 and Matti and Plümpert, 2002.

¹² Matti and Plümpert, 2002.

¹³ Nugent, 2004.

enlargement does not only create benefits but some risks and costs as well. According to them, the driving force behind enlargement is that the EU accepts states similar to the member states, which will lead to a collective identity, which means expanding an organization of member states akin to each other. When the Union includes such members, cooperation between these states will definitely be fostered and the basic ideas such as democratic values, the rule of law, pluralist political and economic systems, liberal domestic and foreign policy, on which these organizations are founded. Moreover, the EU will assist those states so that they can be similar. As a response to these ideas, Nugent has reservations and opposes them on the grounds that the existing states all have reservations as far as the enlargement is concerned since they especially care about the problems that these states would bring along with themselves (i.e. economic problems, problems stemming from communist rule of law, etc.), but in the end they all welcome the new member states as they strongly believe that enlargement is necessary for the future survival of the Union in a globalized world.¹⁴

Other than rationalist, social and constructivist benefits of the enlargement for the EU, there are some political benefits as stated by Mayhew.¹⁵ An enlarged EU means that the EU will increase its power and prestige in the international arena and negotiations.¹⁶ In other words, it will be a more assertive and powerful actor which may even equal to that of the United States as it will act like a bloc of nearly 30 countries just as the case during the Cold War years. Especially in the realms of foreign policy and military security, the EU may be able to have a more say with its increased number of states and different policy instruments as well as the increased number of its military staff, which can effectively deal with the upcoming crises.¹⁷

The last benefit of enlargement for the EU is not merely for the EU as a whole but more for the existing member states as Preston puts forward.¹⁸ Enlargement is such an effective tool that it enables the member states to pursue their goals. That is, existing member states can use the unanimity tool for accepting the countries as a

¹⁴ Nugent, 2004.

¹⁵ Mayhew, 1998.

¹⁶ Mayhew, 1998.

¹⁷ 2005 Enlargement Strategy Paper prepared by the European Commission.

¹⁸ Preston, 1997.

way to attain their aims, which means that they can agree to take on new members in return for the benefits they gain such as solving their financial or other political problems.

As a result, it can be seen that enlargement, which is one of the most powerful policy tools of the EU, is quite beneficial for the EU as a whole and the existing member states because the EU needs to ensure peace and stability and a well-functioning internal market and economics in the continent. However, it is not strong enough to do this on its own and needs to expand in order to be successful in doing so.¹⁹

1.2. THE ENLARGEMENT STRATEGY OF THE EU

Having mentioned the benefits of enlargement, one can easily conclude that enlargement is essential for the future survival of the EU. On the other hand, it should not be forgotten that enlargement is a challenging process. That is, although the EU is of the opinion that it needs more members in order to ensure peace and stability in the European continent and the neighbouring states, it does not easily accept new members and sticks to its enlargement strategy and applies a long list of criteria for the candidate countries. Only after the strategy adopted by the EU is implemented and these states fulfill these criteria, can they be eligible for membership, but what is the enlargement strategy of the EU and what are these criteria? Why are they so hard that it takes a lot of time and effort for both parties? This part of the thesis will try to answer these questions.

The enlargement strategy of the EU has gone under a lot change in the course of time. However, it has some principles and the European Commission is quite insistent on these. Basically, the pre-accession strategy of the EU can be considered as the main enlargement strategy of the Union until 2005. This pre-accession strategy which mainly applied to the enlargement of the Central and East European countries (CEECs) was founded on Europe Agreements, Accession Partnerships and National

¹⁹ For more detailed discussion on EU enlargement see Avery, Graham and F. Cameron, *The Enlargement of the European Union*, Sheffield: Sheffield Academic Press, 1998 and Cremona, Marise. (ed.), *Enlargement of the European Union*. Oxford: Oxford University Press, 2003.

Programmes for the Adoption of the Acquis, pre-accession assistance and opening of European Community programmes and agencies.

In Europe Agreements, trade-related issues, political dialogue, legal approximation and various other areas of cooperation are covered. The reason why these agreements were signed with the CEECs was that they have provided progressive alignment with the Community rules and specific provisions in such areas as capital movement, rules of competition, intellectual and industrial property rights and public procurement.²⁰

The next part of the pre-accession strategy is the Accession Partnerships that define the priorities for the candidate states as they prepare themselves to become members of the Union. Moreover, these partnership documents bring together all different forms of EU support within a single framework. Of course, these Partnerships do not remain the same and are updated based on the regular progress reports of the Commission so that all priorities both short and medium term can be addressed with the pre-accession assistance.²¹

As mentioned above, in line with priority setting the financial assistance programmes are determined. The pre-accession assistance for the CEECs starting from the year 2000 comprised of PHARE (Poland and Hungary: Assistance for Restructuring their Economies) which has aimed at institutional building measures across all sectors and investments including regional development programmes, ISPA (Instrument for Structural Policies for Pre-Accession) which finance environmental and transport infrastructure projects, and SAPARD (Special Accession Programme for Agriculture and Rural Development) for agricultural and rural development.²² Under PHARE programme, twinning projects are carried out especially in areas of agriculture, environment, public finance, justice and home affairs and preparation for the endorsement of Structural Funds which are available to the candidate states once they have become the members of the Union. In addition within PHARE, TAIEX (Technical Assistance and Information Exchange Instrument) and SIGMA (Support

²⁰ Enlargement of the European Union, A Historic Opportunity: A General Overview of the Enlargement Process and the Pre-accession Strategy of the European Union, prepared by the EU Commission, Brussels: 2001.

²¹ Enlargement of the European Union, A Historic Opportunity.

²² Enlargement of the European Union, A Historic Opportunity.

for Improvement in Governance and Management) are also offered which are quite similar to twinning projects in nature.

The last part of the pre-accession strategy which is participation in community programmes and agencies constitute one of the major parts of the enlargement strategy. All candidate countries participate in programmes such as education, vocational training, youth, research, energy, environment, small and medium-sized enterprises and public health.²³ These programmes are financed by the EU's PHARE programme.

Apart from these components, once the negotiations are opened with the candidate states the analytical examination of the *acquis* or the so-called screening process starts and it is one of the most time consuming parts of the enlargement strategy. In other words, screening is usually a long process and with each examination, issues that need to be taken up in the negotiations are determined²⁴ and negotiations focus more on these areas so that the candidate country can fully adapt itself to the Union *acquis*.²⁵

As the writer has previously mentioned, these are the pre-accession strategies that the EU has applied in its last enlargement round in 2004. However, with its last enlargement strategy published in 2005, the picture has changed a little. That is, other than these five components some other components have been added. Of course, accession negotiations and supporting the reforms have been the milestones of the strategy, but the EU is now much more insistent on conditionality, fulfilling all the parts of the Copenhagen criteria and its absorption capacity which will be dealt with below.

²³ 2000 Enlargement Strategy Paper.

²⁴ 2000 Enlargement Strategy Paper.

²⁵ For more on Eastern enlargement, see Grabbe, Heather and Hughes, Kirsty. *Enlarging the EU Eastwards*. Pinter: London, 1998 and Grabbe, Heather and Hughes, Kirsty. *Eastward Enlargement of the European Union*. The Royal Institute of International Affairs: London, 1997.

1.3. THE ENLARGEMENT CRITERIA OF THE EU

As mentioned above, the criteria for membership constitutes one of the main parts of the EU's enlargement strategy. At this point, one needs to take a careful look at these criteria in order to fully grasp what has changed with the recent enlargement strategy of the EU and this part of the chapter will serve this purpose.

Originally, there was one criterion for membership as Redmond and Rosenthal explains and it was "Europeanness"²⁶ which is basically an identity based on commonalities which includes respecting universal values such as human rights, democracy and the rule of law.²⁷ However, due to the changing circumstances of the world and the varying natures of the enlargement rounds, this criterion was subject to change. "For instance, in the 1992 Maastricht Treaty, Article O [1] stated that any European country that respects the principles of the EU may apply to join." This is again a too broad statement in terms of the enlargement criteria. On the other hand, these criteria have become more definite with the Copenhagen European Council Meeting in June 1993 and in this part of the thesis, these criteria will be analyzed; however, the writer will mainly focus on the so-called Copenhagen criteria and will try to explain what each criterion requires the candidate state to do.

The Copenhagen criteria, which define the obligations of candidate states to be eligible for membership, have been decided on the European Council Meeting in Copenhagen, in June 1993. As laid down in the Presidency conclusion of the summit, each member state has to achieve the stability of institutions which guarantee democracy, the rule of law, human rights, and respect for and protection of minorities. Moreover, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union is needed. Finally, the candidate state has to have the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union, which in fact refers to the *acquis communautaire* of the EU.

²⁶ Redmond, John and Glenda G. Rosenthal (eds.) *The Expanding European Union: Past, Present, Future*. Boulder: Lynne Rienner, 1998.

²⁷ Şengül, Zeynep. *EU: The Role of Europeanness during the Process of Negotiations*, available at <http://www.turkishweekly.net/eurtf.php?id=19>

The first criterion of the Copenhagen criteria can generally be defined as the political criterion. In order to fully meet the political criterion, the candidate state should be a democratic country where the rule of law and human rights are respected. Furthermore, there should be respect and protection for the minorities present in the candidate country. What is meant by a democratic country is that, in the candidate state all citizens should have the right to participate in the political decision-making process from the very low to the high level. Furthermore, free elections, right to establish a political party without any hindrance from the state, a free press and free access to it, free organizations and unions, freedom of personal opinion are the essential parts of a democratic state.²⁸ As for the rule of law, it is meant that government authority can only be exercised under the written laws, which means that there should be no arbitrary rulings in individual cases. As far as human rights are concerned, all citizens should have the right to life, the right to be prosecuted only according to the laws existing at the time of the offence, the right to be free from slavery, and the right to be free from torture.²⁹ When it comes to the respect for and the protection of minorities, it is stated that members of different national minorities should be able to maintain their distinctive culture and practices as well as their language. Moreover, they should not be discriminated.

The second criterion of the Copenhagen criteria refers to the economic criteria that the candidate states have to fulfill before accession. In a nutshell, the economic criteria can be summarized as the candidate state should have a functioning market economy, and companies that have the capacity and the capability to cope with the competitive pressure and market forces within the EU.³⁰ In order to fulfill these criteria, Johnson and Miles put forward four variables which are “macroeconomic stabilization, price and trade liberalization, a legal framework suitable for a market economy and the transfer of ownership from the public to private sectors.”³¹ To elaborate on these variables a little, macroeconomic stabilization means that the

²⁸ These have been summarized from Enlargement of the European Union, A Historic Opportunity and Council of the European Union, Copenhagen European Council Meeting 21-22 June 1993, Presidency Conclusions, Copenhagen: 1993.

²⁹ These have been summarized Enlargement of the European Union, A Historic Opportunity and Council of the European Union, Copenhagen European Council Meeting 21-22 June 1993, Presidency Conclusions, Copenhagen: 1993.

³⁰ Enlargement of the European Union, A Historic Opportunity.

³¹ Johnson and Miles cited in Preston, 1997.

country should have sufficient industrial and agricultural output, a very low rate of unemployment and a very strong economy policy that prevents economic crises from taking place, which also means a legal framework suitable for a market economy. In addition, price and trade liberalization necessitates relative prices and competitive companies. Finally, as for privatization, it enhances more competition and leads to better product quality.

The last criterion of the Copenhagen criteria can be named as legislative alignment. In other words, the candidate states must enact laws that would parallel to the Union laws named as the *acquis communautaire*. This criterion includes a variety of changes in the candidate states laws and most probably it is the one that takes most of the preparation time. The Union law, i.e. the *acquis communautaire*, formerly consisted of 31 chapters and each candidate had to open and close these chapters before becoming a candidate. The 31 chapters were originally about free movement of goods, freedom of movement for persons, freedom to provide services, free movement of capital, company law, competition policy, agriculture, fisheries, transport policy, taxation, economic and monetary union, statistics, social policy and employment, energy, industrial policy, small and medium-sized undertakings, science and research, education and training, telecommunications and information technologies, culture and audiovisual policy, regional policy and coordination of structural instruments, environment, consumers and health protection, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy, financial control, financial and budgetary provisions, institutions and other. However, especially starting with the negotiations with Turkey there have been more chapters. Currently, there are 35 chapters of the *acquis* and these are free movement of goods, freedom of movement for workers, right of establishment and freedom to provide services, free movement of capital, public procurement, company law, intellectual property law, competition policy, financial services, information society and media, agriculture and rural development, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, economic and monetary policy, statistics, social policy and employment, enterprise and industrial policy, trans-European networks, regional policy and coordination of structural instruments, judiciary and fundamental rights, justice,

freedom and security, science and research, education and culture, environment, consumer and health protection, customs union, external relations, foreign security and defence policy, financial control, financial and budgetary provisions, institutions and other issues respectively.

Each chapter requires the candidate state to carry out a series of reforms so that the aim of each chapter can be fulfilled. What each chapter necessitates can be listed as the following:³²

- the chapter of free movement of goods means that products must be traded freely from one part of the EU to another.
- freedom of movement for workers chapter refers to the fact that EU citizens of one member state have the right to work in another member state and these workers should be treated in the same way as national workers.
- the chapter on right of establishment and the freedom to provide services implies that member states must ensure the right of establishment of EU national and legal persons in any member state and the freedom to provide cross border services should not be hampered by any national legislation.
- free movement of capital chapter requires the member states to remove all restrictions on the movement of capital within the EU and the member states and the third countries.
- the chapter related with public procurement means the general principles of transparency, equal treatment, free competition and non-discrimination.
- company law chapter refers to the formation of rules related to formation, registration, merger and division of companies.
- intellectual property law is basically copyright law.
- competition policy requires anti-trust and state aid control policies.
- financial services chapter includes rules for the authorization, operation and supervision of financial institutions in the areas of banking,

³² These definitions are taken from the 2005 Turkey Progress Report prepared by the EU Commission.

insurance, supplementary pensions, investment services and securities markets.

- the chapter about information society and media refers to the fact that there should be specific rules on electronic communications, on information society services, in particular electronic commerce and conditional access services, and on audiovisual services.
- agricultural and rural development chapter necessitates rules that mainly help the effective implementation of the Common Agricultural Policy (CAP) of the EU.
- the chapter on food safety, veterinary and phytosanitary policy requires food hygiene standards, animal health and animal welfare standards as well as seed, plant protection and animal nutrition standards.
- fisheries chapter implies policies that would lead to the effective implementation of the common fisheries policy.
- transport policy chapter requires the candidate state to promote safe, efficient and user friendly transport services under road transport, inland waterways, combined transport and maritime transport.
- the energy chapter aims to improve the competitiveness, security of energy supplies and the protection of the environment.
- the chapter of taxation is mainly indirect taxation such as value added tax.
- the chapter related with economic and monetary policy is a much broader area and includes rules that would enable the independence of central banks, prohibit direct financing of the public sector by the central banks and access of the public sector to financial institutions.
- statistics chapter requires the existence of a statistical infrastructure based on principles such as impartiality, reliability, transparency, confidentiality of individual data and dissemination of official statistics.
- the chapter on social policy and employment necessitates minimum standards in labour-law, equality, health, and safety at work and anti-discrimination.

- enterprise and industrial policy chapter promotes industrial strategies and business environment that would facilitate competitiveness and encourages an environment favourable to business creation and growth.
- trans-European networks chapter covers transport, telecommunications and energy infrastructures.
- the chapter on regional policy and coordination of structural instruments codify rules to approve and implement Structural Funds and Cohesion Fund programmes that would reflect each candidate state's territorial organization.
- judiciary and fundamental rights and justice freedom and security chapters aim at maintaining and developing the EU as an area of freedom, security and justice.
- science and research chapter is directly related with the existence of the required conditions for effective participation in the Framework Programmes.
- education and culture chapter aims to integrate all actions in the areas of education and training as well as preserving the cultural diversity of the candidate state's peoples.
- the chapter on environment aims at promoting sustainable development and protecting the environment.
- consumer and health protection chapter is related to the safety of consumer goods and the economic interests of consumers.
- the chapter about customs union is much broader in the sense that it includes implementing the EU Customs Code and its provisions.
- external relations chapter requires the candidate states to comply with the EU's humanitarian and development policies with third parties and international organizations.
- the chapter on foreign, security and defence policy requires the candidate state conduct political dialogue in the framework of CFSP, to align with EU statements, to take part in EU actions and to apply agreed sanctions and restrictive measures.

- financial control chapter relates to the adoption of internationally agreed and EU compliant principles, standards and methods of public internal financial control.
- finally, the chapter related with financial and budgetary provisions is concerned with the financial resources necessary for the funding of the EU budget.

As a result, from this very long list, it can be seen that the candidate state has to fulfill all these obligations and the requirements before the accession negotiations can be closed.

Another criterion that can be added to this list of EU enlargement criteria is the administrative capacity criterion (i.e. developing the structures and systems, human resources and management skills needed to implement the *acquis*) of the Union which was announced in the Presidency Conclusions of the 1995 Madrid European Council. In Madrid, it was decided by the Council that the CEECs needed to intensify their efforts in order to adjust their administrative structures that will carry out the reforms needed to apply the Copenhagen Criteria. In line with this the Agenda 2000 document that was prepared in 1997 the strengthening of the institutional and administrative capacity of the candidates was also listed as a requirement for membership in the EU. Hence, administrative capacity or institution building has become another important criterion for membership.³³

The last criterion that can be listed under this chapter may be the absorption capacity of the EU, which was originally a part of the Copenhagen Criteria as laid down in the Presidency Conclusions of the 1993 Copenhagen European Council Meeting but has been reintroduced especially with the case of Turkey. As laid down in the 2005 Enlargement Strategy Paper prepared by the EU Commission the pace of enlargement is directly related with the EU's absorption capacity to welcome the new members. In other words, an enlarged Union "has to ensure that it can maintain its capacity to act and decide according to a fair balance within its institutions,

³³ This paragraph has been summarized from Dimitrova, Antoaneta, *Enlargement, Institution-Building and the EU's Capacity Building Requirement*, West European Politics, Volume: 25 No:4, October 2002.

respect budgetary limits, and implement common policies that function well and achieve its objectives.”³⁴ Therefore, in order for the EU to absorb a variety of candidate states, the EU itself should be ready to carry on its duties as well as the candidate states themselves.

To sum up, given this long list of criteria, it can be concluded that enlargement is a really tiring and long process not only for the candidate states but also for the EU. The candidate states, first of all, have to fulfill the political criteria of the Copenhagen Criteria so that the accession negotiations can be opened with them. Secondly, they have to fulfill all the above mentioned criteria so that they can become full members. Furthermore, they should adapt themselves to such a level that it will be no difficult for the Union itself to welcome them. As for the EU, although it is willing to enlarge and include new members, this is not an easy process. It has to apply its three basic principles which are consolidation, conditionality and communication.³⁵ Consolidation is basically related to the EU’s absorption capacity. When it comes to conditionality, the EU should be insistent on the fulfillment of the enlargement criteria and fair in the process while monitoring and assisting the candidate states. Moreover, it should not let the negotiations move from one stage to another unless an aspirant state does so in terms of the conditions. In addition, the Union should keep the right to suspend the negotiations in case of a breach of its principles or not fulfilling the criteria by the candidate state.

More specifically, conditionality is one of the most powerful tools of the EU so that the candidate states can discipline themselves and comply with the Union acquis.³⁶ Two types of conditionality that the EU resorts to can be named as formal conditionality, referring to the Copenhagen criteria and the acquis and informal conditionality, which is the recommendations and the operational pressures applied by the actors within the Commission. What is significant in conditionality is that it acts as a lever for democratic promotion and political transformation. However, one should bear in mind that EU conditionality is not merely political. On the contrary, it

³⁴ 2005 Enlargement Strategy Paper.

³⁵ 2005 Enlargement Strategy Paper.

³⁶ Hughes, James, Gwendolyn Sasse and Claire Gordon, *Europeanization and Regionalization in the EU’s Enlargement to the Central and Eastern Europe: The Myth of Conditionality*, Palgrave: New York, 2004.

includes economic conditionality which means market liberalization and administrative reform as well as political conditionality which refers to democracy promotion, rule of law and respect for human rights.³⁷ As Hughes, Sasse and Gordon point out, for the EU conditionality is “seen as a gate keeping mechanism embodying clearly identifiable and generally understood norms and rules and institutional configurations that are applied consistently and with same continuity over time to regulate the entry of new members.”³⁸ Although consistency and continuity are the main principles of EU conditionality, it really does not have uniform logic and is subject to changes and transformations due to the candidate country’s political and economic context and the changes in the *acquis*. Here, it can be understood that conditionality depends especially on the candidate country and the Unions intentions as regards that country.

It should be noted that this thesis mainly deals with the EU’s criteria for enlargement and in spite of the fact that conditionality can be named as such, the writer will not go in detail as conditionality is a wide area of study and is much broader than the limits of this work. However, the writer finds it useful to mention the above features of conditionality since she will try to arrive at conclusions regarding the EU pre-accession aid and the enlargement criteria of the EU.

As the writer pointed out earlier in EU’s basic principles for enlargement, communication is the final one that the EU follows. Therefore, as far as communication is concerned, the EU needs broad public support so that the enlargement rounds can continue. In order to ensure this, it has to communicate the benefits and the challenges of accepting new members. Communication has become increasingly important especially starting from the CEECs enlargement as in order to include such a huge group of members, the EU had to win the support of its citizens. Furthermore, the EU needs to have continual support of its citizens in order to continue with the next enlargement rounds as what the Union needs is to intensify its

³⁷ For more on conditionality, see Schimmelfenning, F. and S. Engert, “*Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey,*” *JCMS*, Volume 41, Number 3, 2003, pp. 495–518.

³⁸ Hughes, Sasse and Gordon, 2004.

efforts to foster mutual knowledge and understanding and to develop the common European project.³⁹

In conclusion, just like pointed out by the EU Commission in its 2005 Enlargement Strategy Paper, it can be said that despite the fact that enlargement is one of the most powerful policy tools of the EU, it is quite challenging for both parties and membership may be many years away for a candidate when all these criteria of the EU are taken into account.⁴⁰

³⁹ 2006 Enlargement Strategy Paper.

⁴⁰ 2005 Enlargement Strategy Paper.

2. THE PRE-ACCESSION AID OF THE EU

2.1. TYPES OF EU PRE-ACCESSION AID

As mentioned in the introduction, another focus of analysis of this thesis will be the aids and the donations that the EU gives to Turkey and Bulgaria. Enlargement is a long and also a costly process for both parties. That is, both parties need to spend a lot of time, effort and money as well. Of course, candidate states do not have this capacity in full. In other words, they need to get assistance from the EU so that they can progress on the way to full membership. On the other hand, the opportunities that the Union creates for these states are limited and the EU provides only “specific targeted aid”⁴¹ to them. Therefore, the chapter will try to elaborate on the types of pre-accession aids given to candidates excluding the ones in the Western Balkans (i.e. the CARDS programme) and define them in detail.

The pre-accession aid of the EU is another part of the pre-accession strategy of the EU just as the Europe Agreements, Accession Partnerships and National Programme for the Adoption of the Acquis and opening of European Community agencies and programmes. With the conclusions of the Berlin European Council of 24-25 March 1999, the amount of aid for Central and Eastern European countries (CEECs) doubled and from the year 2000 onwards the pre-accession instruments included PHARE (Poland and Hungary: Assistance for Restructuring their Economies), ISPA (Instrument for Structural Policies for Pre-Accession) and SAPARD (Special Accession Programme for Agriculture and Rural Development).⁴²

Just like the writer pointed out above, the EU provides specific targeted aid. This aid is for “the acceding countries, candidates, and potential future members.”⁴³ Basically, EU aid is given in order to support such countries in their efforts to enhance political, economic and institutional reforms.⁴⁴ In order to fulfill this aim the

⁴¹ EU Financial Assistance available at http://ec.europa.eu/enlargement/financial_assistance/index_en.htm.

⁴² Enlargement of the European Union, A Historic Opportunity.

⁴³ EU Financial Assistance.

⁴⁴ EU Financial Assistance.

EU uses three main pre-accession assistance instruments which were mentioned above, namely PHARE, ISPA and SAPARD.

2.2. PHARE

The first aid that will be analyzed at this point is PHARE, meaning lighthouse in French.⁴⁵ As it can be understood from its full name, PHARE was originally designed for Poland and Hungary in 1989. However, as mentioned above starting from 2000 onwards it has covered 10 countries which are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Bulgaria and Romania, which are all the members of the EU now. The main aims of PHARE, which has an annual budget of 1.56 million euros for the CEECs⁴⁶, are basically:⁴⁷

- strengthening public administrations and institutions to function effectively inside the EU.
- promoting convergence with the Union's legislation and reduce the need for transition periods.
- promoting economic and social cohesion.

As it is clearly seen from the objectives of the PHARE, its priorities are institution building and economic and social cohesion.⁴⁸ Institution building is essential in the sense that, candidate countries need to transform and reinforce their institutions in order to fully adopt the EU acquis. The PHARE programme helps the candidate states to develop their structures, strategies, human resources and management skills to achieve this aim via using TAIEX (Technical Assistance and Information Exchange Instrument), twinning and SIGMA (Support for Improvement in Governance and Management), which will be dealt with in detail below. As for economic and social cohesion, PHARE enhances the functioning of the market

⁴⁵ PHARE available at <http://en.wikipedia.org/wiki/Phare>.

⁴⁶ Enlargement of the European Union, A Historic Opportunity.

⁴⁷ PHARE programme available at http://ec.europa.eu/enlargement/financial_assistance/phare/index_en.htm.

⁴⁸ More information about the priorities of the PHARE programme can be found at http://ec.europa.eu/enlargement/financial_assistance/institution_building/index_en.htm and http://ec.europa.eu/enlargement/financial_assistance/phare/economic_and_social_cohesion_en.htm.

economy in the candidate states and assists them to build the capacity to cope with the competitive pressure and market forces within the Union.

PHARE programmes are decided between the European Commission and the authorities of each candidate country. These decisions are supplemented with detailed projects. The main programme types of the PHARE projects are national programmes, cross-border cooperation and multi-country and horizontal programmes.⁴⁹ The national programmes are where most of the PHARE budget is allocated. On the basis of the EU Regular Reports and the Accession Partnerships, which define the priorities for the candidate states as they prepare themselves to become members of the Union, the weaknesses of each country are listed and their national programmes for the adoption of the *acquis* lay down the timetable that is needed to overcome these problems as well as the human and financial resources. This has to be approved by the EU and becomes a national development programme. As far as the cross-border cooperation programmes are concerned, they are fundamentally aimed at “assisting the border regions in the applicant countries to overcome their specific development problems and integrate more closely with the Union”⁵⁰ especially in terms of economy. Finally, multi-country and horizontal programmes are designed to deepen institution building and they have been integrated into the national programmes more and more widely. One of the most common programmes seen in this area is cooperation with international financial institutions in order to promote and support small and medium-sized enterprises. Other programmes can be TAIEX, SIGMA (which will be dealt below), monitoring and evaluation, statistics, environment and institution building in order to fight fraud. The horizontal programmes, on the other hand, focus on the effectiveness of independent nuclear safety regulatory authorities and projects to introduce an extended decentralized implementation system.

The implementation of the PHARE programme necessitates either centralized or decentralized management structures. In this respect, decentralization is given more

⁴⁹More information about these can be found at http://ec.europa.eu/enlargement/financial_assistance/phare/programmes_types_en.htm.

⁵⁰PHARE programme types available at http://ec.europa.eu/enlargement/financial_assistance/phare/programmes_types_en.htm.

importance.⁵¹ It involves the transfer of responsibility from the European Commission to the Contracting Authority of the candidate country. With decentralization, this authority becomes responsible for the financial and administrative management of the projects. However, the contracting party is not free from external EU control. That is to say, the Commission carries out systematic controls related to the decisions concerning the procurements. Furthermore, the award of contract needs approval by the Commission Delegation.

2.3. ISPA

After the PHARE programme, another instrument used by the EU for financial assistance is ISPA integrated into the pre-accession aid instruments for CEECs since 2000. It has been mainly designed in order to address environmental and transport infrastructure priorities in the candidate states.⁵² These priorities are laid down in the Accession Partnerships of each state and ISPA only deals with them. Apart from environmental and transport infrastructure projects, ISPA also aims at economic and social cohesion just like PHARE. However, the reason why its main focus is on environment and transport infrastructure is that it tries to avoid overlapping with PHARE projects. The ISPA projects are implemented under the Directorate General for Regional Policy.⁵³ The procedures for the implementation for the projects include the application of the candidate state to the Commission, examination by the Commission services, and the positive opinion of the Management Committee. When the project gets approval, it is, of course, under the scrutiny of the Commission from time to time for each type of procurement and the procedures followed.

2.4. SAPARD

The final pre-accession assistance instrument of the EU apart from the PHARE and ISPA programmes is SAPARD again incorporated into the pre-accession aid from 2000 onwards. SAPARD is basically related with the candidate states' problems of

⁵¹More information about decentralization can be found at http://ec.europa.eu/enlargement/financial_assistance/decentralisation_en.htm.

⁵² ISPA available at http://ec.europa.eu/regional_policy/funds/ispa/ispa_en.htm/ispa_en.htm.

⁵³ More information is available at http://ec.europa.eu/regional_policy/funds/ispa/ispa_en.htm.

the structural adjustment in their agricultural sectors and rural areas as well as I the implementation of the acquis related with the Common Agriculture Policy (CAP) of the Union.⁵⁴ Moreover, it aims at supporting the measures that would enhance efficiency and competitiveness in farming and the food industry and create employment and sustainable economic development in rural areas.⁵⁵ The SAPARD projects work on a decentralized system.⁵⁶ However, the agriculture and rural development projects have to be improved by the EU. When these projects are approved, financing agreements are concluded. On the other hand, the applicant country cannot get the aid without appointing a SAPARD agency. When this agency is appointed, it has to improve market efficiency, quality and health standards, maintain and create jobs and protect the environment.⁵⁷ These standards go under the close examination of the Commission. When the agent is found suitable by the Commission the SAPARD aid is approved and the candidate state can use it for its purposes. However, just like PHARE and ISPA aids, the use of the aid is controlled by the Commission from time to time.

⁵⁴ SAPARD available at http://ec.europa.eu/enlargement/financial_assistance/sapard_en.htm.

⁵⁵ SAPARD aims available at http://ec.europa.eu/agriculture/external/enlarge/back/index_en.htm.

⁵⁶ SAPARD Questions and Answers available at http://ec.europa.eu/agriculture/external/enlarge/back/brief_en.pdf.

⁵⁷ SAPARD Presentation available at http://ec.europa.eu/agriculture/external/enlarge/back/sapard_en.pdf.

Table 1. Pre-Accession Aid Allocations for the CEECs between 2000 and 2006 in million euros

Candidate State	PHARE	ISPA (Min.)	ISPA (Max.)	SAPARD
Bulgaria	100	83,2	124,8	52,1
Czech Republic	79	57,2	83,2	22,1
Estonia	24	20,8	36,4	12,1
Hungary	96	72,8	104	38,1
Latvia	30	36,4	57,2	21,8
Lithuania	42	41,6	62,4	29,8
Poland	398	312	384,8	168,7
Romania	242	208	270,4	150,6
Slovakia	49	36,4	57,2	18,3
Slovenia	25	10,4	20,8	6,3
Total	1085	1040		520

Source: Demir, Erhan, 2004.

2.5. IPA

Although PHARE, ISPA and SAPARD are the financial aid instruments that the EU uses for the time being, the Union is getting ready to replace these instruments with IPA (Instrument for Pre-Accession Assistance) for the periods between 2007 and 2013.⁵⁸ The main aim of the Commission in creating such an assistance system is to simplify and coordinate the delivery of external assistance. Furthermore, IPA is aimed at streamlining all pre-accession assistance into a single framework. Before, the instruments that the EU uses for potential candidates and the candidate countries were different (e.g. CARDS for Western Balkans, use of similar instruments but different procedures for Turkey) but with IPA these two categories will be united, which will facilitate transfer from one status to another. The new IPA will be an umbrella for the five main components of pre-accession aid, which are transition

⁵⁸ IPA available at http://ec.europa.eu/enlargement/financial_assistance/ipa_en.htm.

assistance and institution building, regional and cross-border cooperation, regional development, human resources development and rural development, respectively. The candidate countries will benefit from all components with the last three aiming at helping them to manage EU Funds after accession, whereas the potential candidates will benefit from the first two.

As laid down by the Council Regulation Establishing an Instrument for Pre-Accession Assistance (IPA), the assistance to potential candidate countries will concentrate on institution building in order to strengthen those states fulfillment of the Copenhagen political criteria.⁵⁹ In addition, similar to the case in candidate states investments to promote economic and social development will also be facilitated. Here, it can be said that the IPA, despite replacing PHARE, ISPA and SAPARD, is more beneficial for the potential candidates as they will have the chance to receive more from the Union. With this assistance they can move to the candidate status more quickly. What is more, when they become candidates, they will be eligible for all components, which may even speed up their progress towards accession.

2.6. OTHER INSTRUMENTS OF THE PRE-ACCESSION AID OF THE EU

As well as PHARE, ISPA, SAPARD and the new pre-accession instrument, IPA, the EU uses some other types of aid especially under the PHARE programme. As mentioned above PHARE helps the candidate states to develop their structures, strategies, human resources and management skills to achieve institution building via using TAIEX, SIGMA, and twinning. Therefore, these three aids are also significant in terms of the contributions that they make to the candidate states. The first of these aids is TAIEX (Technical Assistance and Information Exchange Instrument). TAIEX operates under the institution building unit of Directorate-General (DG) Enlargement of the Commission. It provides usually short-term assistance in approximating, applying and enforcing the Union legislation. Its main tasks are:⁶⁰

⁵⁹ Council Regulation (EC) no 1085/2006 of 17 July 2006 Establishing an Instrument for Pre-Accession Assistance available at

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_210/l_21020060731en00820093.pdf

⁶⁰ TAIEX available at <http://taiex.ccc.eu.int/>.

- providing technical assistance and advice on the transposition of the Union acquis into the legislation of the candidate countries and on the subsequent administration, implementation and enforcement of such legislation.
- providing technical training and peer assistance to the officials of the administrations of the 10 new member states.
- providing programmed technical assistance to the countries of Western Balkans.
- being an information broker by gathering and making available information on the EU acquis.
- providing database tools for facilitating and monitoring the approximation progress as well as identifying further technical assistance needs.

In order to carry out these tasks, the TAIEX programme offers services such as experts, study visits, seminars, workshops, training, monitoring, database and information products and translation. This programme is basically targeted at civil servants working in public administration or members of the parliament, professional and commercial associations, judiciary and law enforcement authorities and interpreters, revisers and translators of legislative texts.⁶¹ Therefore, it does not support private citizens or individual companies.

Similar to TAIEX, the EU offers the SIGMA (Support for Improvement in Governance and Management) programme which is launched by the Organization for Economic Cooperation and Development (OECD) and the European Commission. The main financing agent of the programme is the EU itself and the programme supports the candidate states administrations in their preparations for successful entry into the EU.⁶² More specifically, SIGMA:⁶³

- assesses reform progress and identifies priorities against baselines set by good European practice and the Union acquis.

⁶¹ TAIEX available at <http://taieux.cec.eu.int/>.

⁶² SIGMA available at <http://oecd.org/>

⁶³ SIGMA available at <http://oecd.org/>

- assists decision-makers and administrators in building institutions and setting up legal frameworks and procedures to meet European standards and good practice.
- facilitates assistance from the EU and other donors inside and outside Europe by helping to design projects, ensuring preconditions and supporting implementation.

SIGMA also supports other EU projects such as PHARE. Moreover, it complements EU institution building initiatives such as twinning, which will be the next point of analysis as regards the EU aids.

Twinning launched in May 1998, as stated by the EU Commission, is one of the fundamental tools of institution building accession assistance.⁶⁴ The reason why the writer would like to give an account of twinning in this part of the thesis is that twinning projects help the candidate states a lot in their efforts to comply with the *acquis* and especially in the fields of agriculture, environment, public finance, justice and home affairs and preparation for the management of Structural Funds. Its goal is to develop modern and efficient administrations in the beneficiary states so that these states can effectively implement the EU *acquis*. Basically, twinning works with the administrators in the beneficiary states and their counterparts in the existing member states. They implement a project that aims at the transposition, enforcement and the implementation of a specific part of *acquis communautaire*. The significance and the difference of the twinning projects comes from the fact that these projects are made to deliver specific and guaranteed results. In other words, these projects are success-oriented and they mainly aim at accomplishment as well as fostering cooperation between the two parties.

Twinning is available to the new member states, the candidate states (Croatia and Turkey) and potential candidates (the Former Yugoslav Republic of Macedonia and the Western Balkans). In the twinning process, a member state expert is assigned to a beneficiary country which may be a new member state, an acceding country, a

⁶⁴Twinning available at http://ec.europa.eu/enlargement/financial_assistance/institution_building/twinning_en.htm.

candidate country or a potential candidate.⁶⁵ This assigned expert is to work full time up to two years in the corresponding ministry to achieve the goals of the project. During this period of time, the expert, of course gets help from his/her own state as the member state is responsible for ensuring implementation and coordination of input from itself.

The process of a twinning project starts with the beneficiary state's identification of its needs within the European Commission's policy orientations. After identification, member states launch and submit proposals to supply this demand. Upon the submission of proposals, the beneficiary country selects one of them and the working plan is prepared and finalized. This plan becomes a project and is signed by all parties, namely the beneficiary state, the EU Commission and the member state. Throughout the implementation, close monitoring and reporting is carried out by the Commission delegation and the beneficiary country and finally it is evaluated by an external auditor and Court of Auditors.

Though this cycle may seem simple, all twinning projects need to have some characteristics and as far as the features of twinning are concerned, the Commission brochure on twinning lists the following:⁶⁶

- the projects are built around jointly agreed EU policy objectives which are derived from the Commission's programming and priorities in the beneficiary states.
- beneficiary country retains the ownership of the project, meaning that the beneficiary state has the right to choose any member state for expertise. In addition, the success of a project depends mostly on the beneficiary country due to the fact that if the country is not determined enough to carry out the reforms, success cannot be attained.
- projects yield concrete operational results linked to EU acquis adoption which means guaranteed outcomes at the end.

⁶⁵ More information about twinning and twinning projects can be found in *Twinning: Building Europe Together* prepared by the EU Commission.

⁶⁶ *Twinning: Building Europe Together* prepared by the EU Commission.

- projects involve a peer-to-peer exchange of hands-on sector expertise and experience.
- projects are a genuine partnership fostering close cooperation which helps the beneficiary country to get into a wider contact with different administrative practices within the EU.

As a result, it can be seen that twinning projects are cooperation between the EU Commission, the existing member state and the beneficiary state. However, the focus is mostly on the beneficiary state on the grounds that the beneficiary state must demand such projects and must be aware of the fact that it has to fully commit itself to the project and may even have to implement far-reaching reforms in order to achieve the targeted goals of the project. As for the member state, its main responsibility is to help the beneficiary state achieve institution building that would parallel those in the EU which depends on its expertise. Finally, the Commission is responsible for coordinating the project as well as acting as a facilitator and guardian of fair, transparent and consistent application of twinning rules and procedures.⁶⁷

In conclusion, it can be seen that the EU has a variety of aids that can be given to the candidate states and the acceding countries. However, it should not be forgotten that the amount of aid given to each country depends on the priorities of the EU itself as well as those of the candidate or acceding country. These priorities are defined in the yearly Commission reports on each country's progress towards accession and in line with these priorities PHARE programmes are laid down. Apart from these PHARE programmes ISPA, SAPARD, TAIEX and SIGMA are also allocated as pre-accession aids. However, not all these aids are used for every single chapter of the Union acquis and that is the point in which the writer will focus her analysis on, which means that the writer will compare and contrast the aids of the two countries, namely Turkey and Bulgaria, in a specific chapter of the acquis which will be the acquis chapter on environment.

⁶⁷ Twining: Building Europe Together prepared by the EU Commission.

3. THE ENVIRONMENTAL POLICY OF THE EU

3.1 GENERAL PRINCIPLES OF THE EU ENVIRONMENTAL POLICY

As stated in the Enlargement Strategy Papers of the EU Commission, enlargement is one of the most powerful policy tools of the EU.⁶⁸ In order to ensure the smooth functioning of this policy, the Union assists the candidate states in their efforts to become members. One type of this assistance is providing the candidate states with pre-accession funds so that they can carry out certain projects in certain policy areas in order to transpose the EU acquis. As also mentioned in the previous chapter, the EU gives different types of aids to the candidate and acceding countries under the pre-accession aid instruments so that these states can fully accomplish the adaptation of their national policies in line with the commitments laid down in the Union acquis. Each year, the EU donates huge amounts of aid to be spent in various policy areas.

Environmental policy is one of these policy areas among the 31 and now 35 acquis chapters. The Union has the most comprehensive environmental policy and as Bretherton and Vogler state its “roles extend beyond participation in particular negotiations to encompass the propagation of environmental norms and the pursuit of sustainable development.”⁶⁹ On the other hand, it should also be taken into account that at its foundation with the Rome Treaty as the European Economic Community (EEC), the Union had no environmental policy and with the Single European Act of 1987, the area of environment had a treaty base and the EU listed preserving, protecting and improving the quality of the environment as a responsibility. Furthermore, it aimed at contributing towards human health and ensuring a prudent and rational utilization of resources.⁷⁰ Originally, as was the case in most of the EU policies, the environmental policy was based on the principle on subsidiarity, which means that decisions within a political system should be taken at the lowest level

⁶⁸ Communication from the Commission, 2005 Enlargement Strategy Paper, Brussels, 9.11.2005

⁶⁹ Bretherton, Charlotte and John Vogler. *The European Union as a Global Actor*, Routledge: New York, 2006.

⁷⁰ Dinan, Desmond. *Ever Closer Union: An Introduction to European Integration*, Palgrave Macmillan: Houndmills, 2005.

consistent with effective action.⁷¹ However, as Jordan and Jeppesen point out, “it soon became clear that environmental policy was one of the few areas in which the public actively supported greater not less EU involvement”⁷² as the Union should be the sole authority that would ensure the smooth functioning of the EU acquis as well as the enforcement of the environmental measures.

As mentioned above, the environment is one of the most comprehensive policy areas. It is an area which includes a number of directives and strategies in order to ensure candidate states’ full compliance with the EU environmental acquis. Moreover, it broadly covers areas such as environmental quality protection, polluting and other activities, production processes, procedures and procedural rights as well as products. Furthermore, it includes horizontal issues which are environmental impact assessments, access to information on environment, combating climate change. In addition, there are quality standards for the following:

- air,
- waste management,
- water,
- nature protection,
- industrial pollution control,
- chemicals and genetically modified organisms,
- noise,
- nuclear safety and radiation protection.

Hence, it can be understood that the environmental acquis of the EU is really detailed area and it has a list of priorities for the candidate states which can be summarized as the following:⁷³

- community framework legislation,
- measures relating to international conventions to which the EU is a party,

⁷¹ Jordan, Andrew and Tim Jeppesen. “EU Environmental Policy: Adapting to the Principle of Subsidiarity?” in *European Environment*, Volume 10, 2000, pp.64-74.

⁷² Andrew and Jeppesen, 2000.

⁷³ Enlargement Negotiations, Negotiations on Chapter 22 Environment, available at the EU Commission website.

- reduction of global and trans-boundary pollution,
- nature protection legislation,
- measures ensuring the functioning of the internal market.

3.2 THE SIXTH ENVIRONMENTAL ACTION PLAN OF THE EU

As a result, it can be seen that with such a broad scope of activities necessitated under the environment chapter, the realm of environment is quite a significant subject for the EU on the grounds that “high environmental standards stimulate innovation and business opportunities.”⁷⁴ In other words, all policies (i.e. economic, social and environmental) are closely integrated in the policies of the EU.⁷⁵ To communicate this policy of itself, the EU has published its environmental action programme titled as “Environment 2010: Our Future, Our Choice”. The writer has chosen to dwell on this document since she is going to cover the environmental aid given between 2002 and 2006. Therefore, it is important to analyze the components of this document in order to define the priority areas of the Union for this period. The main aim of this document is to lay down the environmental priorities and aims of the EU in the 21st century along with the actions that need to be taken in order to reach these aims. The reason why the EU has prepared such a document is that despite the efforts in previous plans, there are still problems that are waiting to be solved. In other words, climate change, the loss of biodiversity and natural habitats, soil loss and degradation, increasing waste volumes, the build-up of chemicals in the environment, noise and certain air and water pollutants are still important environmental problems and they need concerted action in order to be solved.⁷⁶ Furthermore, an enlarged Union has to face more problems especially in nuclear issues and ensuring quality standards in water, air, noise and chemicals as well as enjoying benefits in richer biodiversity, unspoiled landscapes and new opportunities.

⁷⁴ http://ec.europa.eu/dgs/environment/index_en.htm

⁷⁵ http://ec.europa.eu/dgs/environment/index_en.htm

⁷⁶ Communication from the Commission to the Council, the European Parliament, the Economic and Social Cohesion Committee and the Committee of the Regions on the Sixth Environment Action Programme of the European Community, Environment 2010: ‘Our Future, Our Choice’, the Sixth Environment Action Programme, Proposal for a Decision of the European Parliament and the Council Laying Down the Community Environment Action Programme 2001-2010, presented by the Commission, Brussels, 2000

Consequently, more action is needed to ensure a cleaner environment and sustainable development.

The way to achieve the above mentioned aims of the EU includes various steps and the first is to improve the implementation of the existing legislation. This step necessitates that the EU take a more strategic approach. In order to do this, the implementation of the existing legislation that include the LIFE (the Financial Instrument for the Environment) programme, voluntary instruments introduced on a community-wide scale, the eco-management and audit scheme (EMAS) and the European eco-label should be improved. The reason why such instruments should be improved is that in case of an environmental crime, the legal process is quite slow and may even take years for the authorities to take action. Therefore, in order to avoid such instances the connection between the member states implementing authorities should be enforced. Furthermore, regular reports on the implementation and monitoring of the EC environmental law should be prepared and more initiatives should be taken to combat environmental crime, which should even include taking the cases to the European Court of Justice.⁷⁷

The second step is to integrate environmental concerns into other policies, which suggests that changes in the way the EU citizens farm, supply energy, provide transport, use renewable sources and use the land should be carried out in order to enforce the implementation of the EU law.⁷⁸

The third step includes encouraging the market to work for the environment, which means working in partnership with business in order to “strengthen the partnership and commitment of the business community.”⁷⁹ This step involves encouraging a wider uptake of EMAS and voluntary commitments and agreements, establishing an EU law compliance assistance programme, introducing company environmental performance reward schemes, and taking specific actions in order to promote the greening of the products and the processes to produce those products.⁸⁰ Moreover,

⁷⁷ Communication from the Commission to the Council....., 2000.

⁷⁸ Communication from the Commission to the Council....., 2000.

⁷⁹ Communication from the Commission to the Council....., 2000.

⁸⁰ Communication from the Commission to the Council....., 2000.

customers should be encouraged to make more informed choices especially by seeking the eco-label in products and the whole EU citizens should be educated by practical toolkits and other types of documents so that they will use greener products. In line with this, there should be more efforts to green the financial sector that will definitely strengthen the environmental objectives of the EU.⁸¹

The last step is greening land-use planning and management decisions, which necessitates measures that will improve the Environmental Impact Assessment directive aiming to ensure the environmental implications of the planned infrastructure projects. Furthermore, continuing support is needed for the programmes and networks that will foster the exchange of experience and the development of good practice on sustainable urban development. In addition, the Community funds should be contributed in such a way that sustainable land use planning is adequately addressed.

When these steps are followed, it can be concluded that the EU will be able to accomplish its tasks in order to achieve a greener environment. However, it should not be forgotten that a greener environment is not the only solution to the environmental problems of the EU as laid down in the EU Document titled as “Environment 2010: Our Future, Our Choice”. According to the document, “protecting the planet creates both challenges and opportunities”⁸², and these should be tackled effectively and efficiently so that the link between economic growth and environmental damage can be broken.

The EU, in this document, stresses that new initiatives in new areas will make a difference in the solution of environmental problems of Europe as well as those of the whole world. When the quality of life is improved in a better environment, better job and economic opportunities will definitely be an asset for the European area.

⁸¹ Communication from the Commission to the Council....., 2000.

⁸² Environment 2010: Our Future, Our Choice, 6th EU Environment Action Programme, European Commission, Luxembourg: Office for Official Publications of the European Communities, 2001.

In order to ensure this, the EU sets down new priority areas in addition to the ones laid down in the previous environmental action programmes and these areas are tackling the climate change, protecting nature and wildlife, addressing environmental and health issues, and preserving natural resources and managing waste. In each area, the EU lists some actions to be done so that these aims can be accomplished and these are explained below.

As far as the area of tackling climate change is concerned, the EU stresses that the climactic conditions of the world have changed a lot in the past decade, causing the world to become a drier place that has to fight with natural disasters such as floods or hurricanes. The implications of such an environment can be devastating for all people in the long run, which can threaten the agriculture, economy and even security and social stability.⁸³ As a result, the EU is to take action in order to minimize the effects of greenhouse gases in order that unnatural variations will not take place in the earth's climate. What the Union desires to do in order to solve this problem includes many steps. First of all, it desires to achieve international agreement on Kyoto Protocol.⁸⁴ Secondly, it plans to establish an EU-wide carbon dioxide emissions trading scheme. Thirdly, it aims to set objectives for cutting greenhouse emissions in the main economic sectors. Fourthly, it intends to support renewable and alternative energy sources such as wind and solar power where the emission of greenhouse gases will not be a significant concern. Finally, it plans to help the member states prepare for the consequences of the climate change with concerted action and long term planning.⁸⁵ Consequently, the EU believes that if the problem of climate changes is tackled effectively, significant opportunities as well as benefits for business will be an asset since industries will be assisted in developing new products and services and in winning new markets on a global scale.⁸⁶

⁸³ Communication from the Commission to the Council....., 2000.

⁸⁴ The Kyoto Protocol to the United Nations Framework Convention on Climate Change is basically an amendment to the international treaty on climate change, which assigns the signatory states obligatory targets that needed to be achieved for the reduction of greenhouse emissions. It has an aim of stabilizing the greenhouse gas concentrations in the atmosphere to a level which would prevent dangerous anthropogenic interference with the climate system. More about Kyoto Protocol can be found at the United Nations website: <http://www.un.org>.

⁸⁵ Environment 2010: Our Future, Our Choice, 6th EU Environment Action Programme.

⁸⁶ Communication from the Commission to the Council....., 2000.

For the domain of protecting nature and wildlife, the EU emphasizes that healthy and balanced natural systems are essential for supporting life on earth and people depend on earth's resources for their survival. Therefore, the aim of all people living not only in Europe but also on earth should be to ensure that the natural systems that provide air, food and water continue to function.⁸⁷ The EU states its responsibility in this area as protecting and where necessary restoring the structure and functioning of natural systems and halting the loss of bio-diversity both in the EU and on a global scale as well as protecting soils against erosion and pollution.⁸⁸ The way to fulfill these objectives includes various actions to be taken. That is, with each specific area there are things to be done. The EU lists these in the following categories:⁸⁹

- **Pollution:** Coordinating the member states' action on accidents and natural disasters and applying measures to prevent industrial accident.
- **Radiation:** Examining the need for measures to protect plants and animals from ionizing radiation and to develop environmental quality standards for this purpose.
- **Use of land:** Applying a thematic strategy on soil, integrating landscape protection and restoration into agriculture and regional policy, extending Natura 2000 (the ecological network of the EU) to marine environment, encouraging credible forest certification schemes in consultation with stakeholders, developing forestry and good forest management under rural development plans, reviewing the fisheries policy, developing a strategy for marine protection and implementing integrated coastal zone management.

When it comes to the area of environment and health, the EU stresses that recently there has been a more understanding of the fact that the quality of water, air, soil and food affect the quality of human life and health. A dirty environment even leads to diseases such as allergies, asthma, infertility and even various types of cancer. Consequently, the EU has the main responsibility of identifying dangers in the environment and setting standards so that risks can be prevented where it is possible

⁸⁷ Environment 2010: Our Future, Our Choice, 6th EU Environment Action Programme.

⁸⁸ Communication from the Commission to the Council....., 2000.

⁸⁹ Communication from the Commission to the Council....., 2000.

to do so. In other words, it should “achieve a quality environment where the levels of man-made chemicals do not give rise to significant impacts on or risks to human health.”⁹⁰ Accomplishing such an aim requires on the part of the EU that it improve the understanding the link between environmental pollution and human health through better research, reduce the risks from the use of pesticides, develop a new strategy on air pollution and reform the system for controlling the risk from chemicals.⁹¹

The last priority area for the EU laid down in its document, “Environment 2010: Our Future, Our Choice”, is natural resources and waste. The Union puts forward that the earth’s renewable sources are exhausted due to the increase in population and economic development. In addition, a wealthier Europe continues to create waste, which is a direct threat to the conservation of natural resources. In order to deal with this threat, the EU is to focus on ways which can lead to providing products and services by using fewer resources and preventing waste. This can be achieved through identifying hazardous substances and making producers responsible for collecting, treating and recycling their waste products, encouraging consumers to select products and services that create less waste, developing and promoting a Union-wide strategy on waste recycling, promoting markets for recycled materials and developing specific actions to promote the greening of products and processes.⁹²

All these priorities and actions that need to be taken in order to fulfill the aims of the Union in these priority areas of course apply to the candidate countries. That is, the candidate countries should adopt these strategies as well in order to harmonize with the Union *acquis*. Adopting these strategies and applying them in each individual country may take a long process, but this will result in benefits both on the parts of the EU and the candidate states since there will be a cleaner and healthier environment for both parties. On the other hand, it should not be forgotten that without aid, these accomplishments are hard to make and the EU is fully aware of this fact. As a result, it sets down the area of environment as one of the priority areas

⁹⁰ Communication from the Commission to the Council....., 2000.

⁹¹ Environment 2010: Our Future, Our Choice, 6th EU Environment Action Programme.

⁹² Environment 2010: Our Future, Our Choice, 6th EU Environment Action Programme.

for pre-accession aid and helps the candidate states and the acceding countries adapt their environment policies to the Union standards by providing Community aid.

Thus, given these priority areas and the actions that the EU is to take in those areas, it can be said that the EU “has the most comprehensive and advanced environmental legislation in the world.”⁹³ Therefore, especially with the last enlargement where the Union enlarged from 15 to 25 states, the issue of environment has become much more important. The reason why the significance of environment has increased is that in the last enlargement round the acceding countries had very diverse environmental backgrounds as well as problems. Especially the heritage of the Soviet Union brought about many problems. These states were much far behind the EU standards in air, water quality, waste management, nature protection, industrial pollution control, chemicals, genetically modified organisms, and noise. In addition, huge problems existed due to the nuclear power plants in those countries. Consequently, ensuring standards in nuclear safety and radiation protection has become much more important. As a result, it has been a rather long and tiring process for the Central and Eastern European countries (CEECs) to fully comply with the environmental standards of the Union and it was also the same case for Bulgaria which became a member 3 years later in January 2007. Furthermore, the next candidate on the list which is Turkey is also seen as a country with many environmental problems that are waiting to be solved.

On the other hand, the fact that the EU uses its pre-accession aid instruments to help the candidate and acceding states with the Union acquis should also be taken into consideration. This aid is always given in line with the priorities laid down in the Accession Partnerships, National Programmes as well as the Commission’s Regular Progress Reports. Hence, before continuing with the analysis of the environmental aid given to Turkey and Bulgaria, the priorities laid down for these two countries in their Accession Partnerships should be noted so that a rough idea can be formed about the nature of aid before a detailed analysis.

⁹³ Communication from the Commission to the Council....., 2000.

3.3 ENVIRONMENTAL PRIORITIES FOR TURKEY

As far as the case of Turkey is concerned, the EU has made three Partnerships with Turkey. In 2001 Accession Partnership document, the following were listed as short term priorities in the field of environment:⁹⁴

- adopting a detailed directive-specific transposition programme of the acquis,
- transposing the environmental impact assessment directive,
- developing a plan for financing investments (directive specific), based on estimations of costs of alignment and realistic sources of public and private finance year-by-year.

Apart from these, there were also medium-term objectives, which can be listed as follows:⁹⁵

- implementing and enforcing the EU environmental acquis in particular through the development of framework and sector legislation, together with the strengthening of the institutional, administrative and monitoring capacity to ensure environmental protection,
- implementing the acquis with particular attention to the framework legislation, the horizontal legislation and to the legislation on nature protection, on water quality and on waste management; implementing a waste-management strategy,
- establishing monitoring networks and permitting procures as well as environmental inspectorates, including data collection,
- integrating sustainable development principles into the definition and implementation of all other sectoral policies,
- implementing and enforcing the environmental impact assessment directive.

⁹⁴ Council Resolution of 8 March 2001 on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Turkey available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

⁹⁵ 2001 Accession Partnership with Turkey.

There was also the 2003 Accession Partnership which laid down the following as short term priorities for Turkey:⁹⁶

- adopting a programme for the transposition of the acquis,
- developing a plan for financing investment based on the estimation of costs of alignment and realistic sources for public and private finance,
- beginning to transpose and implement the acquis related to the framework legislation, international environmental conventions, legislation on nature protection, water quality, integrated pollution prevention control and waste management,
- implementing and enforcing the environmental impact assessment Directive,
- pursuing the development of transboundary water cooperation, in line with the water framework Directive and international conventions to which the Community is a party.

As well as these immediate priorities there were also medium-term priorities which were completing the transposition of the acquis and strengthening the institutional, administrative and monitoring capacity to ensure environmental protection including data collection and integrating sustainable development principles into the definition and implementation of all other sectoral policies.⁹⁷

The last Accession Partnership prepared by Turkey was in 2006 and in short-term priorities the following were laid down:⁹⁸

- adopting a revised programme for the transposition and implementation of the acquis and developing a plan for financing investment,

⁹⁶ Council Decision of 19 May 2003 on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Turkey, available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

⁹⁷ 2003 Accession Partnership with Turkey.

⁹⁸ Council Decision of 23 January 2006 on the Principles, Priorities and Conditions Contained in the Accession Partnership with the Republic of Turkey, available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm.

- continuing to transpose and implement the acquis related to the framework legislation, international environmental conventions, and legislation on nature protection, water quality, Integrated Pollution Prevention Control and waste management. Implementing and enforcing the environmental impact assessment directive,
- pursuing the integration of environmental requirements into other sectoral policies,
- developing a plan to strengthen administrative capacity, implementation and enforcement of environmental legislation,
- pursuing the development of transboundary water cooperation, in line with the water framework directive and international conventions to which the EC is a party.

Of course, there were also some medium-term priorities and they were as follows:⁹⁹

- continuing alignment on the acquis and strengthening the institutions, administrative and monitoring capacity to ensure environmental protection, including data collection,
- integrating sustainable development principles into the definition and implementation of sectoral policies,
- ensuring full transposition and progressive implementation and enforcement of the strategic environmental assessment directive as amended,
- adopting and implementing a national waste management plan.

3.4. ENVIRONMENTAL PRIORITIES FOR BULGARIA

As regards Bulgaria, the Union has made two Accession Partnerships with Bulgaria and they were different from those of Turkey as before 2002 the priorities were already listed as short and medium term in the previous partnership documents so the

⁹⁹ 2006 Accession Partnership with Turkey.

following documents only listed priorities. In the 2001 Accession Partnership Document the priorities were listed as follows:¹⁰⁰

- continuing the transposition of the acquis with particular emphasis on environmental impact assessment, air quality, waste management, water quality, nature protection, industrial pollution control and risk management, and radiation protection,
- continuing the preparation and development of directive-specific implementation plans, including financing plans, with particular emphasis on waste management (including waste management plans), water quality and nature protection, and start implementation,
- continuing strengthening administrative, monitoring and enforcement capacity at national and regional levels. Particular attention should be given to the strengthening of the Ministry of Environment and Water as well as Regional Inspectorates in relation to waste management and nature protection,
- continuing integration of environmental protection requirements into the definition and implementation of all other sectoral policies with a view to promoting sustainable development.

In 2003, this document was revised and the new one listed the following as priorities in environment:¹⁰¹

- updating the overall assessment of the situation in the environment sector, including regarding the transposition of the EU acquis, in order to identify gaps to be filled in,
- continuing the transposition of the acquis, including secondary legislation, with particular emphasis on environmental impact assessment, access to information, waste management, industrial pollution and risk management, nature protection, chemicals and

¹⁰⁰ Council Resolution on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Bulgaria available at http://www.evropa.bg/showfile.php?file=apbg_en_2001.pdf

¹⁰¹ Proposal for a Council Decision on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with Bulgaria presented by the EU Commission, 26.03.2003 available at http://www.evropa.bg/showfile.php?file=apbg_2003_en_0.pdf.

genetically modified organisms, and nuclear safety and radiation protection,

- ensuring full consultation with all relevant stakeholders (other ministries, economic operators, NGOs).
- developing implementation plans, together with financing strategies, to outline the steps needed to ensure full implementation of the acquis in the medium and longer term which should take into account all available resources and institutional training and further elaborate mechanisms to monitor effective implementation, with particular emphasis on air quality, waste management, water quality, industrial pollution and risk management.
- focusing on planning, identification and availability of financial resources to prepare for the significant investments needed to ensure implementation of the acquis.
- continuing implementation of the acquis with particular emphasis on access to information, air quality, waste management, water quality, nature protection, industrial pollution and risk management as well as nuclear safety and radiation protection,
- ensuring that the environmental acquis, particularly the Environmental Impact Assessment Directive, is properly implemented in preparing large-scale infrastructure projects,
- ensuring and reinforcing the administrative structures necessary for the full implementation, monitoring and enforcement of the acquis, in particular through further strengthening of regional inspectorates, municipalities and other public bodies at the local level, with an emphasis on water quality, industrial pollution and risk management, as well as waste management,
- reinforcing the staffing of the Ministry and other public bodies and ensuring adequate training and staff development plans,
- continuing integration of environmental protection requirements into the definition and implementation of all other sectoral policies so as to promote sustainable development, including in the energy sector,

- improving inter-ministerial co-ordination on environmental issues.

With this long list of priorities, it can be said that the EU needed to donate huge amounts of aid so that these two countries can accomplish compliance with the Union environmental acquis. Thus, the analysis of aid between 2002 and 2006 allocated for these two countries as well as their yearly allocation will be the focus of the two following chapters, where the writer will try to compare and contrast the aids that two candidate countries Turkey and Bulgaria receive from the EU in the area of environment.

4. TURKEY ENVIRONMENTAL AID BETWEEN 2002 and 2006

4.1. TURKEY ENVIRONMENTAL AID IN 2002

Just as it was stated in the conclusion part of the previous chapter, the following two chapters will mainly have a comparative nature. That is, they will take a comparative look at the pre-accession aid that Turkey, which is a candidate country, and Bulgaria, which is now a member of the EU starting from 1 January 2007, receive from the EU between 2002 and 2006 in the area of environment. The fourth chapter will dwell on Turkey environmental aid between 2002 and 2006 and the fifth chapter will analyze the Bulgarian environmental aid between the same period. The reason why this aid analysis is limited between these years is that 2002 is the year in which Turkey has started to obtain the pre-accession aid for the EU. Therefore, the writer chooses this year as the starting date of her comparative analysis.

The *acquis* chapter related with the realm of environment basically necessitates that the candidate countries can provide sustainable development and protect their environment. Of course, it should not be forgotten that the chapter of environment in the EU *acquis* is not that simple. On the contrary, it is sophisticated and requires many steps so that the candidate countries can fully comply with the EU environmental law.

As Demir puts forward, when the candidate states comply with the EU environmental law, there will be many assets for them. To illustrate, there will be more opportunities for providing clean drinking water in every part of the country and the water quality in rivers will be improved. This will lead to the survival of eco-systems as well as the protection of the soil. Moreover, new ways of waste management and recycling will be developed and the risks that can emerge from these wastes will be diminished. In addition, gas emissions from power plants will be reduced and the quality of air in many big cities will be improved.¹⁰² However, it

¹⁰² Demir, Erhan. *European Union Financial Assistance Politics: Environmental Funds and Turkey. Expertise Thesis*. Ministry of Environment, External Relations and EU Secretariat, Ankara, Kasım 2004 (Avrupa Birliği Mali İşbirliği Politikaları Çevre Fonları ve Türkiye, Uzmanlık Tezi, Çevre Bakanlığı, Dış İlişkiler ve Avrupa Birliği Dairesi Başkanlığı, Ankara, Kasım 2004.)

should be noted that these benefits cannot be gained at once by the candidate countries. That is, external help is indispensable in this area. As a result, aid is quite important in meeting the demands of the EU in the area of environment and getting the environmental benefits. Consequently, candidate countries receive a considerable amount of aid from the EU to accomplish the aims listed by the EU.

Before focusing on the aid that Turkey has received from the EU between 2002 and 2006, the writer would like to give a brief account of the Turkey pre-accession and negotiation process with the EU. Turkey first applied to the Union, which was European Economic Community at that time, in 1959. Both parties signed the Association Agreement in 1963 and Turkey became an associate member. The relations between Turkey and the Union froze from 1980 until 1987 due to the military intervention that took place in 1980. In 1987, Turkey applied for full membership and in 1995 the Customs Union was signed. At the Helsinki European Council meeting in December 1999, Turkey was recognized as a candidate country, which made it eligible for the pre-accession aid as well. In 2001, 2003 and 2006 three Accession Partnerships were prepared in line with the priorities of the two parties and in line with these Accession Partnerships two National Programmes for the Adoption of the Acquis were prepared in 2001 and 2003 respectively. Moreover, the accession negotiations with Turkey began in October 2005 and the negotiation process is still continuing and it is yet unknown how long this process will take.

Previously (i.e. until 2001), Turkey has received financial aid from the EU under the MEDA (Euro-Mediterranean Partnership) programme. However, these aids were not extensively given for each specific policy area during those years. On the other hand, starting with 2002, Turkey has started to receive considerable amount of aid from the Union. Each year PHARE programmes have been published and these programmes have underlined the areas of importance as well as the projects that need to be implemented in various policy areas. In fact, the overall aim of these programmes was “to assist Turkey’s preparations for EU membership on the basis of priorities identified in the Accession Partnership for Turkey.”¹⁰³ Therefore, these programmes

¹⁰³ Financing Memorandum on 2002 PHARE National Programme for Turkey available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

have also taken the European Commission's Regular Reports on Turkey's Progress towards Accession as well as Turkey's National Programme for the Adoption of the Acquis.

As mentioned above, the priorities of the PHARE report take the priorities underlined in the Accession Partnership, the Commission's regular reports and Turkey's National Programme. The 2002 programme has also taken these into consideration.

The Accession Partnership decided by the Council Resolution on 8 March 2001 has underlined that Turkey needed to work on the area of environment in all short, medium and long terms.¹⁰⁴ The Partnership Document listed the following as the short term objectives of Turkey in order to comply with the EU acquis:

- adopting a detailed directive-specific transposition programme of the acquis,
- transposing the environmental impact assessment directive,
- developing a plan for financing investments (directive specific), based on estimations of costs of alignment and realistic sources of public and private finance year-by-year.

These were the immediate objectives that Turkey had to fulfill by 2001. On the other hand, there were also medium-term objectives, which can be listed as follows:

- implementing and enforcing the EU environmental acquis in particular through the development of framework and sector legislation, together with the strengthening of the institutional, administrative and monitoring capacity to ensure environmental protection,
- implementing the acquis with particular attention to the framework legislation, the horizontal legislation and to the legislation

¹⁰⁴ Council Resolution of 8 March 2001 on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Turkey available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

on nature protection, on water quality and on waste management; implementing a waste-management strategy,

- establishing monitoring networks and permitting procures as well as environmental inspectorates, including data collection,
- integrating sustainable development principles into the definition and implementation of all other sectoral policies,
- implementing and enforcing the environmental impact assessment directive.

In line with these objectives, Turkey has announced its obligations under the 19 March 2001 National Programme for the Adoption of the Acquis. Basically, Turkey has aimed at the following in the field of environment:¹⁰⁵

- increasing the effectiveness of environmental impact assessment directives, harmonizing with the EU environmental acquis and setting up the necessary infrastructure for it,
- developing the legal, technical and legislative infrastructure for Turkey's integration into the European Environment Agency and European Environment Information and Observation Network,
- making the necessary amendments in the solid waste management, medicinal waste management and hazardous waste management in order to comply with the Union acquis,
- completing the habitat protection legislation (the Conservation of Natural Habitats and of Wild Fauna and Flora) that would include the EU habitat protection directive,
- preparing the framework law for the protection of the environment that would comply with the EU law.

By taking all these objectives and the obligations of Turkey into account, the European Commission has published its 2001 Regular Report on Turkey's Progress towards Accession in 2002. However, this report has drawn a negative picture of Turkey's environmental issues in the sense that the report has stated that Turkey has

¹⁰⁵ 2001 Turkish National Programme for the Adoption of the Acquis.

made no substantial progress in transposing the environmental acquis, neither in horizontal legislation nor in air quality, waste management, water quality, nature protection, industrial pollution and risk management, genetically modified organisms, noise from vehicles and machinery, nuclear safety and radiation protection.¹⁰⁶ This has meant that Turkish environmental legislation still differed from the EU legislation to a great extent and the complete adoption of the environmental acquis would require a lot of effort on the part of Turkey.

There have also been some positive improvements such as the fact that some amendments have been made in the existing legislation as regards the horizontal legislation with the draft framework law and this fact has represented an important step in transposing the acquis. However, the air quality, waste management, nuclear safety legislations have remained to be far from the Union laws. Therefore, much effort needed to be done in these areas.

Apart from the legislation, the administrative capacity of Turkey both at the central and regional level has remained a significant issue due to the fact that enforcement of environmental laws did not seem to be ensured because of the various bodies involved and their conflicting interests, responsibilities, lack of trained and specialized staff, financial sources and equipment. Consequently, in order to ensure, the enforcement of environmental laws, monitoring networks and permitting procedures were to be established and penalties were to be applied.

As a result, the 2002 PHARE programme for Turkey has taken the above mentioned objectives into consideration. Strengthening the public administration has been listed as one of the priorities since it was believed that Turkey needed to continue its efforts to strengthen public administration and 2002 PHARE programme included projects to provide a significant boost to environmental planning and inspection.¹⁰⁷ Under this objective, capacity building in the field of environment for Turkey has been listed as the main project area. The main aim was to assist the Turkish government in

¹⁰⁶ These results have been summarized from the 2001 Regular Report on Turkey's Progress Towards Accession prepared by the EU Commission available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

¹⁰⁷ 2002 PHARE Financing Memorandum.

designing, developing and implementing effective environmental policy measures by:¹⁰⁸

- better project management of heavy cost infrastructure projects,
- improving the monitoring and enforcement of environmental legislation,
- improving nature conservation,
- improving access to environmental information, raising public awareness and participation.

As stated in the memorandum, the implementation of projects would be carried out by:¹⁰⁹

- technical assistance in identifying priority environmental projects for accession, support for the development of mechanisms for financing implementation of the heavy cost directives,
- developing capacity in implementation and enforcement through the AC-IMPEL (Associated Countries Implementation and Enforcement of the Environmental Law) network, and establishing a Regional Environmental Center in Turkey,
- assistance in the implementation of Birds and Habitat Directives and the CITES convention (to be partially achieved through twinning),
- technical assistance to harmonize the National Environmental Database with European Community (EC) reporting obligations.

The objectives of the Financing Memorandum have been made clear by the Standard Summary Project Fiche 2002, which stated the overall objectives of the projects in the area of environment as “strengthening the capacity in legal, institutional, technical and investment matters related to the approximation process in the field of environment in Turkey, thereby accelerating the effective implementation of the

¹⁰⁸ 2002 PHARE Financing memorandum.

¹⁰⁹ 2002 PHARE Financing Memorandum.

environmental acquis.”¹¹⁰ Moreover, the project purpose was mainly “to design, develop and implement effective environmental policy measures.”¹¹¹ As a result, the projects had many features.

The 2002 projects in the PHARE programme had four components which were environmental heavy cost investments, multi country environmental programmes, nature and institutional building and access to environmental information. Each component had also other constituents. The first component, environmental heavy cost investments, had two constituents which were Priority Environmental Projects for Accession (PEPA) and support for the development of an efficient financial mechanism for financing EU environmental heavy-cost directives (urban waste water, solid waste and drinking water). The PEPA constituent has underlined that according to the MEDA financed 2002 report analyzing the environmental legislation in Turkey, there have been substantial differences between EU and Turkish legislation in spite of the fact that they all aimed at the same objectives. Consequently, implementation and enforcement problems were the main ones to be addressed. What Turkey needed to do in this area is that, it had to “prepare a detailed list of priority projects with financing plans to programme investments to fulfill their commitments and medium term targets agreed.”¹¹² However, it should not be forgotten that Turkey has not been able to obtain aid from the EU with all the projects that it offered. Therefore, in line with this, the Commission also developed a checklist in order to assess environmental investment projects supported by EC assistance so that greater compliance with the acquis would be ensured. Furthermore, for the second constituent a clear strategy to ensure rapid and effective use of national, EC and other facilities had to be developed.

For this component, the Fiche also has listed some linked activities. The Bank of Province (Iller Bank) had so many project proposals from the municipalities in drinking water, urban waste water and solid waste sectors and the screening process for the analysis of projects in the State Planning Organization and the Ministry of

¹¹⁰ Standard Summary Project Fiche 2002, Project Number: TR 0203.03 available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY.

¹¹¹ Standard Summary Project Fiche 2002.

¹¹² Standard Summary Project Fiche 2002.

Environment had some uncertainties, which led to loss of time and resources. As a result, the communication and coordination between these bodies had to be improved.¹¹³

In addition to this, the PEPA programme was elaborated to prepare strategies for water and waste sectors and it would continue into 2003 as well. Hence, the component of environmental heavy cost investments would make use of PEPA documents in order that Turkey's needs would be suited. Apart from these, the EU would take World Bank recommendation on the relevance of projects into account. Thus, the EU would work in close collaboration between the Ministry of Environment, Iller Bank, State Planning Organization, and the World Bank.

The Fiche has also listed activities that would be carried out in this component. For the first constituent (PEPA), the following would be carried out:¹¹⁴

- initial detailed assessment of institutional and procedural arrangements,
- technical support for institutional and procedural enhancement,
- organization of workshops,
- assistance for participation in PEPA meetings,
- technical support for screening and prioritizing of the existing investment projects in accordance with the EU heavy investment directives,
- practical application of new procedures on pipeline and project management,
- technical assistance to complete 6 fully developed public investment projects under certain priority heavy investment directives,

As for the second constituent, these would be carried out:¹¹⁵

- initial assessment of all current and planned environment related economic instruments,

¹¹³ Standard Summary Project Fiche 2002.

¹¹⁴ Standard Summary Project Fiche 2002.

¹¹⁵ Standard Summary Project Fiche 2002.

- identification of other sources and arrangements for funding at national and international level,
- pilot studies in selected municipalities on financial management and monitoring,
- preparation of guidelines for municipality financial management and monitoring.

The second component in 2002 PHARE programme was multi country environmental programmes constituting two other parts which were, developing capacity in implementation and enforcement through the AC-IMPEL network and establishment of regional environmental center in Turkey. The first constituent stressed that a project that would aim at developing capacity in implementation and enforcement through the AC-IMPEL network would include Turkey. Furthermore, more detailed support would be given to Turkey in this area, which would also include the linked activity of preparing a detailed review of current responsibilities, practices and procedures of the authorities. The second constituent emphasized that regional environmental centers (REC) have been quite effective in facilitating the countries of Central and Eastern Europe in their accession and encouraging sustainable development practices. Thus, the extension of REC to Turkey would lead to desired results due to the demand for its services by various environmental stakeholders since REC would be quite helpful in accession-related programmes.

The activities to be carried out for the AC-IMPEL constituent would be:¹¹⁶

- assistance for participation in AC-IMPEL meetings,
- detailed report on the legal and institutional arrangement for environmental inspection and enforcement,
- more detailed assessment for permitting, monitoring, inspection and enforcement in Turkey,
- technical support for institutional and procedural enhancement,
- organization of further workshops at national and provincial level,

¹¹⁶ Standard Summary Project Fiche 2002.

- organization of further training programmes,
- organization of one pilot project at provincial level on the application of best practice in enforcement.

As regards REC, the following would be done:¹¹⁷

- establishment of REC Country Office in Ankara,
- organization of capacity building and information programmes for stakeholders,
- organization and implementation of grants programmes,
- organization and implementation of the Local Authorities Grants Programme in cooperation with the existing PHARE Multi Country Environment Programme
- organization and implementation of other Local Authorities grants for implementing the EU environmental acquis at a local level.

The third component was nature including the implementation of the Birds and Habitats Directives and the implementation of the Convention on International Trade of Endangered Species (CITES) and EU related regulations constituents. The first constituent stressed that the Ministry of Environment was currently in the process of transposing the Habitats and Birds Directives, but Turkey also needed to implement them. In addition, the species and habitats that Turkey has should be included in the annexes to the directives and this was an essential part of the accession into the EU. The projects that would be carried out in this area would build upon the projects done earlier by the World Bank and the Council of Europe and the Management of Kure Mountains National Park project that was proposed at that time. As for the second constituent, Turkey has adopted the CITES Convention, but has been far from implementing it, which necessitated that Turkey set up rescue centers as well as providing qualitative and quantitative data on the illegal trade of plant and animal species subject to CITES, which would build upon the databases prepared by TUBITAK and the Ministry of Environment.

The activities to be carried out for the Birds and Habitats Directives would be:¹¹⁸

¹¹⁷ Standard Summary Project Fiche 2002.

¹¹⁸ Standard Summary Project Fiche 2002.

- initial detailed assessment for managing nature protection in Turkey,
- technical support for institutional and procedural enhancement,
- compiling a harmonized national database of habitats and species according to Birds and Habitats Directives,
- multi-Purpose digital land classification of Turkey using the CORINE (coordination of information on the environment) Land-Cover,
- one pilot study to apply CORINE Biotapes Classification to an existing protected area in Turkey,
- organization and execution of field surveys and studies to identify possible candidate areas for inclusion in the protected areas network,
- review of existing protected areas to propose a list of potential SPAs and SACs,
- review of habitats and species to propose habitats and species that should be added to the Directives,
- organization of training programmes for nature experts or officials,
- report on further needs in Turkey.

For the CITES Convention, the following were to be carried out:¹¹⁹

- technical assistance for a detailed assessment for managing CITES implementation in Turkey,
- technical support for institutional and procedural enhancement,
- facilitation of establishment of CITES office in Turkey,
- organization of training programmes of inspectors and experts,
- production of guide books on common species and products subject to international trade,
- feasibility study on future needs for further effective implementation of CITES,

¹¹⁹ Standard Summary Project Fiche 2002.

- preparation of promotional material on CITES.

The fourth component was institutional building and access to environmental information, which required that Turkey immediately be a member of the European Environment Agency (EEA) and establish the EIONET (European Environment Information and Observation Network) National Focal Point to be built upon the national environmental database initiated by the Ministry of Environment. This component necessitated the following activities:¹²⁰

- technical assistance for a detailed assessment of the gaps between EU reporting requirements and existing reporting channels in Turkey and prepare a draft legislation on transposition of the Reporting Directive and other related decision,
- technical support for institutional and procedural enhancement,
- reconciliation of existing MEDA data in National Environmental Database with reporting obligations,
- publication of national data dictionary for environmental information,
- selection of site for Turkish NFP, and upgrade of telecommunication facilities,
- developing specifications of the NFP for Turkey,
- adapting existing database, report templates and networking software to fit the requirement of the NFP,
- organization of training programmes for end-users, encoders, system administrators and developers,
- developing applications giving access to indicators derived from a normalized database.

For all these project components and the activities, the EU has given a total of 16.63 million euros (5.88 million euros for component one, 750.000 euros and 2.3 million euros for the first and second constituents of the second of the second component, 5.5 million euros for the third component and 2.200.000 euros for the fourth

¹²⁰ Standard Summary Project Fiche 2002.

component). As for twinning, only the third component would benefit from this mechanism.

It should be noted that there were conditionalities for the 2002 aids just as the case in other aid mechanisms. There have not been any conditionalities for the first component, but for the first constituent of the second component the conditionality was that the Ministry of Environment would formally apply to join the AC-IMPEL network and its application would be accepted by AC-IMPEL. For the second constituent of the second component the conditionality was that the Government of Turkey would ratify the REC Charter in due time, REC would be granted appropriate legal status and rights in order to operate in Turkey and Ministry of Environment would provide suitable office premises in Ankara. Lastly, the conditionality for the third and last component was that the Government of Turkey would adopt the necessary legislation for Turkey to join the European Environment Agency.¹²¹

In conclusion, when the requirements and the funding of the 2002 PHARE programme is analyzed it can be concluded that, it was the most comprehensive one compared to the other yearly projects. This may be due to the fact that, the projects mainly aimed at capacity building in the field of environment and according to the EU it is the area that needed to be worked on the most owing to the fact that when these projects were finished, greater compliance with the Union *acquis* would be ensured. Therefore, 2002 was the year when Turkey received a lot more aid and the following table is also given to prove this.

¹²¹ Standard Summary Project Fiche 2002.

Table 2. Allocation of Turkey Environmental Aid in 2002

Component	Sub component	Total aid
Environmental heavy cost investments	<ul style="list-style-type: none"> • Priority environmental projects for accession • Support for the development of an efficient financial mechanism for financing EU environmental heavy-cost directives 	5.88 million euros
Multi-country environmental programmes	<ul style="list-style-type: none"> • Developing capacity in implementation and enforcement through the AC-IMPEL network • Establishment of regional environmental center in Turkey 	3.05 million euros
Nature	<ul style="list-style-type: none"> • Implementation of the Birds and Habitats Directives • Implementation of the Convention on International Trade of Endangered Species 	5.5 million euros

Table 2 continued

Component	Sub component	Total aid
Institutional building and access to environmental information	<ul style="list-style-type: none">• None	2.2 million euros

Source: Standard Summary Project Fiche 2002.

4.2. TURKEY ENVIRONMENTAL AID IN 2003

Just like the 2002 PHARE programme, the 2003 programme has taken the priorities defined in the Accession Partnership approved by the Council on 14 April 2003, the Commission's 2002 regular report on Turkey's progress towards accession and Turkey's 2001 National Programme for the Adoption of the Acquis into account. In the Accession Partnership, it was stated that Turkey should fulfill the following objectives in the short term:¹²²

- adopting a programme for the transposition of the acquis,
- developing a plan for financing investment based on the estimation of costs of alignment and realistic sources for public and private finance,
- beginning to transpose and implement the acquis related to the framework legislation, international environmental conventions, legislation on nature protection, water quality, integrated pollution prevention control and waste management,
- implementing and enforcing the environmental impact assessment Directive,
- pursuing the development of transboundary water cooperation, in line with the water framework Directive and international conventions to which the Community is a party.

¹²² Council Decision of 19 May 2002 on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Turkey, available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

Apart from these, there were some medium-term objectives as well which were completing the transposition of the acquis and strengthening the institutional, administrative and monitoring capacity to ensure environmental protection including data collection and integrating sustainable development principles into the definition and implementation of all other sectoral policies.¹²³

In line with these objectives, the 2002 Progress Report of the EU Commission has underlined that Turkey has started to make notable progress in transposing the environmental acquis especially in improving the administrative capacities. To illustrate, the integration of environmental considerations into other policies has been achieved by requiring the Environmental Impact Assessment Report before launching public procurement procedures. Furthermore, CITES Convention has been adopted and progress has been made in transposing the acquis on industrial pollution. In addition, as for the field of genetically modified organisms and chemicals, the Regulation on Dangerous Chemicals was amended, partially transposing the relevant acquis.¹²⁴

Overall, the report stated that positive steps have been taken in the field of horizontal legislation, nature protection and administrative capacity. On the other hand, the efforts in water quality, industrial pollution and risk management, air quality, noise, genetically modified organisms, waste management and nuclear safety and radiation protection should be intensified. Consequently, further efforts should focus on air quality, waste management, water quality, industrial pollution, nature protection and horizontal legislation in order to ensure the transposition and implementation of the Union environmental acquis.¹²⁵

As a result of the priorities underlined in the Accession Partnership and the Progress Report, the 2003 PHARE Financing Memorandum has underlined that although Turkey has achieved a good degree of legislative alignment with the EU acquis in certain areas, there were still problems in adopting the EU environmental standards

¹²³ 2002 Accession Partnership with Turkey.

¹²⁴ 2002 Regular Report on Turkey's Progress Towards Accession prepared by the EU Commission available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

¹²⁵ 2002 Regular Report.

in the fields of drinking water, air quality, chemical and waste management. Therefore, the projects that would be carried out in this area aimed at increasing the institutional and technical capacity of the Ministry of Environment and Ministry of Health in adopting the air quality framework directive, air pollution from large plants directive, key chemicals directives and waste directives. According to the EU, projects in these areas would facilitate implementing effective environmental policy measures and would strengthen the regulatory cycle with a role in the domain of air, waste and chemicals management.¹²⁶

In line with these objectives, the Standard Summary Fiche for 2003 projects in the environment emphasized that the projects would have three components which would be air quality, approximation on the national chemicals sector and waste. The main aims of these projects would be the following respectively:¹²⁷

- establishing the necessary framework within the Ministry of Environment and Ministry of Health to transpose and implement two EU Directives which are the Air Quality Framework Directive and the Air Pollution from Large Combustion Plants Directive,
- establishing the necessary system, institutional structure, the institutional capacity and the legal framework and strengthening the regulatory cycle for the implementation of the two key EU Chemicals Directives in Turkey and their daughter directives,
- establishing the necessary capacity within the Ministry of Environment to transpose the 6 EU Directives which are Packaging Waste Directive, Waste Framework Directive, Hazardous Waste Directive, Incineration Directive, Landfill Directive and Shipment of Waste Directive.

If the projects are analyzed in detail, it can be found that the EU has given utmost importance to these components. For the first component, which is air quality, the

¹²⁶ Financing Memorandum on 2003 PHARE National Programme for Turkey available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

¹²⁷ Standard Summary Fiche 2003, Project Number: 0302.03, available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

EU has underlined that the division of responsibilities and competencies between the Ministry of Health and Ministry of Environment has not been clarified before, which has led to some discrepancies in air quality management. Therefore, there should be a division of responsibilities so that disputes, duplication of efforts or inaction could be avoided. Furthermore, in order to apply the Air Quality Framework Directive significant amendments needed to be made in the Regulation on Protection of Air Quality. In addition, it has been seen that the Large Combustion Plant Directive has not been transposed yet.¹²⁸

Other than these weaknesses, the Standard Summary Fiche 2003 has emphasized that the implementation and the enforcement of the EU Directives depend on the detailed strategies that would be applied in the regulatory infrastructure of Turkey. When these strategies have been applied, Turkey would be more efficient and compatible in assuring and protecting the environment and public health via an improved air quality.¹²⁹ Consequently, the project would be a great aid in accomplishing these since at that time (in 2003) neither in the Ministry of Environment nor in the Ministry of Health that were capable of carrying out quality-assured emissions.

In line with these concerns and aims, the EU has pointed out some other activities that needed to be carried out in air quality area which were completing the Integrated Environmental Approximation Strategy for the Turkish Republic, completing the MATRA (Matching of Transparent Materials by Multiple Absorption) air quality project which would disseminate knowledge of EU ambivalent legislation as well as assuring a system for monitoring systems at the Refik Saydam Centre of Hygiene and completing the project on strengthening the environmental control in Turkey.¹³⁰

In order to fulfill the objectives in air quality domain, the Fiche listed some activities that would be carried out both by the EU and Turkey, which were the following:¹³¹

¹²⁸ Standard Summary Fiche 2003.

¹²⁹ Standard Summary Fiche 2003.

¹³⁰ Standard Summary Fiche 2003.

¹³¹ Standard Summary Fiche 2003.

- production of a Draft Agreed Air Quality Framework Law defining the roles and responsibilities of the Ministry of Environment and Ministry of Health,
- dissemination workshops on the Framework Law and the implementation of the directives for stakeholders,
- assisting with the legal transposition of the air quality directives and associated EU legislation,
- development of the required institutional and technical capacity to implement the directives,
- detailed training,
- technical assistance with accreditation for the field and laboratory activities of the Refik Saydam Centre for Hygiene and the Golbasi Laboratory of the Ministry of Environment,
- preparation of a strategic action plan for the implementation of the directives,
- procurement of equipment for the Refik Saydam Center of Hygiene.

The second component of the 2003 projects in the area of environment was the national chemicals sector. The EU has pointed out that the Dangerous Chemicals Regulation adopted in 1993 by the Ministry of Environment did not fully transpose the requirements of the key EU directives on the definition of new and existing chemicals, notification, information exchange, risk assessment, classification, test methods and dangerous chemicals. Due to this reason, the Dangerous Chemicals Regulation needed to be revised and new legislation needed to be prepared so that the transposition of the directives could be achieved. Furthermore, the regulatory cycle in relation to the chemicals sector including policy development, legislation drafting, licensing, monitoring and enforcement should be strengthened. In addition, efforts should be undertaken to identify and define the chemicals on the Turkish market since not all the chemicals have been defined in the Customs Tariff of the EU.¹³²

¹³² Standard Summary Fiche 2003.

The Fiche pointed out that in order to achieve these aims of the chemicals projects the following activities needed to be carried out:¹³³

- preparing an inventory of chemical substances on the market in Turkey on the basis of available data that would in future lead to the expansion of the all chemicals database in present on the Turkish market,
- determining the needed administrative capacity for the component authority and related relevant supporting institutions and ministries,
- assisting the Ministry of Environment to establish a National Chemicals Monitoring Database,
- assisting the Ministry of environment by defining the best institutional structure for implementing the key EU Directives,
- preparing an action plan for implementation of the approximation on the national chemicals sector,
- undertaking first steps to ensure the implementation of the EU Chemicals Directives by the chemicals sector through a national training programme for the chemicals sector through a training of trainers programme in close collaboration with the Ministry of Environment and the Turkish Chemical Manufacturers Association,
- training programme and study tour based on a training needs assessment targeted to improvement of capabilities of the competent authorities responsible for the risk assessment of chemicals used in Turkey,
- assisting the Ministry of Environment in legal work to transpose the Dangerous Chemicals Regulation and other relevant regulations.

The last component of the environmental projects in 2003 was waste. The Fiche has emphasized that in this area, Turkey has remained far behind the EU standards and expectations owing to the fact that the Environmental Law remained insufficient in

¹³³ Standard Summary Fiche 2003.

this domain. Moreover, there has been a discrepancy between the implementation of the legislation and the legislation itself. Apart from these, the waste management problem in Turkey has posed threats and risks to the public health as well as the ecosystem and the natural resources. Therefore, the Ministry of Environment has been under the process of modifying the legislation and adopting the latest EU directives. However, what needed to be done in this area is that since there were still weaknesses, the capacity in institutional, technical and financial issues about the EU Directives on waste sector should be strengthened. As a result, the following activities were to be carried out so that the EU Directives on waste management could be adopted.¹³⁴

- assisting the Ministry of Environment in transposition of EU Waste Directives to the Turkish Legislation by the end of 2006,
- a training of trainers programme in order to strengthen the capacity of stakeholders,
- giving technical assistance to the Ministry of Environment on the preparation of strategic action plans,
- developing a management information system in order to maintain appropriate monitoring and evaluation.

In order to carry out these activities and to achieve the aims of the projects, the EU allocated a total of 5.45 million euros. The amount of aid allocated for air quality component was 2.55 million euros, the aid for chemicals was 1.5 million euros and it was 1.4 million euros for the waste sector. All the components included twinning projects, which were both short term and long term.

Surprisingly, 2003 projects did not have any extra conditionality. This may be explained by the fact that, 2003 projects were more specific than the projects in 2002. Consequently, there was only one main conditionality which was Turkey would improve its capacity to meet the environmental demands of the EU environmental acquis in air quality, chemicals and waste areas and the summary of the projects is given in the table below.

¹³⁴ Standard Summary Fiche 2003.

Table 3. Allocation of Turkey Environmental Aid in 2003

Component	Sub component	Total aid
Air quality	None	2.55 million euros
Approximation on the national chemicals sector	None	1.5 million euros
Waste	None	1.4 million euros

Source: Standard Summary Project Fiche 2003.

4.3. TURKEY ENVIRONMENTAL AID IN 2004

Just like the other PHARE aids in 2002 and 2003, the 2004 PHARE programme has taken the priorities laid down Accession Partnership, the National Programme for the Adoption of the Acquis and the Commission's regular report into consideration.

On July 24, 2003, Turkey adopted its amended National Programme for the Adoption of the Acquis. This programme underlined the priorities of Turkey in order to harmonize with the EU laws in a much broader and more detailed perspective. In the field of environment, Turkey has stated the following priorities:¹³⁵

- improvement of water quality (including discharge of dangerous substances into aquatic environments, water pollution caused by nitrates from agricultural resources, water framework directive, treatment plant sludge, urban wastewater treatment, quality

¹³⁵ Turkey's National Programme for the Adoption of the Acquis available at <http://www.abgs.gov.tr/indextr.html>.

of water for human consumption, quality of surface and ground water),

- increasing the effectiveness of waste management (including integrated waste management, hazardous waste management, specific waste management),
- improving air quality,
- nature conservation,
- industrial pollution and risk management,
- increasing strength and effectiveness of environmental impact assessment process and aligning with strategic environmental assessment directive,
- environmental noise management,
- management of chemicals and pesticides,
- genetically modified organisms,
- nuclear safety.

When these priorities are analyzed it can be seen that they were quite detailed covering a broader scope of environmental issues. Despite Turkey's addition of an extensive list of environmental priorities in its National Programme, the Commission's regular report for Turkey's progress towards accession has drawn a negative picture of Turkey. In spite of the fact that, Turkey has been successful in integrating the Ministry of Environment and Forestry into one body, the report has stated that limited steps were taken in the fields of air quality, nature protection, chemicals, noise and nuclear safety, and radiation protection. In addition, the legal harmonization was still low. To illustrate, the integration of environmental policies into other policies has not been achieved. Furthermore, there has been no notable progress in horizontal legislation as regards the transboundary issues. Moreover, no progress has been reported in water quality and industrial pollution and risk management. Therefore, further efforts needed to be undertaken in order to transpose the Union acquis.¹³⁶

¹³⁶ 2003 Regular Report on Turkey's Progress towards Accession prepared by the EU Commission, available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

In line with these priorities identified by Turkey and the EU, the PHARE 2004 programme has stressed that projects needed to be carried out so that approximation to the *acquis communautaire* could be achieved. Overall, two project areas have been listed which were strengthening the capacity of the Ministry of Environment and Forestry in the field of special waste and noise management and integration of sustainable development into sectoral policies.

The first area in general aimed at supporting the Turkish government in its efforts towards strengthening its capacity to implement the environmental *acquis*. Furthermore, there were two more specific objectives, the first of which was providing assistance in the establishment of the necessary framework and institutional structure for the implementation of EU waste directives (Waste Catalogue, Used Battery and Accumulator, End of Life Vehicle). The second one was assisting the transposition and the implementation of EU directive on environmental noise.¹³⁷

The second area which was mainly about sustainable development had the overall objective of developing Turkey's capacity for mainstreaming and implementing sustainable development policies. In addition, the project included support for the National Commission on Sustainable Development and the development of a sustainable development performance monitoring framework.¹³⁸

When the Standard Summary Fiches of these two areas are analyzed, it can be said that they were more detailed than the previous years due to the fact that the fiches included all the background information, the linked activities, the activities themselves and the results as well as the means to achieve those results have been laid down in more detail. As for the first domain in the environmental sector which was about special waste and noise management, the main project purposes were listed as establishing the necessary system, institutional structure, the institutional capacity and the legal framework and strengthening the regulatory cycle for the implementation of the EU Waste Directives and transposing and implementing the

¹³⁷Financing Memorandum on 2004 PHARE National Programme for Turkey, available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

¹³⁸ PHARE 2004 National Programme.

EU Directive on the assessment and management of environmental noise together with the strengthening of institutional and administrative capacity.¹³⁹

For the first component, harmonization and implementation of EC Directives related to special waste, it has been stated in the Fiche that Turkey has had efficient waste collection systems for municipal waste, medical waste and hazardous wastes. On the other hand, its capacity for special wastes has not been enough. Furthermore, the legal arrangements have not been sufficient and they did not meet the Union requirements of the special waste management. In addition, the waster catalogue in Turkey did not contain end of life vehicle and electric-electronic equipment waste and the waste catalogue itself did not meet the EU requirements. As a result, what needed to be done was to amend the catalogue in order to ensure accordance with the Union directive. Moreover, car wrecks and electric-electronic equipment waste needed to be incorporated into the catalogue. Also, the institutional and administrative capacity should be strengthened in order to transpose the directives.¹⁴⁰

In order to accomplish these the Fiche stated that the following activities needed to be carried out:¹⁴¹

- preparing an inventory of special wastes on the Turkish market,
- carrying out a study to identify and define problems and deficiencies with existing arrangements and systems for managing wastes which are subject to EU Directives,
- determining the size and future burden on the governmental administration for handling tasks according to the directives,
- assisting the Ministry of Environment and Forestry by defining best institutional structure for the implementation of EU waste directives,
- preparing an integrated and cost-effective waste management implementation strategy,

¹³⁹ Standard Summary Fiche 2004, Project Number: TR 0402.09 available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

¹⁴⁰ Standard Summary Fiche 2004.

¹⁴¹ Standard Summary Fiche 2004.

- a training programme and study tour based on a training needs assessment targeted to improvement of capabilities of the competent authorities responsible for policy preparation, licensing and monitoring activities,
- assisting the Ministry of Environment and Forestry in legal work for the transposition of the waste directives.

The second component of 2004 projects was noise as mentioned above by the writer. In this area the EU has pointed out that a coherent approach to deal with noise management was lacking within the Ministry of Forestry and Environment mainly due to insufficient overview and technical problems associated with the implementation of EU Noise Directives. Consequently, there should be clear strategy and a road map that would lay down how the implementation and the transposition of the EU directives could be carried out. In order to achieve this, the following needed to be done:

- investigating the present practice in Turkey as regarding noise legislation and enforcement,
- final selection of minimum four pilot areas that would serve as an example for the whole of Turkey,
- preparing a master plan including the division of tasks and responsibilities, detailed roadmap for the implementation of the directives and the required funding,
- providing assistance in the legal transposition of the EC Noise Directive into Turkish legislation,
- implementation of a training programme targeted at national and local experts.

The amount of aid allocated by the EU in order to carry out the activities in the special waste and noise management area is 1.55 million euros for each of the components and this aid was given as the support for institutional building. Furthermore, both components required twinning projects both in the short and long terms as well as project leaders. In addition, there was the conditionality that in the

noise component the authorities in selected areas would make available the necessary sampling and analyses equipment for noise mapping exercises.¹⁴²

Just like mentioned above, the environmental projects for 2004 consisted of 2 main parts, the first of which was explained before. The second main part of the projects was about integrating sustainable development into sectoral policies whose main aim was to enable Turkey to integrate sustainable development policies into national and regional development planning. In this area the EU has emphasized that although Turkey has had tools such as the National Environmental Strategy and Action Plan and Environmental Impact Assessment to integrate sustainable development into other sectoral policies, their use was not in a systematic way causing some shortcomings in understanding the general principles and concept of sustainable development, coordination between policy making authorities, coordination between implementation and governmental policy making and governmental, social and individual ownership of sustainable development goals. Therefore, improved coordination among government organizations, increased flow of information, creation and institutionalization of sustainable development networking mechanisms as well as improvements in public administration with technical assistance would be needed. In order to achieve these, the EU would work in close cooperation with the State Planning Organization so that they could carry out activities in three different domains which were building a national capacity for mainstreaming sustainable development, grant programme and advocacy and capacity building. The activities to be done in the first domain were the following:¹⁴³

- organizational and procedural arrangement for bringing together all organization and institutions that would actively take role in the project activities,
- convening the steering committee through State Planning Organization,
- situational analysis to determine critical sectors, ministries and government agencies where thematic task forces would be outposted,

¹⁴² Standard Summary Fiche 2004, Project Number: TR 0402.11, available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY.

¹⁴³ Standard Summary Project Fiche 2004

- establishing thematic task forces,
- drafting tors for the thematic task forces,
- undertaking subcontracts to be made for preparation of policy or research policy papers,
- compilation and editing of National Sustainable Development Policy Papers,
- analysis of indicators for monitoring sustainable development,
- analysis of institutional structures for promotion of sustainable development,
- organization of study tours,
- supporting the work of the State Planning Organization in the establishment and operation of the National Committee on Sustainable Development,
- conducting a series of workshops aimed at awareness raising and exchange of knowledge and information,
- preparing and publishing policy background papers, brochures and booklets,
- analysis of change towards the result of mainstreaming sustainable development.

The activities in the grant programme would be:¹⁴⁴

- elaborating on the selection criteria and clear the criteria with the Steering Committee,
- dissemination of other grant programme to stakeholders via meetings and advertisements,
- providing advisory and referral services to applicants,
- directing applicants to the project preparation support provided through other EU funded projects,
- advising applicants on the required inputs and the format,
- designing a scoral formula to evaluate proposals,
- preparing request for proposals,

¹⁴⁴ Standard Summary Fiche 2004.

- selecting applications,
- awarding grants,
- monitoring grants,
- compiling and preparing a knowledge source on sustainable development.

For the advocacy and capacity building domain, the activities of designing a communication and media outreach strategy for diffusion of sustainable development and MDG (millennium development goals) concepts in the society, building partnership with Turkish Radio Television and State Planning Organization for launching sustainable development programmes, investigating the private media exposure of sustainable development and monitoring the public level endorsement of sustainable development would be carried out.¹⁴⁵

The budget allocated by the EU for this area under the institutional building framework was 3 million euros. However, it should be noted that although the EU supported this project, the United Nations Development Policy (UNDP) were to implement the entirety of the project since sustainable development is one of the most important concerns for the United Nations as pointed out by the World Summit on Sustainable Development held in 2002 in Johannesburg. Furthermore, whereas the conditionality for sustainable development project was not applicable, it would be up to the EU to impose conditionalities.

To sum up, it can be seen that 2004 projects included one of the most significant concerns of the EU, which was sustainable development. Apart from this, waste also has taken up an important place due to the aims of the EU in the environmental sector laid down in its Sixth Environmental Action Plan and a brief summary of the projects can be seen in the table below.

¹⁴⁵ Standard Summary Fiche 2004.

Table 4. Allocation of Turkey Environmental Aid in 2004

Component	Sub component	Total aid
Harmonization and implementation of EC directives related to special waste	None	1.55 million euros
Noise	None	1.55 million euros
Integrating sustainable development into sectoral policies	<ul style="list-style-type: none">• Building a national capacity for mainstreaming sustainable development• Grant programme• Advocacy and capacity building	3 million euros

Source: Standard Summary Project Fiche 2004.

4.4 TURKEY ENVIRONMENTAL AID IN 2005

The environmental aid given to Turkey in 2005 has also taken the Accession Partnership, the National Programme and the Commission's 2004 regular report into account. Since the Accession Partnership and the National Programme were mentioned above, the writer will start this part with the findings of the Commission's 2004 Regular Report on Turkey's Progress towards Accession. Just like the previous progress reports, the EU has drawn a rather negative picture of Turkey in the environmental domain. The report has stated that there has been limited progress in adopting the environmental acquis. To exemplify, in the integration of environmental

issues into other policies and genetically modified organisms no notable progress has been achieved. Furthermore, in horizontal legislation, air quality, water quality, nature protection, chemicals, nuclear safety and radiation protection and the administrative issues limited progress has been observed. Only in waste management has there been some progress. These negative results have been explained by the fact that Turkey adopted some of the key directives but not all of them which would ensure full harmonization with the *acquis* and this necessitated further effort. In addition, there was still an overlapping of responsibilities in the merged Ministry of Environment and Forestry. Therefore, what needed to be done was to continue the efforts as well as securing considerable investments both in the short and medium term that would strengthen the implementation of the *acquis*.¹⁴⁶

As a result of these comments, the Pre-accession Financial Assistance National Programme for Turkey in 2005 has underlined that in order to ensure approximation to the *acquis communautaire* in the environmental field, projects needed to be carried out. Consequently, for 2005 two projects have been listed to ensure compliance with the *acquis*, which were Çanakkale Regional Solid Waste Management Project and Kuşadası Solid Waste Management Project.

The reason why these project areas were selected was that waste management was defined as a short term priority in the Accession Partnership and the National Programme. Consequently, the overall aim of these projects was to accelerate Turkey's accession by enabling to achieve a high level of environmental protection and compliance with the EU waste sector directives. More specifically, they aimed at reducing the pollution of groundwater and environment in Çanakkale, Kuşadası and nearby municipalities whereby increasing reuse via establishing a solid waste management system in accordance with the Turkish legislation and EU *acquis*.¹⁴⁷

As far as the Çanakkale Regional Solid Waste Management was concerned, the project included the municipalities of Çanakkale as well as Lapseki, Kepez, Çardak,

¹⁴⁶ 2004 Regular Report on Turkey's Progress towards Accession prepared by the EU Commission available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm.

¹⁴⁷ Financing Memorandum on 2005 PHARE National Programme for Turkey available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

İntepe, Kumkale and Umurbey. The main reason behind the implementation of the project according to the EU was that at the time, the mixed waste were taken from kerbside and collected by trucks in open dump sites. However, the number of trucks in order to carry out this task was insufficient and the trucks were quite old. Moreover, the recycling of wastes was done informally by workers. Therefore, a municipal union was formed in order to find a common solution to solid waste and wastewater problems of the above mentioned municipalities. Within this union, the Çanakkale Kuruçeşme dumpsite, Lapseki Millet Çiftliği dumpsite and Çardak Kadıbayırı dumpsite needed to be rehabilitated and then closed, which would enable opening up a new dumpsite that would serve the waste management needs. The activities that would be carried out in order to achieve these objectives would be the following:¹⁴⁸

- construction of a central sanitary landfill, including a pilot composting plant,
- construction of four civic amenity centers in Çanakkale, Lapseki, Umurbey and Kumkale which would be a recycling unit where people could bring their recyclable waste as well as hazardous waste for safe disposal,
- rehabilitation of the dumps by fencing, covering with gas drainage layer and top soil, vegetative soil, planting, gas collection and flaring, energy generation, monitoring wells where applicable,
- procurement of collection equipment and vehicles, procurement of supplies for the landfill,
- technical assistance for construction supervision, implementation of rehabilitation of dumpsites, capacity building programme to the EU.

The Kuşadası Solid Waste Management was quite similar to Çanakkale project in the sense that it also aimed at establishing a solid waste management system for Kuşadası, Söke, Davutlar and Güzelçamlı municipalities in order to reduce the pollution of groundwater and environment as well as increasing the use of recycling.

¹⁴⁸ Standard Summary Fiche 2005, Project Number: TR 0503.11, available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY.

The main reason behind the project was the same as Çanakkale as mentioned above. Furthermore, of all the dumpsites (Alaşgediği, Kekliceek, Söke, Taşlıbelen, Güzelçamlı) only Alaşgediği and Kekliceek were surrounded by a retaining wall. In addition, there were not enough recycling activities and the recycling activities were done only on the new wastes. As a result, the Fiche has pointed out that these dumpsites needed to be closed down and new dumpsites should be opened in order to ensure the EU standards and in order to do this the same activities which were mentioned in Çanakkale Solid Waste Management project would be carried out.¹⁴⁹

The budget allocated for these two projects was surprisingly high owing to the fact that they were considered as heavy cost investments. The EU budget for Çanakkale was 11.9 million euros and it was 13.8 million euros for Kuşadası. Furthermore, in line with heavy cost investment directives national co-financing was also required more than the previous years, which composed the 31.9% of the whole project.

Table 5. Allocation of Turkey Environmental Aid in 2005

Component	Sub component	Total aid
Çanakkale regional solid waste management project	None	11.9 million euros
Kuşadası solid waste management project	None	13.8 million euros

Source: Standard Summary Project Fiche 2005.

¹⁴⁹ Standard Summary Fiche 2005, Project Number: TR 0503.12, available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY.

4.5. TURKEY ENVIRONMENTAL AID IN 2006

Like the other regular reports, the Commission's 2005 Regular Report on Turkey's Progress towards Accession has drawn a negative picture of Turkey's progress in the field of environment. According to the report, in waste management, noise and nature protection there has been some progress, but limited or no significant progress has been noticed in the transposition of the acquis in other environmental sectors. In other words, in waste management some regulations on waste batteries and accumulators, control of medicinal waste, vegetable waste oil, hazardous waste have been implemented. Moreover, in nature some regulations on the establishment of the wildlife conservation and wildlife enhancement areas have been adopted. What is more, in the field of noise harmonization with the acquis has been achieved with the regulation on the assessment and regulation of environmental noise. On the other hand, in horizontal legislation no notable progress has been achieved due to the fact that Turkey has not signed the Kyoto Protocol. Therefore, further efforts were needed in this area especially in greenhouse gas emission allowance trade scheme and the adoption of the legislation on Emission Trading and the Strategic Environmental Assessment Directive. In addition to horizontal legislation, progress in air quality was limited since the directives on sulphur content of liquid fuels and volatile organic compound emissions needed to be adopted and steps needed to be taken in the upgrading of air quality monitoring and modeling. Furthermore, in industrial pollution and risk management, chemicals and genetically modified organism no progress was observed as the regulations in these areas were still waiting to be implemented. Also, the area of forestry needed significant efforts. Consequently, Turkey needed to work more on the environment sector in order to ensure harmonization with the acquis.¹⁵⁰

In line with this, on January 23, 2006 the European Council announced the new Accession Partnership with Turkey. In the new Partnership, the priorities for accession have been redefined and some other priorities have been added. Just like the other acquis chapters, there have been some amendments in terms of the

¹⁵⁰ 2005 Regular Report on Turkey's Progress towards Accession prepared by the EU Commission, available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm

priorities in the environment chapter as well. According to the Partnership the short term priorities were:¹⁵¹

- adopting a revised programme for the transposition and implementation of the acquis and developing a plan for financing investment,
- continuing to transpose and implement the acquis related to the framework legislation, international environmental conventions, and legislation on nature protection, water quality, Integrated Pollution Prevention Control and waste management. Implementing and enforcing the environmental impact assessment directive,
- pursuing the integration of environmental requirements into other sectoral policies,
- developing a plan to strengthen administrative capacity, implementation and enforcement of environmental legislation,
- pursuing the development of transboundary water cooperation, in line with the water framework directive and international conventions to which the EC is a party.

Other than these short term priorities, the Accession Partnership listed some medium term priorities as well which were as follows:¹⁵²

- continuing alignment on the acquis and strengthening the institutions, administrative and monitoring capacity to ensure environmental protection, including data collection,
- integrating sustainable development principles into the definition and implementation of sectoral policies,
- ensuring full transposition and progressive implementation and enforcement of the strategic environmental assessment directive as amended,
- adopting and implementing a national waste management plan.

¹⁵¹ Council Decision of 23 January 2006 on the Principles, Priorities and Conditions Contained in the Accession Partnership with the Republic of Turkey, available at http://ec.europa.eu/enlargement/turkey/key_documents_en.htm.

¹⁵² Accession Partnership 2006.

Taking these priorities in the Accession and the findings of the Commission's report, the 2005 pre-accession programme listed Nevşehir and Tokat Wastewater Treatment projects under the economic and social cohesion area in order that Turkey could cope with the challenges in economic and social domains. That is, Turkey should be able to reduce the pressure of economic and social development and human settlements on environment and preserve the natural resources by providing healthy living conditions and increasing the effectiveness of environmental management through disposal of domestic and industrial waste. Furthermore, it should work for preservation of water resources and increase the productivity of drinking water and sewage services and solid waste management.¹⁵³

As a result of these aims that Turkey should fulfill, both projects in general aimed at assisting Turkey to achieve a high level of environmental protection and compliance with EU directives concerning water quality. More specifically, the project purpose of the Nevşehir was to reduce the pollution loads to the Kızılırmak River in order to improve its water quality.¹⁵⁴

When each project is analyzed in detail, it can be seen that they were parts of Environmental Heavy Cost Planning Project granted by the EU. As for Nevşehir project, there have been some preliminary studies on the feasibility of the area and it was found that there was high political support for the project. Before the project, Nevşehir had its sewage system made from concrete pipes in 1998 by İller Bank and almost all of the inhabitants were connected to the system. The Fiche has required that all industries in the area (beverage, wine, flour, some small industrial factories and the municipal slaughter house) would be accepted in the wastewater treatment project as long as the discharge of wastewater satisfied the Water Pollution Control Regulation. The waste water treatment plant would be in line with the EU regulations and when completed it will produce sewage sludge, which will be used in reforestation areas as well as agriculture. Moreover, upon the completion of the project, it will be able to serve Nevşehir, Nar, Göre, Uçhisar, Çardak and Güvercinlik. As a result, in order to achieve these aims, construction of a treatment plant will be carried out as well as providing technical assistance which would

¹⁵³ Standard Summary Project Fiche 2006, Project Number: TR 0602.01, available at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY

¹⁵⁴ Standard Project Summary Fiche 2006.

include training and institutional strengthening to the municipality. However, these activities would not be carried out by depending solely on the EU budget in the sense the EU budget allocated for this project would be 6.6 million euros, but there would also be a national financing of 2.2 million euros.¹⁵⁵

Similar to the Nevşehir project, the Tokat Wastewater Treatment project mainly had the aim of reducing the pollution loads to the Yeşilirmak River in order to improve its water quality. Before the start of the project, there were again feasibility studies which found out that there was high political support. What was different from Nevşehir was that, Tokat had limited industrial activities which included small industries, a tobacco processing plant, food production plant, a tannery, printing workshops and a municipal slaughter house. Therefore, there was not a lot of burden on the project in terms of wastewater. Of course, their wastewater discharge would be accepted as long as they fulfilled the requirements. As for the sewage sludge that the wastewater treatment plant would produce, it would be used in the same areas as the case in Nevşehir. What is more, the activities to accomplish these tasks would be the same which would be construction of a treatment plant and providing technical assistance. The budget for this project consists of EU funds equaling to 10.2 million euros and national funds equaling to 3.4 million euros since this project is listed under heavy cost investment scheme.¹⁵⁶

To sum up, like Kuşadası and Çanakkale projects, Nevşehir and Tokat projects were heavy cost investment projects. Consequently, the amount of aid given by the EU was quite high. However, unlike the other projects in previous years national financing was also required which should also be taken into account.

¹⁵⁵ Standard Summary Project Fiche 2006.

¹⁵⁶ Standard Summary Project Fiche 2006, Project Number: TR 0602.02, viable at http://ec.europa.eu/enlargement/fiche_projet/index.cfm?page=415392&c=TURKEY.

Table 6. Allocation of Turkey Environmental Aid in 2006

Component	Sub component	Total aid
Nevşehir wastewater treatment project	None	6.6 million euros
Tokat wastewater treatment project	None	10.2 million euros

Source: Standard Summary Project Fiche 2006.

4.6. GENERAL EVALUATION OF TURKEY ENVIRONMENTAL AID BETWEEN 2002 AND 2006

According to an information note prepared by the Ministry of Environment and Forestry on the environmental aid that Turkey has received from the EU in the environmental domain, it is said that the Union has donated a total amount of 91.2 million euros, which can be considered as a significant amount of money.¹⁵⁷ On the other hand, if the yearly allocation of this aid is analyzed it can be seen that there has been a different scheme for each year. In other words, although 2002 projects were the most comprehensive and extensive ones including heavy investment projects, multi-country projects (implementing the AC-IMPEL network and establishing a regional environmental center), nature and capacity building and access to environmental information, the total amount of aid given for these projects was 16.6 million euros. Despite the fact that, these projects were finished in 2005 and 2006, the EU in its 2006 regular report still asserts that Turkey has made no substantial progress in horizontal legislation issues, which according to this writer creates a

¹⁵⁷Information Note on EU Projects under the Coordination of External Affairs and EU Secretariat prepared by the Ministry of Environment and Forestry (Çevre ve Orman Bakanlığı, Dış İlişkiler ve AB Dairesi Başkanlığı Koordinasyonunda Çevre Sektöründe Yürütülen AB Projeleri Bilgi Notu).

discrepancy due to the fact that even though these projects were listed as main priority areas the achievements are not considered sufficient. This may be due to the fact that the aid was not enough.

Like 2002, the 2003 projects had a limited budget of only 5.4 million euros for air quality, waste management and chemicals sectors. The projects were to finish in 2006, but again in the 2006 progress report it was asserted that only in the air quality sector has there been good progress. Waste management and chemicals sectors still remain behind the EU acquis requirements, which will definitely pose the question of whether the aid was really enough in order to achieve the requirement of the EU in these areas.

In 2004, waste, noise and sustainable development were the main components of the environmental projects and once again the budget was rather limited to 4.55 million euros. As mentioned above, progress in waste sector has been considered as substantial. Furthermore, alignment of the Turkish legislation with the EU acquis in noise has been considered as advanced. On the other hand, sustainable development was still considered as being apart from the other policies.

In 2005 and 2006, the EU donated the biggest amounts of aid due to the fact the projects in these years were solid waste management and waste water treatment projects. However, what should be noted in those projects is that national co-financing was also required, which would mean that Turkey would not be able to carry out these projects without the finance it would provide. There have not been any comments on these areas in the 2006 progress report due to the fact these projects have not been finished yet.

Another interesting point that this writer would like to mention is that, Turkey has not been eligible for ISPA funds which were mainly used in the environmental sector especially in wastewater treatment and river basin management. Therefore, Turkey has started wastewater treatment projects only in 2006 and is still behind the EU requirement due to this.

Furthermore, Turkey has not benefited from CBC funds although it has obtained candidate status. Turkey also has transboundary rivers and the environmental issues related with these rivers need to be tackled with in order to harmonize with the EU acquis. In addition, despite the fact that Turkey included nuclear waste and genetically modified organisms in its national programme, it has not been able to obtain pre-accession aid in these areas up to now.

Overall, this writer argues that given the size and the environmental background of Turkey, it should be noted that the amount of aid was not sufficient since Turkey has a wide range of environmental issues that needed to be worked on in order to ensure compliance with the EU acquis. As a result, the question of whether EU uses different criteria or strategies for the aid that it gives to candidate countries definitely arises and this and question will be answered in the following chapter by making a reference to the enlargement criteria of the EU.

5. BULGARIA ENVIRONMENTAL AID BETWEEN 2002 and 2006

5.1. BULGARIA ENVIRONMENTAL AID IN 2002

Bulgaria has displayed a rather different case from that of Turkey between 2002 and 2006 since it was candidate state during that period, whereas Turkey was granted the candidate status only in 2005. Bulgaria had much smoother relations with the Union. After starting relations in 1988, Bulgaria applied for full membership in 1995 and the negotiations were opened in 1999. The negotiations took a very short period, meaning that it finished in 2004. In line with this, the Accession Treaty was signed in 2005 and Bulgaria became a member on 1 January 2007. Hence, Bulgaria is currently a member of the EU since 1 January 2007. Consequently, the nature of aid that Bulgaria has received during the period between 2002 and 2006 is a lot different from the nature of aid that Turkey has received. To illustrate, Bulgaria started to receive pre-accession aid in 1998 and 2006 was the last year that Bulgaria received aid as a candidate country. At the moment, Bulgaria is benefiting from the aids that member states receive such as Structural Funds. Furthermore, Bulgaria has also received Cross Border Cooperation (CBC) aid as well as ISPA which Turkey was not even entitled to. As a result, it can be seen that the aids were quite different and various.

This chapter will try to analyze the pre-accession aid that Bulgaria received between 2002 and 2006 by explaining the projects for each year. On the other hand, before analyzing the aid, the writer will briefly mention the accession process of Bulgaria. Bulgaria signed the Europe Agreement with the EU in 1993 and Bulgaria applied for membership in 1995. In 1998, it was recommended that the accession negotiations be opened and the negotiation process started in February 2000 and in a very short time (i.e. in nearly three and a half years) the accession negotiations were concluded. The Accession Treaty was signed on 25 April 2005 and Bulgaria became a full member on 1 January 2007.

As the previous chapter noted down how the aid was determined (i.e. in line with the priorities laid down in the Accession Partnerships, the National Programme for the Adoption of the Acquis and the Commission's Regular Reports), this chapter will not dwell on that process, but will directly focus on the nature of aid.

In October 2000, Bulgaria prepared its national strategy for the environmental sector. It has been stated in the strategy document that the main environmental protection objective of Bulgaria was the preservation of the quality of environment in the environmentally clean areas of the country as well as improving the conditions in damaged and contaminated regions.¹⁵⁸ In order to achieve this aim, the document mainly focused on solid waste management, air quality and water quality and it envisaged projects that would improve solid waste management techniques and improve the air and water quality.

In line with these priorities, the 2001 Regular Report has underlined that, although Bulgaria has been quite successful in transposing and implementing the environmental acquis, more efforts needed to be focused on environmental impact assessment, air quality, waste management, water quality, nature protection, industrial pollution control and risk management and radiation protection.¹⁵⁹

Similar to the Progress Report, in its Accession Partnership with the EU, it has been stated that Bulgaria needed to fulfill some objectives that were listed as priority ideas. However, these priorities were not classified as short or medium term, but the ones that Bulgaria needed to achieve in order to carry the obligations of membership. The priorities listed in the Partnership Document were:¹⁶⁰

- continuing the transposition of the acquis with particular emphasis on environmental impact assessment, air quality, waste management, water quality, nature protection, industrial pollution control and risk management, and radiation protection,

¹⁵⁸ Republic of Bulgaria, ISPA National Strategy for Environment prepared by the Ministry of Environment and Waters, October 2000 available at <https://ispa.minfin.bg>.

¹⁵⁹ 2001 Regular Report on Bulgaria's Progress towards Accession prepared by the EU Commission available at http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/bu_en.pdf

¹⁶⁰ Council Resolution on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with the Republic of Bulgaria available at http://www.evropa.bg/showfile.php?file=apbg_en_2001.pdf

- continuing the preparation and development of directive-specific implementation plans, including financing plans, with particular emphasis on waste management (including waste management plans), water quality and nature protection, and start implementation,
- continuing strengthening administrative, monitoring and enforcement capacity at national and regional levels. Particular attention should be given to the strengthening of the Ministry of Environment and Water as well as Regional Inspectorates in relation to waste management and nature protection,
- continuing integration of environmental protection requirements into the definition and implementation of all other sectoral policies with a view to promoting sustainable development.

Taking these priorities into account and especially Bulgaria's priorities in nature protection, the 2002 PHARE programme has included integrated management planning and capacity building for wetland areas, which would mainly focus on the development of participatory administrative models and integrated management planning for nature parks and protected sites. More specifically, the project mainly aimed at developing a national approach for the effective management of two major categories of protected area in Bulgaria, namely Persina Nature Park and Kalimok-Brushlen Protected Site, with a view of the preparations for NATURA 2000 membership.¹⁶¹

The reason why this project was selected was that Bulgaria needed to continue its efforts in transposing the Habitats Directive and Birds Directive and nature parks and protected sites constituted a large part of protected areas in Bulgaria which would improve the transposition of these directives. Moreover, upon the membership of Bulgaria into the EU these nature sites would become a part of the NATURA 2000 network, which meant that Bulgaria needed to enforce its laws regarding protected sites as applied by the Ministry of Agriculture and Forests. As a result, with a project

¹⁶¹Financing Memorandum for 2002 PHARE National Programme for Bulgaria available at http://ec.europa.eu/enlargement/fiche_projet/document/2002-000_314%20Bulgaria_%20national%20programme.pdf.

that would be applied in this area, the weaknesses would be overcome and the administrative structure would reflect the diverse landownership as well as ensuring the needs of various stakeholders.¹⁶²

Previously, some other activities have been carried out in this area and agreements and policy documents have been signed which were the following:¹⁶³

- Declaration for the Establishment of a Lower Danube Green corridor between Bulgaria, Romania, Ukraine and Moldova,
- Bilateral Cooperation Agreement between Bulgaria and Romania in the Field of Environmental Protection,
- Strategy for the Protection and Restoration of Floodplain Forests on the Bulgarian Danube Islands,
- World Wildlife Fund Greece Feasibility Studies for Wetlands Restoration of Persina and Kalimok-Brsuhlen Marshes,
- Ministry of Environment and Water Project on Wetlands Restoration and Pollution Reduction Project.

With this project; however, some other activities would be carried out in order to reach the goals which were as follows:¹⁶⁴

- building and institutional strengthening of the administrative structures for protected areas management,
- protected areas management planning, development and implementation of key programmes under protected areas management plans and capacity building for institutions involved in the management of natural resources within the protected areas,
- establishing natural resource monitoring programmes within the restored wetlands systems and the protected areas' territories, including monitoring of surface and groundwater and biodiversity.

¹⁶²Standard Summary Project Fiche 2002, Project Number: BG 0201.11 available at http://ec.europa.eu/enlargement/fiche_projet/document/0111%20Env%20Protected%20Wetland%20areas%20Phare%202002.pdf

¹⁶³ Standard Summary Fiche 2002.

¹⁶⁴ Standard Summary Fiche 2002.

The budget allocated by the EU in order to carry out the above activities and reach the above-mentioned outcomes was 1.8 million euros. Furthermore, there was the element of national co-financing amounting to 1.121 million euros which ensured the conditionality of the project that Bulgaria was to undertake the financing of any additional costs so that the project would be completed on time.

Apart from this PHARE project, Bulgaria also benefited from nuclear safety projects due to the presence of nuclear power plants dating back to the Cold War years. In fact, these projects included all the countries of Central and Eastern Europe and Bulgaria was a part of that. The projects in nuclear safety area all aimed at contributing to the nuclear safety in beneficiary candidate countries. Of course, nuclear safety also had environmental aspect and for 2002 and for Bulgaria the project was supply of equipment for characterization of institutional radioactive waste and development of a technical design for waste processing and storage facility. The reason why this project was carried out that at that time the disposal of radioactive waste in Novi Han did not meet the requirements of the EU. Hence, in order to meet the safety standards and upgrade the safety facilities of waste disposal the activities of delivery of equipment to characterize radioactive waste packages and technical assistance for the design of the waste processing and storage facilities to be constructed through state fund needed to be carried out. The budget allocated for this project was 1.41 million euros on the part of the EU and it necessitated a national co-financing of 0.25 million euros, which meant that state funds would be used in managing radioactive waste in the future.¹⁶⁵

As mentioned before, Bulgaria had the opportunity to benefit from other pre-accession instruments such as ISPA. Just as stated in the second chapter of this thesis, ISPA funds are mainly used in environmental projects. Bulgaria was able to get ISPA financing for most of its wastewater treatment projects. In 2002, Bulgaria had 12 projects for wastewater treatment and integrated water. The first one was Bourgas-Meden Rudnik Wastewater Collection and Treatment project with the aim of protecting the Vrana river and the Black Sea basin from pollution of discharges of

¹⁶⁵ 2002 PHARE Financing Memorandum for the Horizontal Community Support in the Field of Nuclear Safety for 2002 for Bulgaria available at http://www.evropa.bg/showfile.php?file=FM_2002_BG.doc

untreated sewage and industrial wastewater by the provision of a wastewater treatment plant to treat the wastewater to acceptable quality standards and by provision of ancillary infrastructures in the collection systems with a total ISPA budget of 7.65 million euros.¹⁶⁶

The second project was Lovech Wastewater Collection and Treatment with the same aim as mentioned above but on the Osam River and the budget for that project was 13.79 million euros from ISPA funds.¹⁶⁷ The third one was Popova Wastewater Collection and Treatment project on the Danube River basin with a total budget of 8.89 million euros.¹⁶⁸ The fourth project was Sevlivo Wastewater Collection and Treatment on the Danube with a budget of million euros.¹⁶⁹ The fifth one was Targovishte Wastewater Collection and Treatment with an ISPA budget of 14.42 million euros¹⁷⁰. The seventh one was Montana Wastewater Collection and Treatment Project with 12.55 million euros.¹⁷¹ The eighth project was Balchik Integrated Water project with 16.19 million euros funding.¹⁷² The ninth one was

¹⁶⁶ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Bourgas-Meden Rudnik Wastewater Collection and Treatment in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 009 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=9>.

¹⁶⁷ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Lovech Wastewater Treatment and Collection in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 011 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=3>.

¹⁶⁸ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Popova Wastewater Collection and Treatment in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 015 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=12>.

¹⁶⁹ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Sevlivo Wastewater Collection and Treatment in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 014 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=8>.

¹⁷⁰ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Targovishte Wastewater Collection and Treatment in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 010 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=10>.

¹⁷¹ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Montana Wastewater Collection and Treatment in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 012 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=11>.

¹⁷² Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Balchik Integrated Water Project in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 017 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=15>

Shoumen Water Cycle Improvement with 22.59 million euros.¹⁷³ The tenth one was technical assistance for the preparation of a water sector investment project located in Sofia with a budget of 1.125 million euros.¹⁷⁴ The eleventh one was Smolian Integrated Water Project including a budget of 18.35 million euros. Finally, the last one was Varna Integrated Water project which had an allocation of 19.074 million euros on the part of the EU.¹⁷⁵

Apart from the ISPA funds, Bulgaria benefited from CBC funds. In 2002, Bulgaria participated 3 projects in this area. The first of them was with Romania in the development of a control system for emissions of VOC, PAH and heavy metals from stationery sources in the boundary Bulgarian-Romanian regions along the lower Danube. The reason for the implementation of the project was that the air quality of the Bulgarian settlements included in Bulgaria-Romania Lower Danube area which was Nicopol, Rousse and Silistra were characterized by extreme amounts of pollutants. Consequently, what needed to be done was that developing a control of emissions system which would incorporate building and fitting of the heavy metal and organic pollution monitoring laboratories. This aim necessitated the activities of technical assistance for training on the methods of measurements, assessment verification and quality assurance and quality control of data obtained, supplying the analytical monitoring equipment, supplying and installing pressurized air units, air conditioning units, exhaust and ventilation system, building up of heavy metal and organic pollution laboratories and elaboration of daily, quarterly and annual reports. The total budget allocated by the EU for this project was 1.5 million euros and there was the national co-financing of 0.5 million euros which was present due to

¹⁷³ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Shoumen Water Cycle Improvement in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 018 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=13>.

¹⁷⁴ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession to the Following Measure, Smolian Integrated Water Project in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 013 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=16>

¹⁷⁵ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession to the Following Measure, Varna Integrated Water Project in Bulgaria, ISPA Measure No: 2002 BG 16 P PE 016 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=14>

the fact that it was a CBC project that needed to be carried out in cooperation with Romania.¹⁷⁶

The second CBC project in 2002 was the provision of a waste water treatment plant for Razlog with the overall aim of improving the water quality in Biala River (a tributary of Mesta River starting in Bulgaria and continuing into Greece) in line with the EC directives on wastewater treatment, on pollution of waters with hazardous substances, on establishing Community action in the field of water policy, on protection and use of transboundary water currents and international lakes. More specifically, the project had the objectives of constructing a wastewater treatment plant in Razlog in compliance with EU requirements in the field of wastewater treatment, improving the environmental status of the water quality, preventing the pollution of the transborder watercourse of Mesta River and improving the quality of life of Razlog population. The reason why Razlog was considered as a priority project was that the pollution in that part of Bulgaria was among the most serious ones. As a result, in order to tackle with the worsening of the situation and to control both the present and future pollution of the Mesta River, this project was started. The main activity in this project was the supervision of the construction of works for Razlog wastewater treatment plant which would necessitate providing the equipment and designing the construction for the plant. The budget allocated by the EU was 4.8 million euros and there was the national co-financing of 1.6 million euros and the reason why the project also required national financing was that wastewater treatment projects are considered as heavy investment projects and these projects are not accomplished by gully depending on the EC budget.¹⁷⁷

The last CBC project in 2002 was on integrated management of the waters of Nestos/Mestra River basin. Overall, the project aimed at the following:¹⁷⁸

- promoting cooperation between the EU and PHARE countries,

¹⁷⁶ Standard Summary Project Fiche 2002, Project Number: BG 2002/000-623-03 available at http://ec.europa.eu/enlargement/fiche_projet/document/2002-000-623.03Air-System.pdf

¹⁷⁷ Standard Summary Project Fiche 2002, Project Number: BG 2002/000-624-03 available at http://ec.europa.eu/enlargement/fiche_projet/document/2002000.624.03%20Waste%20Water%20Treatment%20Plant%20for%20Razlog.pdf.

¹⁷⁸ Standard Summary Project Fiche 2002 Project Number: BG 2002/000-624-04 available at http://ec.europa.eu/enlargement/fiche_projet/document/2002-000.624.04%20Waters%20of%20Nestos%20-%20Mesta%20River%20Basin.pdf.

- promoting cooperation between the affected border regions and contributing to the establishing of cooperation networks among counterpart organizations and entities on both sides of the border,
- assisting border regions in order to overcome specific development problems arising from their position in the national economy, in the interest of local population and in a manner compatible with the protection of environment.

In addition, the project had the following purposes:¹⁷⁹

- preparing a study for integrated management of the waters of Nestos/Mesta River basin that would serve as a basis for developing a draft master plan for both Bulgaria and Greece which would include multi-purpose and multi-objective planning and management principles by considering structural and non-structural alternatives,
- assisting Bulgaria and Greece in development, conservation and use of the Nestos/Mesta basin water resources in an integrated and sustainable manner through basin-wide cooperation for the benefit of all,
- using the study as a basis in the process of the preparation of a national management plan of the waters of Mesta River basin.

As for the reason for the selection of the project, it was stated in the Fiche that the new Water Framework was recently adopted which would require Bulgaria harmonize with the EU as well as implementing the Directive. This definitely brought about the conditionality that the performance of the studies was to comply with European standards according to the new directive. In order to achieve all these, the budget for the project was 0.4 million euros coming only from the Union.¹⁸⁰

¹⁷⁹ Standard Summary Project Fiche 2002.

¹⁸⁰ Standard Summary Project Fiche 2002.

Table 7. Allocation of Bulgaria environmental aid in 2002

Component	Sub component	Type	Total aid
<ul style="list-style-type: none"> • Persina Nature Park • Kalimok-Brushlen Protected Site 	None	PHARE	1.8 million euros
<ul style="list-style-type: none"> • Supply of equipment for characterization of institutional radioactive waste • Technical design for waste processing and storage facility 	None	Nuclear safety	1.41 million euros
Bourgas-Meden Rudnik Wastewater Collection and Treatment	None	ISPA	7.65 million euros
Lovech Wastewater Collection and Treatment	None	ISPA	13.79 million euros
Popova Wastewater Collection and Treatment	None	ISPA	8.89 million euros

Table 7 continued

Component	Sub component	Type	Total aid
Sevlivo Wastewater Collection and Treatment	None	ISPA	13.98 million euros
Targovishte Wastewater Collection and Treatment,	None	ISPA	14.42 million euros
Montana Wastewater Collection and Treatment	None	ISPA	12.55 million euros
Balchik Integrated Water Project	None	ISPA	16.19 million euros
Shoumen Water Cycle Improvement	None	ISPA	22.59 million euros
Technical assistance for the preparation of a water sector investment project in Sofia	None	ISPA	1.125 million euros
Smolian Integrated Water Project	None	ISPA	18.35 million euros

Table 7 continued

Component	Sub component	Type	Total aid
Varna Integrated Water Project	None	ISPA	19.074 million euros
Wastewater treatment plant for Razlog with Greece	None	CBC	1.6 million euros
Integrated management of the waters of Nestos/Mestra River basin	None	CBC	0.4 million euros

Source: PHARE Financing Memorandum, ISPA Project Fiches, Standard Summary Project Fiches 2002.

5.2 BULGARIA ENVIRONMENTAL AID IN 2003

In the 2002 regular progress report on Bulgaria's progress towards accession, it was stated that in the field of environment there has mainly been positive improvements as regards integration of environment into other policies, horizontal legislation, and air and water quality. On the other hand, there still remained some weaknesses related to noise and administrative capacity. As a result, Bulgaria needed to accelerate its efforts in complying with the *acquis*.¹⁸¹

¹⁸¹ 2002 Regular Report on Bulgaria's Progress towards Accession prepared by the EU Commission available at http://www.evropa.bg/showfile.php?file=rr_bg_en_2002.pdf

In line with these comments, on March 26, 2003 the Council decided on an amended Accession Partnership with Bulgaria. In this document, the environmental priorities were listed as the following:¹⁸²

- updating the overall assessment of the situation in the environment sector, including regarding the transposition of the EU acquis, in order to identify gaps to be filled in,
- continuing the transposition of the acquis, including secondary legislation, with particular emphasis on environmental impact assessment, access to information, waste management, industrial pollution and risk management, nature protection, chemicals and genetically modified organisms, and nuclear safety and radiation protection,
- ensuring full consultation with all relevant stakeholders (other ministries, economic operators, NGOs).
- developing implementation plans, together with financing strategies, to outline the steps needed to ensure full implementation of the acquis in the medium and longer term which should take into account all available resources and institutional training and further elaborate mechanisms to monitor effective implementation, with particular emphasis on air quality, waste management, water quality, industrial pollution and risk management.
- focusing on planning, identification and availability of financial resources to prepare for the significant investments needed to ensure implementation of the acquis.
- continuing implementation of the acquis with particular emphasis on access to information, air quality, waste management, water quality, nature protection, industrial pollution and risk management as well as nuclear safety and radiation protection,

¹⁸² Proposal for a Council Decision on the Principles, Priorities, Intermediate Objectives and Conditions Contained in the Accession Partnership with Bulgaria presented by the EU Commission, 26.03.2003 available at http://www.evropa.bg/showfile.php?file=apbg_2003_en_0.pdf.

- ensuring that the environmental acquis, particularly the Environmental Impact Assessment Directive, is properly implemented in preparing large-scale infrastructure projects,
- ensuring and reinforcing the administrative structures necessary for the full implementation, monitoring and enforcement of the acquis, in particular through further strengthening of regional inspectorates, municipalities and other public bodies at the local level, with an emphasis on water quality, industrial pollution and risk management, as well as waste management,
- reinforcing the staffing of the Ministry and other public bodies and ensuring adequate training and staff development plans,
- continuing integration of environmental protection requirements into the definition and implementation of all other sectoral policies so as to promote sustainable development, including in the energy sector,
- improving inter-ministerial co-ordination on environmental issues.

As a result, the 2003 PHARE National Programme took these priorities into account and listed water basin management and air monitoring as project areas for PHARE funds. The water basin management project mainly aimed at implementing the EU Framework Directive in the Danube River basin and the air monitoring project aimed at further and full implementation of EU air quality legislation by improving administrative capacity in relevant agencies with regard to quality assurance and quality control in the national ambient air quality system.¹⁸³

When the projects are analyzed in detail, the project in water basin management was titled as institutional strengthening of the river basin authorities in Bulgaria for implementation of the EU Water Framework directive in the Danube River basin (pilot river basin and sub-river basins) which would coordinate all water

¹⁸³ Financing Memorandum for 2003 PHARE National Programme for Bulgaria available at http://ec.europa.eu/enlargement/fiche_projet/document/2003-004-937%20-%20Phare%20National%20%20Programme%20for%20Bulgaria.pdf.

framework directives (WFD) implementation activities through a WFD implementation unit established within the Ministry of Environment and Waters. Previously, two projects were started one in 1999 and another one in 2000 in river basin management area which aimed at institutional strengthening both at national and regional level for the implementation of the directives on drinking water, fish water, shellfish water, bathing water and dangerous substances discharges. With the project in 2003, more concrete organization would be achieved in implementing WFD. Therefore, in order to achieve this several activities needed to be carried out at the central Danube River basin level and at both levels. For the central level, the fiche put forward the following activities:¹⁸⁴

- conducting an internal start-up seminar, oriented towards all related authorities and stakeholders at central, regional and local level,
- implementing the guidelines, worked out by the established EU Working Groups for every component of the WFD,
- preparing Bulgarian implementation guidelines based on the findings of the EU working groups and time schedule for implementation,
- analyzing and strengthening of the institutional collaboration,
 - identification and liaison of/with the main stakeholders to be included in the directive implementation,
 - conducting workshops, oriented towards all river basin authorities for the need of adaptation important elements and information for all river basins in Bulgaria.

Moreover, for the Danube River Basin level these activities were listed:¹⁸⁵

- implementing the practical structuring of the Danube Basin Directorate and Council -general frame, departments, activities and objectives, tasks and expected results for each department,

¹⁸⁴ Standard Summary Project Fiche 2003 Project Number: BG 2003/004-937.07.02 available at http://ec.europa.eu/enlargement/fiche_projet/document/2003-004-937.07.02%20%20Implementation%20of%20the%20EU%20Water%20Framework%20Directive%20in%20the%20Danube%20River%20Basin.pdf.

¹⁸⁵ Standard Summary Project Fiche 2003.

- preparation and activation of internal work plan for the Danube River Basin Directorate and Council,
- purchasing and installation of hardware and software for the elements of the river basin management plans,
- mapping of the existing data on water management including monitoring system,
- estimating the sources of pollution and pressures on the quantitative status of water and analysis of other impact of human activity on the status of water at sub-basins level -geographic, demographic, social, economic, development plans etc.,
- review and analysis of the existing reports and projects for the water objects management plans (or drafts) in the Danube River Basin,
- inventory of water resources and water supply and treatment facilities,
- preparation of drinking water strategy for the Danube basin,
- review and analysis of the existing waste water discharges (urban, industry, agriculture etc.),
- review and analysis of the existing information on the irrigation sources and needs,
- review and analysis of the existing information about surface waters, ground waters, mineral waters; identification of the needs of information,
- definition of the boundaries of the sub-basins,
- co-ordination, collaboration, training and education of the competent authorities and stakeholders at basin level,
- elaboration of ToR for integrated river basin management plan.

As for the activities at both levels, the Fiche suggested the following:¹⁸⁶

- preparing guidelines, manuals and other reference documents for the generalization of the methods to all river basin authorities which include directorates and councils,
- preparing training and education materials directed towards river basin directorate's technical experts,
- preparing training and education material directed towards the partners.

The project was to be finished through twinning and the budget allocated for it was one million euros with a national co-financing of 25.000 euros.

Another project in the PHARE fund in 2003 was titled as implementation of the regulations related to the law on protection from harmful impact of chemical substances and preparations, which had the overall objective of assisting Bulgaria in aligning its legislation related with the EU chemicals directives. More specifically, it aimed at developing efficient administrative and technical structures that would be capable of managing and assessing the flow of information linked to the placing on the market of new chemicals and gathering updated knowledge about available techniques and methods in classification, packaging and labeling of dangerous substances and preparations and their placing on the market. The project was mainly an addendum to achieve the commitments under the law on protection from the harmful impact of chemical substances and preparations which was adopted in 2000. In order to carry out the project these activities were to be carried out:¹⁸⁷

- receiving knowledge about strengthening of the administrative structures,
- introduction of specialized knowledge about the available techniques and methods, application of which is required for the evaluation of notification and risk assessment procedures,

¹⁸⁶ Standard Summary Project Fiche 2003.

¹⁸⁷ Standard Summary Project Fiche 2003 Project Number: BG 2003/004-937.07.01 available at http://ec.europa.eu/enlargement/fiche_projet/document/2003-004-937.07.01%20-%20on%20Protection%20from%20the%20Harmful%20Impact%20of%20Chemical%20Substances.pdf.

- identifying training needs at national and regional level and performing training activities,
- developing an implementation plan and exploring more practical cases and studies related with the implementation of the procedures and control duties under the law on protection from the harmful impact of chemical substances and preparations,
- identifying the industrial chemical plants which concern the requirements connected with the restrictions on the market, notification, classification, packaging and labeling of the dangerous substances and preparations so as to identify the addresses of the training activities for the industrial chemical sector,
- preparing information sources and distributing information materials
- preparing and elaborating a web page that would present information about the requirements for placing on the market of dangerous substances, preparation and products,
- organizing and conducting workshops and promoting information campaigns for the industrial sector.

The budget allocated for these activities, which were to be carried out through twinning, was 550.000 euros and no national co-financing was required. As for the conditionalities, the achievement of the goals of the project required a strong coordination between the ministries. Furthermore, the Ministry of Environment and Water would follow and respectively amend the fiche so as to conform to the new tendencies in EU legislation and finally, the activities of the fiche were to be revised, following the new EU legislation before the start of the project or during its implementation.¹⁸⁸

The last project under PHARE environmental projects for 2003 was the establishment of national quality assurance (QA) and quality control (QC) system for ambient air quality and emission measurements. The project basically aimed at achieving further and full implementation of EU air quality legislation by improving the administrative

¹⁸⁸ Standard Summary Project Fiche 2003.

capacity of European Environmental Agency and regional environmental agencies with regard to QA/QC in the national ambient air monitoring system (NAAMS). The following activities would be carried out in order to achieve this aim:¹⁸⁹

- developing a common program for training which would be prepared by Bulgarian and EC experts,
- analyzing the current situation with regards to QA/QC within NAAMS, that is, analyzing the measurement methods, equipment and methodologies used, data handling, validation and verification procedures and recommendation of improvements,
- elaborating and approving required methodologies in order to ensure the operation of calibration lab, REI labs and monitoring station in accordance with the EU QA/QC requirements,
- elaborating and approving guidebooks in order to ensure the operation of calibration lab, REI labs and monitoring station in accordance with the EU QA/QC requirements,
- drafting an action plan for further development of QA/QC system,
- undertaking on site visits in each of the 15 REIs and training relevant staff.

The budget for this project was the same as the above project amounting to 550.000 euros without any national co-financing and the only conditionality was that the Bulgarian government was to provide the expenses for measurement and analysis.

Bulgaria also had a chance to benefit from the nuclear safety projects carried out in 2003. For 2003, there was one project titled as innovation of monitoring systems at the nuclear scientific and experimental centre with research reactor IRT in Sofia. The project wanted to achieve establishing a modern and reliable radiation monitoring and dosimetry network which would be able to decrease the occupational exposure

¹⁸⁹ Draft Standard Summary Project Fiche 2003 Project Number: BG 2003/004-937.07.03 available at http://ec.europa.eu/enlargement/fiche_projet/document/2003-004-937.07.03%20-%20Air%20Monitoring.pdf.

on-site and guarantee the protection of people and the environment during future reactor operation.¹⁹⁰

As far as the ISPA projects are concerned, Bulgaria had 2 projects under this fund. The first one was Kardjali Regional Waste Management Centre whose main aim was to achieve solid waste management in full compliance with EC and Bulgarian regulations and avoid potential environmental damage from landfills with a budget of 10.92 million euros.¹⁹¹ The second project was technical assistance for institutional strengthening and preparation of ISPA Cohesion Fund Projects in the water and solid waste sector in order to reinforce the capacity of the Ministry of Environment and Waters and the Ministry of Regional Development and Public Works as programming and contracting authorities for ISPA measures in the water sector and to reinforce coordination and collaboration in all stages of the ISPA project cycle with a budget of 12.89 million euros.¹⁹²

Apart from these projects, Bulgaria had 3 CBC projects in 2003. The first of them was related with the water quality management of Arda River with the purpose of establishing a working partnership between the stakeholders of Bulgaria and Greece based on European standards for integrated management, monitoring and pollution prevention of Arda River waters. The reason why such a project was needed was that Bulgaria was in the process of harmonization of EU legislation related with water framework directive and what was needed was to create a river basin board. In order to achieve this, the following were to be carried out:¹⁹³

- establishing Arda River cross-border basin board,

¹⁹⁰ PHARE 2003 National Programme for Community Support in the Field of Nuclear Safety for 2003 for Bulgaria available at http://www.evropa.bg/showfile.php?file=FM_2003_BG.doc.

¹⁹¹ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession to the Following Measure, Kardjali Regional Waste Management Centre in Bulgaria, ISPA Measure No: 2003 BG 16 P PE 019 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=19>.

¹⁹² Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession to the Following Measure, Technical Assistance for Institutional Strengthening and Preparation of ISPA Cohesion Fund Projects in the Water and Solid Waste Sector, ISPA Measure No: 2003 BG 16 P PA 004 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=16>

¹⁹³ Standard Summary Project Fiche 2003, Project Number: BG 2003/005-630-05 available at http://ec.europa.eu/enlargement/fiche_projet/document/2003-005-630.05%20Water%20quality%20management%20of%20Arda%20River.pdf.

- identifying needs,
- researching and assessing the basic state of the Arda River and ecosystems,
- evaluating and drafting technical specification for the necessary equipment for cross-border monitoring system and information for Arda River,
- preparation and approval of a plan for integrated monitoring,
- organization of a system for integrated monitoring and training of local people for monitoring by bio-indicators,
- supplying necessary technical equipment for monitoring equipment and car,
- creating and maintaining an information network database, website and internet forum of basin board,
- holding public awareness campaigns.

The total budget for this project was 670.000 euros with a national co-financing of 170.000 euros and the conditionality was that the performance of the studies should comply with the European standards according to water framework directive and be coordinated with the European pilot project scheme for the implementation of the waster framework directive.

The second CBC project was development of joint ambient air quality management programme for the boundary Bulgarian-Romanian region along the Lower Danube which had an aim of implementing the joint ambient air quality management programme and short-term action plans for progressive reduction emissions of pollutants of the common transboundary non-attainment areas along the Lower Danube and to ensure the implementation and enforcement of the EU framework ambient air quality directive and its daughter directives. The activities in order to achieve this aim were the following:¹⁹⁴

¹⁹⁴ Standard Summary Project Fiche 2003, Project Number: BG 2003/005-631.03 available at http://ec.europa.eu/enlargement/fiche_projet/document/2003%20005-631.03%20Air%20Quality%20Management%20Program.pdf.

- detailed analysis and assessment of the air quality for the pollutants in question in non-attainment areas,
- developing a program for improving the air quality in the case of exceedances of limit values,
- elaborating application forms in specific format in conformity with requirement of the specific donors,
- preparing a training programme and disseminating knowledge on air quality assessment and management.

The budget for this CBC project was 900.000 euros with 200.000 euros national co-financing and the project was to be executed in cooperation with Romania.

The last CBC project in 2003 was the promotion of sustainable development and conservation of biodiversity in Bulgarian-Romanian cross border region. The project mainly had the following objectives:¹⁹⁵

- improving cross-border counterparts' coordination and providing the responsible local authorities in Romania and Bulgaria with relevant information, programme documents and capacity for step-by-step planning, identification and development of programmes and projects in environmental and biodiversity protection, sustainable management of protected areas, environment protection through measures against the desertification process and promotion of ecotourism,
- providing biodiversity conservation and sustainable management of identified chain of habitats in the border region and Danube islands and preparing sustainable development plans to outline the proper actions for the usage of natural resources as well as compensatory cross-border activities for local population,
- designing adequate project pipeline and institutional framework for identification, preparation and coordination of future

¹⁹⁵ Standard Summary Project Fiche 2003, Project Number: BG 2003/005.631.04 available at http://ec.europa.eu/enlargement/fiche_projet/document/2003%20005-631.04%20Promotion%20of%20Sustainable%20Development.pdf.

cross-border actions in the field of sustainable development and conservation of biodiversity.

The project had two main components the first of which was identifying and preparing future cross-border projects in the field of nature protection. The activities in this component were:¹⁹⁶

- conservation and management of protected cross-border territories,
- increasing the qualification and institutional strengthening,
- increasing the public support,
- generating income related to the sustainable management of the natural resources.

The second component was more specific activities, namely preparing a joint management plan for Dobrogea forests the activities of which included developing a joint forest management plan, public information and awareness campaign, training of local staff and preparing preliminary documentation of some investment projects to be ready for attracting donors' financial support. Finally, the last component was equipment acquisition for monitoring and maintenance activities.¹⁹⁷

The total budget allocated by the EU for this CBC project was much higher and it was 2.25 million euros on the part of the EU itself and 530.000 euros on the part of national co-financing and the conditionality was that the beneficiaries would commit to finance any additional costs which may result during the development of this project in order to ensure its implementation and completion in due time.

¹⁹⁶ Standard Summary Project Fiche 2003.

¹⁹⁷ Standard Summary Project Fiche 2003.

Table 8. Allocation of Bulgaria environmental aid in 2003

Component	Sub component	Type	Total aid
<ul style="list-style-type: none">• Water basin management,• Air monitoring	None	PHARE	0.25 million euros
Implementation of the regulations related to the law on protection from harmful impact of chemical substances and preparations	None	PHARE	0.55 million euros
Establishment of national quality assurance and quality control system for ambient air quality and emission measurements	None	PHARE	0.55 million euros
Innovation of monitoring systems at the nuclear scientific and experimental centre with research reactor in Sofia	None	Nuclear safety	Not given

Table 8 continued

Component	Sub component	Type	Total aid
Kardjali Regional Waste Management Centre	None	ISPA	10.92 million euros
Technical assistance for institutional strengthening and preparation of ISPA Cohesion Fund projects in the water and solid waste sector to reinforce the capacity of the Ministry of Environment and Waters	None	ISPA	12.89 million euros
Water quality management of Arda River with Greece	None	CBC	0.67 million euros
Joint ambient air quality management programme for the boundary Bulgarian-Romanian region	None	CBC	0.9 million euros

Table 8 continued

Component	Sub component	Type	Total aid
Promotion of sustainable development and conservation of biodiversity in Bulgarian-Romanian cross border region	None	CBC	2.25 million euros

Source: PHARE Financing Memorandum, ISPA Project Fiches, Standard Summary Project Fiches 2003.

5.3. BULGARIA ENVIRONMENTAL AID IN 2004

According to the 2003 regular report on Bulgaria's progress towards accession, it has been stated that there has mainly been positive improvements in the field of environment. There has been good progress in horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution control and risk management, chemicals and administrative capacity. On the other hand, no notable progress has been observed in nuclear safety and radiation protection, noise, genetically modified organisms and integration of environmental policies into other sectoral policies. Therefore, although Bulgaria has achieved considerable legislative alignment, cost of alignment was an important issue and Bulgaria needed financial assistance in this area as well.¹⁹⁸

In line with these findings, the 2004 PHARE financial memorandum underlined two separate projects under the environment section. The first was the transposition and implementation of the environmental acquis at the national level. It basically aimed

¹⁹⁸ 2003 Regular Report on Bulgaria's Progress towards Accession prepared by the EU Commission available at http://www.evropa.bg/showfile.php?file=rr_bg_final_2003.pdf.

at improving the institutional and administrative framework to implement and enforcing the Bulgarian legislation concerning fuel quality and marketing requirements, supervision and control over transboundary movement of waste and genetically modified organisms. More specifically, it had the following aims:¹⁹⁹

- transposing the new EU fuel quality control directives and surveying the possibilities for implementation of the new EU fuel quality control (FQC) directives and parallel study of the quality control and marketing requirements for each fuel type,
- assisting Bulgaria with the development of institutional capacities for the implementation of EU requirements in the genetically modified organisms (GMO) sector and ensuring adequate level of GMO management,
- preparing experts responsible for supervision and control of transboundary movement of wastes for implementation of the acquis within this scope, through assessment of the existing legislative solutions, organizational systems and comparison of the services' experiences in this area with those of the EU Member States.

This project was divided into three sub-projects which were as follows:²⁰⁰

- implementation of EU fuel quality control and marketing requirements,
- implementation of directives on the contained use of GMOs and deliberate release into the environment of GMOs,
- strengthening the administrative capacity of Ministry of Environment and Water, regional inspectorates of environment and water and the customs agency for implementation and enforcement of the requirements of the regulation on the supervision and control of shipment of waste into and out of the EC.

¹⁹⁹ Financing Memorandum for 2004 PHARE National Programme for Bulgaria available at http://ec.europa.eu/enlargement/fiche_projet/document/2004%20%20Bulgaria%20National%20programme%20-%20%20Part%201.pdf.

²⁰⁰ Standard Summary Project Fiche 2004, Project Number: BG 2004/016-711.07.01 available at http://ec.europa.eu/enlargement/fiche_projet/document/2004-016-711.07.01%20Environmt%20national%20level.pdf.

The activities that would be carried out in each sub-project were the following:²⁰¹

- transposing the new EU FQC directives,
- developing a national programme for production and use of biofuels according to the requirements of the directive on the promotion of the use of biofuels or other renewable fuels for transport,
- training of the members of the newly established Committee to evaluate submitted notifications according to the requirements of the two Directives (accuracy, correctness of risk assessment and efficiency of risk management plan, proposed containment and waste management measures etc),
- training of state officials (12 persons) within to provide administrative support to the Commission (initial evaluation of notifications for accuracy and completeness, interactions with the applicants for clarifications on the notifications documentation recording of pertinent information and updating of the electronic information system, etc),
- training of supervisory authorities dealing with GMO (approx. 60 persons; inspectors of containment conditions and safety measures in the contained premises, inspectors of field tests and monitoring plans as well as inspectors of compliance with the labeling and traceability requirements etc),
- assessment of the infrastructure of research institutions and other bodies dealing with GMO in order to establish reference (accredited) laboratories,
- preparation of tender documents for supply of laboratory equipment needed to support the infrastructure of existing research facilities so as to meet accreditation requirements,
- establishment of notification forms to be utilized by applicants for registration of containment facilities and contained use activities,
- establishment within the electronic information system, general education of the public through media, lectures, printed

²⁰¹ Standard Summary Project Fiche 2004.

materials on biological safety and the regulations imposed by the EC Directives aimed to continue and expand the public awareness activities,

- assessment of existing legislative, technical and institutional conditions and elaboration of proposals for amendment of the existing legislation, installation of equipment, strengthening the administrative capacity, improvement of coordination between institutions and involvement of new institutions if necessary,
- joint training inspections by the services of the regional inspectorates of environment and water and customs agency,
- developing and publishing of guidelines/manual for beneficiaries, describing wastes from the European green, amber and red lists of wastes, together with their quick identification methods and of guidelines regarding practical application of notification procedures,
- training for the inspection personnel regarding developed guideline describing wastes from the European green, amber and red lists of wastes, including explanation of their quick identification method and carrying out of seminars introducing developed guideline regarding practical application of notification procedure,
- preparation of TOR for purchasing and installation of proposed equipment.

The budget for these projects, which were to be achieved through the twinning mechanism, was 2.1 million euros. When the scope of these projects are analyzed, it can be said that they were very comprehensive. As a result, there was no national co-financing and the budget totally depended on the EU's sources.

The second PHARE project in the area of environment for 2004 was implementation of the environmental acquis at regional and local level aimed at improving the institutional and administrative framework at local level necessary to implement and enforce the legislation and supporting the necessary investment to give effect to the entire body of the EU environmental acquis. It focused on strengthening the

monitoring and reporting capacity of the ministry of Health and other relevant institutions and improving capacity building of the regional hygiene and epidemiology inspectorates (RHEIs) and the national centers (national centre of hygiene, medical ecology and nutrition, national centre of radiobiology and radiation protection). Furthermore, the project had the objective of establishing administrative structures in order to ensure implementation of an integrated waste management approach with selected regions and undertaking all necessary steps to ensure the start of the proper functioning of these systems. In addition, the project desired to achieve strengthening the administrative capacity of the local Bulgarian authorities in development and implementation of municipal environmental programmes in accordance with the national and EU environmental requirements and improving the information systems and data exchange at the local level.²⁰²

In order to achieve all these aims of this big project, the project was divided into sub projects which were the following:²⁰³

- strengthening the capacity of health authorities in Bulgaria for the implementation of EU directives on drinking water, bathing water, surface water intended for the abstraction of drinking water, and related analytical methods,
- assisting in regional and municipal waste management planning, implementation and enforcement of legal requirements in waste management sector,
- strengthening the administrative capacity at local level for implementation of environmental legislation.

The activities for the first sub-project component would be increasing national awareness, designing and setting up four centers of excellence, supplying training and equipment, and strengthening the analytical capabilities of the relevant departments.

²⁰² Standard Summary Project Fiche 2004, Project Number: BG 2004/016-711.07.02 available at http://ec.europa.eu/enlargement/fiche_projet/document/2004-016-711.07.02%20Environmt%20local%20level.pdf.

²⁰³ Standard Summary Project Fiche 2004.

For the second sub-project, the activities of information gathering and evaluation, amending municipal waste management plans and regulations, developing guidelines for the municipalities and competent institutions, and training were to be carried out. Lastly, for the third project the following list of activities would be carried out:²⁰⁴

- assessment of the existing programming and planning process at municipal level,
- assessment of 6 pilot municipal environmental programmes,
- identification of gaps in the program development process at local level,
- needs' assessment for training,
- study of the experience in EU countries in the field of training and training program's development,
- analyses of the existing training and education programs in environmental field,
- analysis of the challenges which municipalities are facing in the planning process with the introduction of the fiscal decentralization,
- development of training for trainers programs aiming to develop and improve the training skills of the members of Bulgarian Association of Municipal Environmental Experts,
- development of training programs aiming to develop and improve the planning skills of municipal experts and the experts from Regional Environmental Inspectorates,
- development of criteria for selection of the experts which would pass the training for trainers programme and selection of the first group of experts which will be trained,
- implementation of the developed training for trainers programs – organization of seminars and special training courses for the selected experts,
- implementation of training programs for municipal experts,

²⁰⁴ Standard Summary Fiche 2004.

- issuing a manual of training for implementation of the requirements of environmental legislation,
- assessment of the existing information system in the municipalities and the system for information exchange between them,
- assessment of the needs for electronic equipment in the municipalities,
- development of a proposal for update/establishment of an information system in and between pilot municipalities,
- preparation of specification of the needed equipment for all of the municipalities in Bulgaria,
- supply and installation of the equipment.

The budget for these projects, to be achieved through twinning, was quite huge meaning that, it required 6,128 million euros on the part of the EU and 906.000 euros on the part of national co-financing. As for the conditionalities, the fiche listed the following:²⁰⁵

- the finalization of the setting-up program of the river basin authorities was taken as pre-condition for implementation,
- the Ministry of Health and Ministry of Environment and Water were committed to strong co-operation. The Health Prevention and State Sanitary Control Directorate at the Ministry of Health was to ensure the co-ordination of project's activities between the two Ministries,
- Ministry of Health was to undertake to cover the operational and maintenance costs for the delivered equipment,
- Bulgaria was to undertake to finance any additional costs which may arise in order to ensure timely completion of the project,

²⁰⁵ Standard Summary Fiche 2004.

- the Ministry of Environment and Water was to ensure sufficient staffing for performance of project activities in terms of number and administrative capacity,
- clear commitment on behalf of the local authorities to support the implementation of the project.

As far as the nuclear projects for 2004 are concerned Bulgaria benefited from 6 projects in this area two of which were in the area of environment. The first one was development of the conceptual design of the national disposal facility for low and intermediate short-lived radioactive waste. As stated in the financing memorandum, a disposal facility for radioactive waste arising from Kozloduy nuclear power plant should be operational by 2010. In order to achieve this, the activities of definition of waste acceptance criteria for disposal of radioactive waste to be used in further technical design activities, drawing-up of a conceptual design of the repository and contribution to the preparation of technical specifications of the subsequent tender documentation would be carried out.²⁰⁶

The second nuclear project was civil construction works for establishment of radioactive waste processing plant and storage facility for Novi Han repository. The reason why such project was needed was that in order to comply with the EU requirements and standards in the field of storage and disposal of radioactive waste. Novi Han needed to be modernized. Moreover, a project was also initiated in 2002 as mentioned above by the writer. The only objective of this project was to build two buildings in Novi Han which would constitute the facility.²⁰⁷

The total budget for these two projects was 1 million euros for the first one and 1.67 million euros for the second one. The second project also necessitated a national co-financing of 670.000 euros as it was considered as a heavy investment project.

²⁰⁶ Financing Memorandum for 2004 PHARE National Programme for Community Support in the Nuclear Safety Field for Bulgaria available at http://www.evropa.bg/showfile.php?file=FM_2004_BG.doc .

²⁰⁷ 2004 PHARE Financing Memorandum for Nuclear Safety.

In 2004, there were three CBC projects. The first one was integrated use of the thermo-mineral waters accumulated in the Erma reka-Ilidza geothermal system between Bulgaria and Greece. Basically, the project aimed at continuing the implementation of EU environmental acquis with emphasis on water quality and quantity in respect of the related directive for establishing of framework for EC action in the field of water policy and groundwater protection. More specifically, the project purpose was the integrated and sustainable long-term use of thermo-mineral waters accumulated in Erma reka-Ilidze geothermal system. Furthermore, with this project, the following objectives were also planned to be accomplished:²⁰⁸

- introducing EU legislation and good European practices for management and sustainable use of water natural resources in the region of Erma reka – Ilidza geothermal system and assisting the implementation of the water legislation at local level,
- establishing a long-term partnership between Bulgarian and Greek local authorities dealing with the integrated water management resources in the region,
- attracting the public attention to the conditions, the activities and the possibilities for the development of water protection activities, including water protection areas.

In order to achieve these aims, the project had two components. In the first component, the following were to be carried out:

- assisting the joint tasks force group (JTFG) of Erma reka - Elidze cross border geothermal system in its operation,
- preparing strategy and water management plan for geothermal sources utilization,
- evaluating the existing monitoring system on both sides of the border,
- preparing and proving a plan for integrated monitoring,

²⁰⁸ Standard Summary Project Fiche 2004, Project Number: BG 2004/016-782.01.04 available at http://ec.europa.eu/enlargement/fiche_projet/document/2004-016-782.01.04%20Erma.river.pdf.

- evaluating and drafting of a technical specification for the necessary technical equipment,
- preparing tender documents,
- preparing public awareness campaigns.

For the second component, necessary technical monitoring equipment would be supplied. The budget for this project would be 800.000 euros with a national co-financing of 50000 euros.

The second CBC project in 2004 was promotion of nature protection actions and sustainable development across the Bulgarian and Greece border with the overall objective of promoting wise use of natural resources in the cross-border region and ensuring sustainable development. In addition, it aimed at strengthening cooperation between Bulgaria and Greece in the fields of biological and landscape diversity protection via the establishment of cross-border eco-networks. In order to achieve these aims, the following activities were to be made:²⁰⁹

- providing technical assistance for the establishment of CBC Bulgaria-Greece eco-networks,
- developing and managing CBC Bulgaria-Greece eco-networks,
- grant scheme preparation for PHARE 2006 and onwards,
- supplying equipment,
- preparing strategic development actions for protected areas, buffer zones and adjacent areas,
- conservation of the species and habitat,
- promoting natural green tourism.

The budget for this project would be 3,45 million euros on the part of the EU and 685.000 euros on the part of national co-financing.

²⁰⁹ Standard Summary Project Fiche 2004, Project Number: BG 2004/016-782.01.03 available at http://ec.europa.eu/enlargement/fiche_projet/document/2004-016-782.01.03%20Nature.protection.pdf.

The third project was the integrated management of transboundary groundwater between Bulgaria and Romania in Dobrudja area with the purpose of defining and implementing transboundary water management tools including a joint monitoring programme of transboundary aquifers in Dobrudja area, water resources evaluation tools and establishment of border groundwater committee. The activities to achieve this would be as follows:²¹⁰

- technical assistance to ensure improved transboundary groundwater management using the water framework directive and groundwater directive,
- groundwater assessment and monitoring,
- institutional capacity building,
- equipment acquisition for establishing joint monitoring and information systems,
- procurement of the necessary equipment for Bulgaria and Romania,
- quantitative and qualitative monitoring,
- joint information system.

The budget allocated for this project was 2.867 million euros in total including the 2.3 million euros Union financing and 517.000 euros national co-financing. Moreover, the conditionality of the project was that both partners would commit to undertake any additional costs which may arise to ensure the timely completion of the project.

²¹⁰ Standard Summary Project Fiche 2004, Project Number: BG 2004/016/783.01.02 available at http://ec.europa.eu/enlargement/fiche_projet/document/2004-016-783.01.02%20Groundwater%20JOINT.pdf.

Table 9. Allocation of Bulgaria environmental aid in 2004

Component	Sub component	Type	Total aid
Transposition and implementation of the environmental acquis at the national level	None	PHARE	2.1 million euros
Implementation of the environmental acquis at regional and local level	None	PHARE	6.128 million euros
Development of the conceptual design of the national disposal facility for low and intermediate short-lived radioactive waste	None	Nuclear safety	1 million euros
Establishment of radioactive processing plant and storage facility for Novi Han repository	None	Nuclear safety	1.67 million euros

Table 9 continued

Component	Sub component	Type	Total aid
Integrated use of thermo-mineral waters accumulated in Erma reka-Ilidza geothermal system between Bulgaria and Greece	None	CBC	0.8 million euros
Nature protection actions and sustainable development across the Bulgarian and Greek border	None	CBC	3.45 million euros
Integrated management of transboundary groundwater between Bulgaria and Romania	None	CBC	2.867 million euros

Source: PHARE Financing Memorandum, Standard Summary Project Fiches 2004.

5.4 BULGARIA ENVIRONMENTAL AID IN 2005

Just like all the other types of aids that Bulgaria has received, the determination of the allocation of aids depended on the yearly progress reports, the national programme and the accession partnership. The 2004 yearly report of the Commission has underlined that in the field of environment some progress has been observed in the areas of integration of environmental policies into other policies, horizontal legislation, air quality, waste management, nature protection, industrial pollution

control and risk management, and noise. Furthermore, much better progress has been observed in water quality and nuclear safety and radiation protection. On the other hand, limited progress has been observed in chemicals and genetically modified organisms. Despite having some or limited progress, in 2005 the environment acquis chapter has been provisionally closed and it was stated in the report that in order for Bulgaria to be ready for membership attention needed to be paid to completing the transposition process concerning certain aspects of horizontal legislation, air quality, waste management, water quality, industrial pollution, chemicals, noise and nuclear safety and radiation protection.²¹¹ Of course, this necessitated preparing adequate financial plans as well as adequate allocation of funds.

In line with these conclusions of the 2004 regular report, under the PHARE budget two projects have been proposed for 2005. The first one was the preparation of a Bulgarian Natura 2000 network with the aim of contributing to the nature protection in Bulgaria via the enforcement of habitats and birds directives and the second one was further development of administrative capacity in implementation of the environmental acquis at local level aiming at improving the institutional administrative framework necessary to implement and enforce the Bulgarian legislation in order to fully comply with the EU requirements and raise public awareness about environmental issues.²¹²

As far as the preparation of a Bulgarian Natura 2000 network was concerned, Bulgaria had the obligation to submit special protection areas in order to comply with nature protection directives. Therefore, what needed to be done with the allocated 1.8 million euros was as follows:²¹³

- preparing documents required under the Biodiversity Act for all of the proposed Natura 2000 sites,

²¹¹ 2004 Regular Report on Bulgaria's Progress towards Accession prepared by the EU Commission available at http://www.evropa.bg/showfile.php?file=rr_bg_2004_en_0.pdf.

²¹² Financing Memorandum for 2005 PHARE National Programme for Bulgaria available at http://ec.europa.eu/enlargement/fiche_projet/document/2005-017-353%20-%20Bulgaria%20National%20programme%20Part%201%20-%20FA.pdf.

²¹³ Standard Summary Project Fiche 2005, Project Number: BG 2005/017.353.06.01 available at http://ec.europa.eu/enlargement/fiche_projet/document/2005-017-353.06.01%20Environment%20Natura.pdf.

- implementation of the legal procedures for both special protection areas and proposed sites of community importance stated in the Biodiversity Act,
- designing special protection areas in line with the birds directive,
- elaborating management plans for priority special protection areas,
- training of relevant state regional and local officials on the enforcement and implementation of the EU Directives requirements as well as managing the proposed Natura 2000 sites and identifying new ones,
- disseminating information through media, short films, lectures, printed materials on Natura 2000 network.

When it comes to the project for the further development of administrative capacity in implementation of the environmental acquis, the project had the objective of assisting Bulgarian authorities in further strengthening the capacity of the local authorities and other relevant organizations for preparation and management of environmental investment plans, programmes and projects with emphasis on development and implementation of different financial schemes for environmental projects and further improvement of the information systems and data exchange at local level in order to raise awareness and to ensure the integration of environmental policies into other policies. In order to achieve this aim, the following needed to be carried out within a budget of 2 million euros including 40000 euros national co-financing:²¹⁴

- revue and assessment of the results of the training programs implementation,
- identifying gaps,
- updating training programs,

²¹⁴ Standard Summary Project Fiche 2005, Project Number: BG 2005/017.353.06.02 available at http://ec.europa.eu/enlargement/fiche_projet/document/2005-017-353.06.02%20Environment%20local..pdf.

- implementing training programme for development and quality assurance of financial – economic and cost benefit analysis,
- revue of best EU practices in implementation of different financial schemes for municipal environmental projects' preparation and implementation,
- assisting the municipalities to develop and promote a scheme for funding of municipal environmental project preparation,
- developing checklists for viable projects to be financed within the frame of the operational programme environment,
- study and assessment of the existing municipal administrative management system for environment,
- preparing an action plan for introduction of ISO or other quality assurance administrative management system,
- revue the best EU practices for raising public awareness for environment issues,
- drafting a proposal for establishment of a public awareness office including a strategy for its sustainability,
- revue the existing information system,
- developing a proposal for additional development of the information system,
- supply and installation of the equipment for the public awareness office and the information system.

In 2005, there were not any nuclear projects but there were four ISPA projects. The first one of these projects was integrated water project located in the town of Bourgas with a budget of 10.08 million euros, which aimed at improving environmental protection via strengthening the EU directives in this area.²¹⁵ The second project was integrated water project in Kyustendil with a budget of 15.9 million euros.²¹⁶ The

²¹⁵ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Integrated Water Project Located in the Town of Bourgas in Bulgaria, ISPA Measure No: 2005 BG 16 P PE 03 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=37>.

²¹⁶ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession,

third one was integrated water project in the town of Sliven, and the last one was again an integrated water project in the town of Rousse and these projects had budgets of 15.9 and 35.1 million euros respectively.²¹⁷

As well as these ISPA projects in 2005, there were three CBC projects. The first one of them was capacity improvement for flood forecasting in Bulgaria-Turkey CBC region with the main aim of improving the management of flood hazards in border region, increase the effectiveness of flood mitigation measures, and improve security and quality of life. More specifically, the project wanted to strengthen the capacity for monitoring, timely detection and early warning of flood phenomena, and implement flood protection measures in the Bulgaria-Turkey border area.

The project was for the prevention of floods in Maritsa and Tundja rivers by setting up flood forecasting and early warning system and the activities to achieve these would be the following:²¹⁸

- improving the monitoring and the information system with respect to generation of floods events and their development in real time,
- determining the level of vulnerability of rivers sections to flood hazards,
- calling for and the selection of projects,

The budget allocated for this project was 2.5 million euros including the 500.000 euros of national co-financing.

Integrated Water Project Located in the Town of Kyustendil in Bulgaria, ISPA Measure No: 2005 BG 16 P PE 006 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=39>.

²¹⁷ Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Integrated Water Project Located in the Town of Sliven in Bulgaria, ISPA Measure No: 2005 BG 16 P PE 001 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=36> and Financing Memorandum agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-Accession, Integrated Water Project in the Town of Rousse in Bulgaria ISPA Measure No: 2005 16 P PE 004 available at <https://ispa.minfin.bg/ProjectDocumentsExternal.aspx?fmId=37>

²¹⁸ Standard Summary Project Fiche 2005, Project Number: BG 2005/017-453.01.01 available at http://ec.europa.eu/enlargement/fiche_projet/document/2005-017-453.01.01%20Flood%20forecasting.pdf.

The second CBC project was for the promotion of sustainable development in the Strandja/Yıldız Mountain area with the overall aim of strengthening the CBC between Bulgaria and Turkey by protection and coordinated management of the unique environmental and natural resources in the Strandja/Yıldız Mountain area. Furthermore, the project was desired to promote sustainable development in Strandja/Yıldız Mountain through protecting natural resources, creation of “green networks” and “green activities”, and thus contributing to the region’s sustainable economic growth. In addition, it wanted to raise the public awareness with respect to long-term management of natural and cultural resources. The reason why this project was designed was that the natural resources needed to be protected in the Strandja/Yıldız Mountain region which is one of the most valuable regions for its inhabitants living there due to economic growth and quality of life. Moreover, with the concept of green networks existing protected areas, proposed protected areas, cultural spots, natural monuments and areas designated for environmentally friendly human activities and corridors needed to be identified. In order to achieve this, the following activities needed to be implemented with the 2 million euros EU fund:²¹⁹

- designing and implementing a stakeholder involvement plan,
- preparing reviews and analyses,
- implementing a training programme,
- developing a sustainable development plan,
- support in the grant scheme for environmental agriculture and farming, forestry, species and habitats conservation and promotion of natural green tourism,
- preparing detailed specifications.

The last CBC project for 2005 was for the sustainable development in the Bulgarian-Romanian border region with the overall purpose of promoting sustainable development of the cross border region via effective use of the economic potential in synergy with friendly and appropriate use of the natural resources and preservation of biodiversity. What is more, it aimed to achieve economic and social cohesion by

²¹⁹ Standard Summary Project Fiche 2005, Project Number: BG 2005/017-453.01.02 available at http://ec.europa.eu/enlargement/fiche_projet/document/2005-017-453.01.02%20Promotion%20of%20sustainable%20development%20in%20Strandja.pdf.

promoting the competitiveness in the eligible area as well as improving and protecting the environment well-being of the eligible region through coordinated environmentally friendly joint actions. The budget allocated for this project was 2.22 million euros on the part of the EU and the activities in order to accomplish this project would be the following.²²⁰

- preparing business support and coordination services,
- support for the development of infrastructure,
- carrying out studies, action plans and programmes,
- investment action for development of initiatives.

²²⁰ Standard Summary Project Fiche 2005, Project Number: BG 2005/017-455.01.02 available at http://ec.europa.eu/enlargement/fiche_projet/document/2005-017-455.01.02%20sustainable%20development%20in%20border%20regions.pdf.

Table 10. Allocation of Bulgaria environmental aid in 2005

Component	Sub component	Type	Total aid
Preparation of a Bulgarian Natura 2000 network	None	PHARE	1.8 million euros
Further development of administrative capacity in implementation of the environmental acquis	None	PHARE	2 million euros
Integrated water project in Bourgas	None	ISPA	10.08 million euros
Integrated water project in Kyustendil	None	ISPA	15.9 million euros
Integrated water project in Sliven	None	ISPA	15.9 million euros
Integrated water project in Rousse	None	ISPA	35.1 million euros
Capacity improvement for flood forecasting in Bulgaria-Turkey cross border region	None	CBC	2.5 million euros

Table 10 continued

Component	Sub component	Type	Total aid
Promotion for sustainable development in the Strandja/Yıldız mountain area	None	CBC	2 million euros
Sustainable development in the Bulgarian-Romanian border region	None	CBC	2.22 million euros

Source: PHARE Financing Memorandum, ISPA Project Fiches, Standard Summary Project Fiches 2005.

5.5. BULGARIA ENVIRONMENTAL AID IN 2006

2006 was the last year in which Bulgaria obtained pre-accession aid from the EU due to the fact that from 1 January 2007 onwards Bulgaria was not going to be a candidate state but was going to be a member of the EU. The 2005 regular report of the Commission has underlined that Bulgaria has achieved complying with the EU acquis in the field of environment. Specifically, in horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution and radiation protection, chemicals and genetically modified organisms, nuclear safety and noise legislation has been in place. However, the staff and administrative capacity still needed to be improved.²²¹

In line with this mostly positive report, the EU allocated only one environmental project from its PHARE budget, which was strengthening of the surface water

²²¹ 2005 Regular Progress Report on Bulgaria's Progress towards Accession prepared by the EU Commission available at http://www.evropa.bg/showfile.php?file=SEC1352_CMV_MASTER_BG%20COLLEGE.pdf

monitoring network that would implement the water framework directive requirements related to monitoring of surface water bodies. Furthermore, this project was to ensure that adequate monitoring was performed and the results were fed into the process of preparing and updating the programme of measures and the river basin management plans and river basin directorates in Bulgaria. With signing of the Accession Treaty on April 25, 2005, it was necessary that Bulgaria formulate a river basin management plan by 2009, explain the draft plan to the public in 2008, submit the plan to the EU by 2010 and realize improvement of river basin water environment by 2015. As a result, this project amounting to 5 million euros was a great aid in achieving these and the Fiche listed the following activities in order to accomplish these aims:²²²

- assessing the capacity of the staff for the implementation of new approaches for preparation of monitoring programmes,
- training of staff for European standardized methods for monitoring and analysis and preparation of surveillance and operational monitoring programmes,
- assessing and identifying existing equipment and specifying and conforming the needs of new sampling and monitoring equipment and appliances,
- providing equipment for data analysis and management for physicochemical, biological parameters and priority substances according to water framework directive,
- managing the process of developing connection to exchange information and incorporate data in the river basin management planning.

In conclusion, it can be said that the last PHARE project had a rather wider budget since it was the last pre-accession aid project. On the other hand, it should not be forgotten that before 2006 Bulgaria had a chance to benefit many project both from

²²² Standard Summary Project Fiche 2006, Project Number: BG 2006/018-343.06.03 available at http://ec.europa.eu/enlargement/fiche_projet/document/2006_018-343.06.03%20Surface%20Water%20Monitoring.pdf.

the PHARE and CBC budgets, which helped this country a lot in preparing for the commitments of the membership in the Union.

5.6. GENERAL EVALUATION OF THE BULGARIAN ENVIRONMENTAL AID BETWEEN 2002 AND 2006

When each year's allocation of aid is analyzed, it can be said that the nature of aid that the EU has given to Bulgaria has been quite different from that of Turkey. First of all, between these years Bulgaria got a total of 266.83 million euros which is nearly three times as much as Turkey's aid. This amount of aid may be related with the fact that Bulgaria was a candidate country between 2002 and 2006 unlike Turkey. In addition, again unlike Turkey during those years Bulgaria did not have any aid focused on improving the administrative capacity whereas in the 2002 environmental aid for Turkey was mainly focused on improving the administrative capacity. That is, the Bulgarian environmental aid was on the specific requirements of the EU environmental acquis which was different from Turkey. Moreover, it should also be noted that although Turkey obtained the candidate status in 2005 the amount of aid that it received was only 42.5 million euros compared to the amount of 92.5 million euros Bulgaria received in those two years. Secondly, Bulgaria received lots of aid from ISPA financing which Turkey did not even receive even after it has obtained the candidate status. Finally, throughout those years Bulgaria had many CBC projects and it was the main beneficiary of the projects which were carried out on the Bulgarian-Turkish border and Turkey did not receive such aid.

In order to see the differences between these two countries, analyzing each year's aid can help better understand the discrepancies. In 2002, Bulgaria received the biggest amount aid like Turkey. On the other hand, the aid was a total of 127.7 million euros whereas Turkey's aid was only 16.63 million euros. 2002 was also the year in which there were 13 ISPA projects for wastewater treatment and collection and integrated water management, amounting to 117.79 million euros. However, Turkey started to benefit from these projects only in 2006.

For 2003, Bulgaria received a funding of 29.73 million euros and the projects were mainly related with water basin management, air quality assurance and control. Moreover, there was an ISPA project related with solid waste management, which Turkey started only in 2005. Of course, there were 3 CBC projects with Greece and Romania which were related with river basin management, air quality management and promotion of sustainable development. Here, it can be seen that the projects in 2003 showed a parallelism meaning that the PHARE projects were also carried out in ISPA and CBC projects.

In 2004, the aid was 17.44 million euros and the PHARE projects were related with the transposition of the environmental acquis both at the national and local level. These projects were carried out in order to ensure full compliance with the EU requirements since the negotiations in the environment chapter were to be closed in 2005. There were not any ISPA projects, but there were four CBC projects about integrated use of thermo-mineral waters, sustainable development and nature protection, and integrated management of transboundary groundwater, which were dealing with different aspects of waters and nature protection.

As regards 2005, the acquis chapter on environment has been provisionally closed. On the other hand, nature protection and horizontal legislation were the areas that needed to be enforced. As a result, the 2005 projects were for preparing Bulgarian Natura 2000 network which would contribute to nature protection and reinforce habitats and birds directives and for improving the administrative capacity at the local level in order to ensure full compliance with EU requirements and raise awareness on environmental issues. Apart from these, the ISPA projects were related with integrated water management in certain areas. Furthermore, there were three CBC projects two of which were to be carried out on the Bulgarian-Turkish border. However, the main beneficiary of these projects was Bulgaria not Turkey.

Finally, as mentioned above, 2006 was the last year Bulgaria received pre-accession aid. This aid, amounting to 5 million euros, was for strengthening the surface water monitoring network.

Between 2002 and 2006, apart from PHARE, ISPA and CBC project, Bulgaria benefited a great deal from nuclear projects. The reason why Bulgaria was entitled to benefit from these projects was that during the Cold War years there were nuclear activities as well as nuclear power plants in Bulgaria and EU required that these power stations be closed down. Consequently, there were intense efforts in order to close these power plants and ensure EU standards.

Overall, as mentioned above the nature of the projects carried out in Bulgaria were quite different from that of Turkey. To illustrate, Turkey had noise and chemical waste projects whereas Bulgaria did not have such. In addition, Turkey did not have any nuclear projects since it did not have nuclear power plants. Moreover, Turkey did not have any projects in integrated water management, groundwater, surface water and thermo mineral water management projects while Bulgaria had many of them financed by The CBC and ISPA funds. On the other hand, it should not be forgotten that detailed efforts in improving and strengthening the administrative capacity in certain sections of the EU acquis were the common projects for both countries on the grounds that in order to ensure full compliance with the EU acquis, administrative capacity and horizontal legislation needed to be improved.

One other point that also needs to be taken into account is that despite the fact that Bulgaria received a big amount of aid in the field of environment, it still had weaknesses in this area as stated by the Commission's Comprehensive Monitoring Report on the State of Preparedness for EU Membership of Bulgaria and Romania. In this report, it has been pointed out that the horizontal environmental legislation was not yet completed and necessitated further efforts.²²³ What is more, there were still shortcomings in integrated pollution prevention and control, water quality, industrial pollution and risk management, chemicals, GMOs, implementation of waste management legislation and nuclear safety and radiation protection, which required increased efforts.²²⁴ However, in spite of all these shortcomings Bulgaria was accepted.

²²³ Communication from the Commission, Comprehensive Monitoring Report on the State of Preparedness for EU Membership of Bulgaria and Romania, prepared by the EU Commission, Brussels: 2005.

²²⁴ Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, prepared by the Commission's Departments, Brussels: 2005.

In conclusion, it can be said that the pre-accession aid given to Bulgaria showed remarkable differences when it is compared with the case of Turkey. Therefore, the question of whether EU applies the same or different enlargement criteria as regards different countries arises once again, which the writer will try to find out in the following chapter.

6. EU ENVIRONMENTAL ACQUIS AND THE EVALUATION OF THE CASES OF TURKEY AND BULGARIA

6.1. EU ENVIRONMENTAL ACQUIS

Up to now, the writer has dealt with the reasons for EU enlargement, how the EU copes with the policy of enlargement by providing pre-accession aid and has elaborated on the case of Turkey and Bulgaria as regards the pre-accession aid they have received from the EU between 2002 and 2006 in the field of environmental policy. The reason why this thesis has had such an organization is that the writer tries to arrive at the conclusion about whether the EU applies the same or different criteria regarding its enlargement policy in the cases of Turkey and Bulgaria. In order to arrive at this conclusion, this chapter will mainly talk about the environmental acquis of the EU and what it requires the member states to do in this area. Furthermore, once again the aid given in this area will be analyzed and the similarities and/or differences between the two candidates will be laid down, which will constitute the first part of this chapter. In addition, the writer will also take a look at the enlargement strategy papers of the EU so as to show the change in the enlargement policy of the Union. In line with this information, the writer will try to evaluate how the enlargement strategy and the criteria of the EU have been different in the cases of Turkey and Bulgaria and this will constitute the second part of the chapter.

As mentioned above, the first point of analysis that this chapter will deal with the EU environmental acquis and its environmental legislation. More specifically, the writer will dwell on what is necessary for the candidates in the approximation process whose goal is “to ensure the complete alignment of national environmental legislation and the corresponding administrative system so that it complies 100% with the requirements of EU legislation.”²²⁵ In order to approximate to the EU acquis, the first thing to do is gaps assessment as stated by Ritt Bjerregaard, a member of the European Commission. After analyzing the gaps, the next step is to take the necessary action in the candidate states which will enable them to adopt the

²²⁵ Guide to the Approximation of European Union Environmental Legislation, prepared by the Commission of the European Communities available at <http://ec.europa.eu/environment/guide/contents.htm>.

environmental legislation which contains approximately 300 legal acts including directives, regulations, decisions and recommendations which were originally 70 directives and 21 regulations which were later supplemented with 36 directives and 11 regulations. In this way, the pre-accession approximation process becomes an opportunity for candidates to organize their institutions and procedures and to train their staff for the daily processes and responsibilities of EU law making, implementation and enforcement.²²⁶

The Union is quite strict in the approximation process. In other words, although the directives are designed to be implemented in ways adjusted to the unique circumstances of each state, the national governments have to take binding measures that would carry out the letter and the spirit of EU environmental law. Moreover, when the directive is precise, countries must transpose the precise requirement. On the other hand, if the directive allows different national actions, the member states have greater freedom.²²⁷ However, as Hicks points out it should also be taken into consideration that the EU advice, directives and legislations “help build the capacity of environmental organizations, open government decision making processes to social input and provide a powerful ally in movements’ efforts to improve environmental protection and keep ecology on the crowded transition agendas of the candidate countries.”²²⁸

It should not be forgotten that with such a huge number of directives, it usually takes a long time for the candidate states to approximate their national legislations to that of the EU. Therefore, the following steps need to be taken in order to ensure smooth compliance with the *acquis*:²²⁹

- determining the type of law and its requirements,
- determining the national choices,

²²⁶ Guide to the Approximation of European Union Environmental Legislation.

²²⁷ Guide to the Approximation of European Union Environmental Legislation.

²²⁸ Hicks, Barbara. “*Setting Agendas and Shaping Activism: EU Influence on Central and Eastern European Environmental Movements.*” in JoAnn Carmin and Stacy D. VanDeveer (eds.) *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge: London and New York, 2005.

²²⁹ Guide to the Approximation of European Union Environmental Legislation.

- determining how the national law will be implemented and enforced,
- deciding information and consultation procedures,
- defining the implementation programme.

The approximation process also necessitates the transposition process where the candidate states take any legislative, regulatory or administrative binding measure by any competent authority so that they will incorporate the obligations, rights and duties enshrined in EU environmental directives into the national legal order. In the transposition process, the following principles are taken into account:²³⁰

- Can a government use non-binding administrative measures to achieve the aims of the directive?
- Does new national legislation have to be adopted?
- Do the precise terms of the directive have to be transposed in national legislation?
- May government choose the sanctions to enforce national laws transposing the directives?
- May countries adopt higher national environmental standards?
- Does a government have complete discretion to designate geographical areas under environmental directives?
- Does approximation apply to regulations?

After going over these transposition principles, the implementation process comes and here, the following steps are taken:²³¹

- identifying a national competent authority or authorities to implement the regulation,
- identifying what legislation is necessary,
- establishing a legislative timetable,
- preparing administrative instructions and procedures to the relevant authorities,

²³⁰ Guide to the Approximation of European Union Environmental Legislation.

²³¹ Guide to the Approximation of European Union Environmental Legislation.

- consulting with other concerned government departments and with the groups affected by the regulation,
- providing staff and resources,
- training staff,
- informing affected industrial sectors and companies of what is required,
- providing the relevant documents, forms and certification to the groups concerned,
- after accession, monitoring implementation and reporting to other member states and to the European Commission as needed.

Of course, it is a good idea what the candidate states have to transpose and implement in terms of legislation. Therefore, the content of the EU environmental acquis also needs to be analyzed. The first part of the EU environmental legislation includes horizontal legislation which mainly includes general environmental management issues as well as access to environmental information and environmental impact assessment. The second component is air quality covering general air quality assessment and management and emissions from mobile and stationary sources. The third component is waste management aiming at effective waste management. This component consists of directives related to hazardous waste, waste disposal facilities, specific types of waste and waste shipments. The fourth part is the water quality that aims at achieving good status for all ground waters and surface waters. This directive also includes urban waste water directive, nitrates from agricultural sources directive, dangerous substances discharges, drinking water directive, surface water for drinking water abstraction directive, measurement and sampling of surface waters directive and information exchange decision, fish water directive, shell water directive, ground and bathing water directives. The fifth one is nature protection concerning the protection of natural habitats in the EU and flora and fauna which inhabit them. This part also contains the habitats, wild birds, trade in species of wild fauna and flora, seal pups, protection of the Antarctic, use of leg hold traps and protection of forests directives. The sixth part of the Union environmental legislation is industrial pollution control and risk management including directives related with integrated pollution prevention control,

air pollution from industrial plants, large combustion plants, VOC emissions from industry, eco-management and audit scheme and eco label. The seventh component is chemicals and genetically modified organisms mainly related with chemical testing and notification, genetically modified organisms, product controls, and transport of dangerous goods by road directives. The eighth one is noise from vehicles and machinery and this part includes directives related to motor vehicles, motorcycles, airplanes, noise measurement methods: construction plant and equipment, permissible noise emission: construction plant and equipment, and household appliances. The last component is nuclear safety and radiation protection and this component includes directives on basic safety standards, shipments of radioactive waste, shipments of radioactive substances, imports of agricultural products following the Chernobyl Accident, contaminated foodstuffs in case of a nuclear accident, radiation protection related to medical exposures, public information and radiation protection of outside workers.

As a result, it can be seen that the candidate states have to fulfill many criteria as far as the environmental protection is concerned. Consequently, they are faced with challenges such as administrative challenges related with building institutional and staffing capacity, environmental challenges regarding promotion of a sustainable environment while fulfilling the *acquis*, energy challenges concerning reducing the excessive consumption of environmentally threatening liquid, and especially solid fuels and coping with dangers of nuclear power plants built in the Soviet era.²³² Moreover, the Union's last Environmental Action Programme also needs to be taken into account on the part of the candidate states. That is, importance has to be given to issues such as climate change, the loss of biodiversity and natural habitats, soil loss and degradation, increasing waste volumes, the build-up of chemicals in the environment, noise, and certain air and water pollutants which were laid out as the priority areas in the Sixth Environmental Action Programme of the Union.²³³ Therefore, as in the cases of Turkey and Bulgaria, it is inevitable for the candidate states to carry out the obligations under the environmental chapter without aid since

²³² Kramer, John M. "EU Enlargement and the Environment: Six Challenges." in JoAnn Carmin and Stacy D. VanDeveer (eds.) *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge: London and New York, 2005.

²³³ *Environment 2010: Our Future, Our Choice*, 6th EU Environment Action Programme.

most candidate countries are far behind the EU environmental standards. In addition, as Carmin and VanDeveer suggest, significant investments need to be made in this area so that candidate states harmonize with the Union requirements.²³⁴

6.2. EVALUATION OF THE TURKISH AND BULGARIAN CASES

Bearing in mind the fact that aid is indispensable in accomplishing harmonization of the national legislation with the EU acquis, the writer would like to continue with the nature of aid that the Union has given to Turkey and Bulgaria. Basically, for the pre-accession aid the EU had mainly three types which were PHARE, SAPARD, ISPA and CBC before 2007. However, starting from 2007 onwards all types of aid have been compiled under the new pre-accession aid instrument which is IPA. It can be said that the differences in terms of the aid allocation of the EU can easily display the different requirements that the EU applies as far as the candidate states are concerned. As mentioned in the previous two chapters, there have been huge differences between Turkey and Bulgaria environmental aid between 2002 and 2006. As in the case of Turkey, aid has been quite limited. The reason behind this may be traced to the fact that during those years (i.e. 2002 and 2006) Turkey was able to benefit from only PHARE funds, which were allocated for a wider area of projects. Therefore, Turkey was not able to benefit specifically from environmental projects and environmental funding. It was able to obtain aid only for the projects stated under each year's PHARE financing memorandums. Furthermore, as the number of environmental projects under PHARE budgeting were only two or three each year, Turkey was not able to obtain the aid it required in order to carry on the transposition of the EU environmental acquis. In addition, Turkey was not entitled to benefit from the ISPA projects which were mainly allocated for environmental and transport infrastructure projects. This has represented a huge gap in the case of pre-accession aid since ISPA funds included much bigger projects with much higher allocation of funds and Turkey did not even benefit from that, which may be traced back to its

²³⁴ Carmin, JoAnn and Stacy D. VanDeveer, "Enlarging EU Environments: Central and Eastern Europe from Transition to Accession", in JoAnn Carmin and Stacy D. VanDeveer (eds.) *EU Enlargement and the Environment: Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge: London and New York, 2005.

overall pre-accession process which is much slower than that of other candidates as well as the late opening of accession negotiations.

Apart from the difference in PHARE and ISPA funds in the area of environment, one other difference that needs to be taken into account is related with the allocation of CBC funds. Although Turkey obtained the candidate status in 2005, CBC projects were not allocated even in 2006. However, one should not forget that especially in the case of Turkish borders with Greece and Bulgaria, environmental projects need to be carried out. Currently, it is not receiving any funding for its border environmental issues, which makes it difficult for Turkey to fulfill the environmental criteria as far as the border management of waters is concerned. Another difference is that up to now Turkey has had no projects related to nuclear power and its implications for the environment although it has been listed as a priority area in the national programme. Yet another difference that will really change the nature of pre-accession aid is the introduction of the IPA. As mentioned previously, IPA is the new pre-accession aid instrument of the EU which gathers all aid types (i.e. PHARE, ISPA, SAPARD, CBC and CARDS) under one general umbrella. Though it is claimed by the EU that with the introduction of IPA, the potential candidate states will move more smoothly from one status (potential candidate status) to another status (candidate country and member state), it is still questionable whether Turkey will be able to get the aid required for its implementation and transposition of the *acquis* and this writer thinks that the IPA funds will remain far behind the allocation of former funds due to the fact that it will be a programme that will be available to prospective candidates, candidates as well as the acceding countries and it will serve as a fund to the all needs of these states, which will also be a disadvantage in Turkey's road towards accession into the Union as Turkey may not get as much aid as it needs for its harmonization with the EU *acquis*.

As far as the case of Bulgaria is concerned, the priorities of the Union as well as the nature of aid have been quite different and the amount of aid has been much higher. As it was stated before the aid between 2002 and 2006 was three times as much as the aid Turkey has received. This may be traced back to the fact that between those years Bulgaria was a candidate state unlike Turkey, which obtained the candidate status only in 2005. However, it should not be forgotten that Bulgaria was entitled to

funds such as ISPA which was a huge source for environmental projects and the ISPA funded projects had a budget which was even higher than the ones under the PHARE budget. Furthermore, the projects under PHARE budget outweighed those of Turkey. Moreover, as for the CBC projects, Bulgaria had a chance to benefit from many projects related with its borders with Greece, Romania and Turkey that helped Bulgaria transform its border water management schemes as well as ground waters, nature and sustainable development. In addition, due to its nuclear power plants which needed to be closed down in order to meet the EU nuclear requirements and its nuclear heritage dating back to the Soviet dominance, Bulgaria has also been able to get funding from the Union, which has also been a great source of aid. As a result, it can be seen that Bulgaria has had a great chance to fulfill the obligations of the environmental acquis with the aid it has received. This, according to the writer, also reveals the fact that the EU has not been fair in distributing the pre-accession aid.

6.3. EU'S ENLARGEMENT STRATEGY PAPERS AND THE CHANGE IN ITS ENLARGEMENT STRATEGY

As mentioned by the writer at the beginning of this chapter, the chapter will consist of two parts and this part will be on the enlargement strategy of the EU. It is necessary that the enlargement strategy papers of the Union be analyzed in order to see whether the EU has been applying the same enlargement strategy and the criteria for its candidate states. For this, the writer will take a look at the enlargement strategy papers prepared by the EU Commission starting from 2002 and will finally focus on the last one since it is really different from others in the sense that it has introduced a new concept which is absorption or integration capacity of the Union. However, it should also be taken into account that the Strategy Papers until 2005 did not display the concerns of the EU as regards the enlargement. In fact, they rather had a summarizing nature which means that they have summarized what the candidate states have accomplished or not. Therefore, the analyses of 2002, 2003 and 2004 Strategy Papers will mainly have an explanatory nature. On the other hand, especially with 2005 and 2006 Strategy Papers, the Union's concerns have been voiced, which the writer will also dwell on.

The 2002 Strategy Paper of the Union mainly addressed the Central and Eastern European countries (CEECs) and Cyprus and Malta accession. Therefore, it was not quite relevant to the cases of Bulgaria and Turkey. However, this does not mean that the Commission has not stated its opinion as regards these two states. Of course, the EU has dealt with them but separate from the CEECs with Cyprus and Malta. In the 2002 Paper, it was stated that the next enlargement of the Union would further strengthen the unity of the European continent and help create an area of lasting peace and prosperity. Furthermore, it has been pointed out that enlargement is a win-win game, in which the re-unification of Europe will extend the area of peace, prosperity and security throughout the continent. Moreover, it has also been asserted that enlargement is an inclusive process which has not been completed with the first accession. Consequently, the Union would continue to give its full support to the candidates that would not participate in the following wave of enlargement. However, it should not be forgotten that in order to carry out the enlargement process, the CEECs as well as Cyprus and Malta need to fulfill the Copenhagen criteria which means that the political, economic and the *acquis* criteria have to be fulfilled. In fact, with these 10 states the accession negotiations were well advanced at the time and the *acquis* was transposed. In addition, the transitional arrangements would be applied upon accession into the Union.²³⁵

As mentioned above, the 2002 paper dealt with the cases of Turkey and Bulgaria separately. As far as the case of Turkey was concerned, the paper stated that Turkey did not fully meet the political, economic or *acquis* criteria whereas Bulgaria fulfilled the political criteria but not the economic and *acquis* criteria fully. The Commission listed Bulgaria in the next enlargement round after the CEEC enlargement and stated that Bulgaria would join the Union by 2007 as it has made considerable progress in the negotiation process with all the *acquis* chapters opened for negotiation. Furthermore, of all the 31 chapters 22 have been provisionally closed and the Union would continue to provide financial aid in line with the Accession Partnership and National Development Programmes.²³⁶

²³⁵ Towards the Enlarged Union: Strategy Paper and Report of the European Commission on the Progress towards Accession by Each of the Candidate Countries, prepared by the EU Commission, Brussels, 2002.

²³⁶ 2002 Enlargement Strategy Paper.

On the other hand, the picture for Turkey was rather negative. It has put forward that Turkey did not fully meet the political criteria as the reforms contained a number of limitations. Moreover, as for the economic criteria Turkey was still undergoing economic crises and needed to improve its capacity to cope with competitive pressure. In addition, in the area of *acquis* despite the improvements the Turkish legislation still remained behind the Union *acquis*. As a result, cooperation between the Union and Turkey needed to be improved and financial assistance would be provided to aid Turkey in its efforts to fulfill the Copenhagen criteria.²³⁷

The 2003 Enlargement Strategy Paper of the EU Commission was similar to the 2002 paper in the sense that the paper first took a very brief look at the CEECs, Cyprus and Malta. It has been emphasized that the Accession Treaty was signed with these countries and they would become members by 2004. Moreover, it has been argued in the paper that the enlargement round that would take place in 2004 was more than another extension of the Union as it was the application on a continental scale of a European model of peaceful and voluntary integration among free peoples. This statement was also underlined in the 2002 paper, which has meant that what the EU really aimed at with these enlargement rounds was the reunification of the European continent after the Second World War.²³⁸

Apart from the 2004 enlargement, the main focus of the 2003 Strategy Paper was Bulgaria, Romania and Turkey. However, as this thesis deals with the cases of Turkey and Bulgaria it will disregard the case of Romania. Overall, it has been reported that accession negotiations were well advanced with Bulgaria, while Turkey was said to be making significant progress in preparing for membership, which can show that EU has had different attitudes as regards these two states.

As far the progress made Bulgaria in meeting the membership criteria was concerned, it was stated in the Paper that Bulgaria continued to fulfill the political criteria. In addition, for the economic criteria Bulgaria was reported to be a

²³⁷ 2002 Enlargement Strategy Paper.

²³⁸ Continuing Enlargement: Strategy Paper and Report for the European Commission on the Progress towards Accession by Bulgaria, Romania and Turkey, prepared by the EU Commission, Brussels, 2003.

functioning market economy. What is more, it has continued to make good progress in adopting the *acquis*. Therefore, as a part of the pre-accession strategy for Bulgaria and Romania, the financial assistance was to considerably increase between 2004 and 2006 so that these states could accelerate taking steps to meet the criteria for membership and so that they could continue to prepare for participation in the structural funds.²³⁹

The target date for the accession of these two countries has been set as 2007 and the accession negotiations have been in steady progress. Especially, the progress has been much faster with Bulgaria and at the time of the 2003 Strategy Paper 26 chapters have been provisionally closed and it was essential that an accession treaty be signed towards the end of 2005.²⁴⁰ As a result, it can be seen that the Union has been rather positive towards Bulgaria, the negotiation process was much faster and the EU had the aim of accepting Bulgaria as a member state in 2007.

However, the picture for Turkey has been far from bright in the sense that despite some steps taken, it has been stated that Turkey still did not fulfill the Copenhagen political criteria. In addition, for the economic criteria Turkey was still said to be remaining behind the Union requirements in spite of improving the functioning of market economy. Furthermore, as far as the *acquis* was concerned, Turkey was reported to have progressed in some areas while these improvements were at an early stage in order to open negotiations in many chapters.²⁴¹ On the other hand, though the Commission has been negative, it has pointed out in the Paper that the Community assistance were to increase between 2004 and 2006²⁴² and interestingly especially the environmental projects had much higher budgets which was also mentioned by the writer in the fourth chapter.

The next Strategy Paper for analysis is the 2004 Enlargement Strategy Paper. This paper mainly dealt with Bulgaria, Romania, and Croatia, which was considered as a candidate state in June 2004. Since Croatia is not a point for discussion within the

²³⁹ 2003 Enlargement Strategy Paper.

²⁴⁰ 2003 Enlargement Strategy Paper.

²⁴¹ 2003 Enlargement Strategy Paper.

²⁴² 2003 Enlargement Strategy Paper.

scope of this thesis, the writer will not focus on that. On the other hand, for Bulgaria and Romania, it was stated that these countries would become members if they were to be ready by 2007. As for Bulgaria, the picture has been much more positive on the grounds that it fulfilled all the obligations of the Copenhagen criteria, be it political, economical or the *acquis*. Furthermore, the accession negotiations have been finished with Bulgaria in all chapters, but of course until Bulgaria and Romania have become full members, these countries will benefit from the pre-accession strategy of the Union, which also included a high amount of pre-accession aid.²⁴³

The 2004 Enlargement Strategy Paper has been different from the other documents in the sense that it has been stated in the document that a separate document would analyze whether Turkey fulfilled the Copenhagen criteria and whether accession negotiations should be opened with Turkey. In this separate document, the Union's strategies as regards the accession of Turkey into the EU and the issues arising from the membership perspective of Turkey have been analyzed. The EU has developed a strategy for Turkey which consisted of 3 pillars. In the first pillar is the cooperation to reinforce the reform process. In the second pillar are there specific conditions for the conduct of accession negotiations and the third one is the substantially strengthened political and cultural dialogue bringing people together from EU member states and Turkey. The reason why the EU has adopted such a strategy can be traced to the following statement of the EU in this document: "Turkey's accession would need to be thoroughly prepared in order to allow for a smooth integration which enhances the achievements of fifty years of European integration."²⁴⁴ The Union has continued this statement by asserting that the process is open-ended and its outcome cannot be guaranteed beforehand. As a result, "regardless of the outcome of the negotiations or the subsequent ratification process, the relations between the EU and Turkey must ensure that Turkey remains fully anchored in European structures."²⁴⁵

²⁴³ Communication from the Commission to the Council and the European Parliament: Strategy Paper of the European Commission on Progress in the Enlargement Process, prepared by the EU Commission, Brussels: 2004.

²⁴⁴ Communication from the Commission to the Council and the European Parliament: Recommendation of the European Commission on Turkey's Progress towards Accession, prepared by the EU Commission, Brussels, 2004.

²⁴⁵ Communication from the Commission...

These strong statements and the three-pillar strategy of the Union can be perceived as a different attitude of the EU towards Turkey as regards its accession to the EU. Never before, especially in the Strategy Papers related with the case Bulgaria, has the Union announced such strong statements, those of which are about the uncertain outcome of the negotiation process. Furthermore, the issues arising from the membership perspective of Turkey also need to be analyzed. Although the writer will dwell on this in the subsequent paragraphs, it should be noted that the EU has emphasized that Turkey's accession would be different from previous enlargements because of the combined effect of Turkey's population, size, location, economic, security and military potential. Hence, the reform process should be encouraged and the implementation of reforms needs to be pursued. On the other hand, it should also be considered that "both the EU and Turkey will need a considerable amount of time to create the conditions that will ensure a smooth integration of Turkey into the EU."²⁴⁶ This is a prerequisite for both parties on the grounds that the Union can protect its cohesion and effectiveness, while Turkey would not have to implement policies unsuited for its level of development.²⁴⁷

As stated above, the EU Commission has also prepared an extensive document related to the issues arising from the membership of Turkey. The writer will not dwell on every single point of this document as it is beyond the scope of this thesis. However, the overall context will be analyzed whereby special focus will be on the environmental issues as environment is the basic subject matter of this thesis.

The issues arising from the membership of Turkey in the EU are various especially related with its political, economic and other legislative background. As far the geopolitical dimension is concerned, it is acknowledged by the Union that Turkey is a strategically important country whose membership would have foreign policy implications as regards the Mediterranean, Middle East, Caucasus and Central Asia. This would also necessitate a policy widening and deepening of the EU, which the Union is not quite willing to do for the time being as the interests of the two parties differ at certain cases. In addition, the military capacity of Turkey would contribute

²⁴⁶ Communication from the Commission...

²⁴⁷ Communication from the Commission...

to the security and defence policy of the Union to a great extent. On the other hand, even if Turkey would be the biggest member in the EU, its role in the decision-making process will still be confined with the membership and common decision-making processes in the EU.²⁴⁸

As for the economical dimension, it is asserted by the EU that the integration of Turkey would not be totally positive as it still has instabilities in its economy. Furthermore, the low income levels would bring regional disparities. On the other hand, it will provide a big market for the EU states especially in labour and infrastructure.²⁴⁹

When it comes to the *acquis* chapters, the writer as mentioned above will analyze the issues related with the environment as this shows a great difference between Turkey and Bulgaria. It has been stated in the document that the main challenges in the case of Turkey in the field of environment is related with its further transposition of the Community *acquis* as well as improving administrative capacity and monitoring and enforcement of environmental legislation. The Union foresees that investments in the areas of air quality, water supply, wastewater collection, treatment and collection and proper disposal of waste and this investment would amount to several tens of billions of euro. Furthermore, Turkey would need to ratify the Kyoto Protocol in order to contribute to the European climate change policies.²⁵⁰ Thus, the financial assistance in the field of environment needs to be well targeted so that Turkey would be able to improve its administrative capacity and implement the EU directives. What can be concluded, from this summary is that, the EU still finds Turkey far behind its *acquis* and asserts that financial assistance is definitely needed. However, it should not be forgotten that in spite of this statement, the EU has not provided enough aid between 2002 and 2006, whereas Bulgaria received a lot of aid. Moreover, the EU accepted Bulgaria as a member state in January 2007 even though it had weaknesses in its environmental policy, which will be explained below.

²⁴⁸ Commission Staff Working Document, Issues Arising from Turkey's Membership Perspective, prepared by the EU Commission, Brussels: 2004.

²⁴⁹ Commission Staff Working Document.

²⁵⁰ Commission Staff Working Document.

Overall, it can be said that the EU considered the membership of Turkey as a big challenge to its integrity, institutions and the decision-making processes. Consequently, it has started applying some changes in its enlargement strategy as well as enlargement criteria starting from 2005 onwards.

As mentioned above, the 2005 Enlargement Strategy Paper of the Commission has showed some differences. This Paper mainly dealt with the cases of Croatia, Turkey and the Western Balkan potential candidate countries. However, more specifically, it can be named as the first paper where the Union announced its absorption capacity and conditionality criteria so openly. According to this Paper, enlargement has been one of the most powerful policy tools of the Union, and up to now the Union has been successful in welcoming a variety of and a diverse set of new members. On the other hand, the EU emphasized that despite accepting so many members, the EU has still kept itself as a powerful institution in Europe that will guarantee peace, stability, prosperity, democracy, human rights and the rule of law all around the continent. As a result, in order to accept new members, as the Union has stated, “the pace of enlargement has to take into consideration the EU’s absorption capacity.”²⁵¹ While accepting new members, the EU “has to ensure that it can maintain its capacity to act and decide according to a fair balance within its institutions; respect budgetary limits; and implement common policies that function well and achieve their objectives.”²⁵² This, according to the writer, means that after the last round of enlargement, the Union does not find itself capable enough to welcome new members, especially Turkey, which is a big challenge for the EU itself, as also mentioned in the Issues paper. Therefore, by putting forward new criteria such as the absorption capacity or conditionality, the EU has started to make the enlargement process rather longer and difficult for the new candidate states, more specifically for Turkey. This statement of the writer can also be supported with the claims related with conditionality in the 2005 Enlargement Strategy as well. As far as the conditionality is concerned, the EU has pointed out that aspirant countries can only proceed from one stage to another once they have met the conditions. In addition, the Commission can recommend the suspension of the negotiations in case of a serious

²⁵¹ Communication from the Commission: 2005 Enlargement Strategy Paper, prepared by the EU Commission, Brussels: 2005.

²⁵² 2005 Enlargement Strategy Paper.

and persistent breach of the EU's fundamental principles or if a country fails to fulfill the essential requirements at any stage. These statements also support the Union's former statement in its separate paper in 2004 on Turkey related with the fact that the outcome of the negotiation process cannot be guaranteed beforehand. Consequently, what this writer proposes is that as far as the case of Turkey is concerned, the EU has most stressed the unknown outcome of the negotiation process as well as its conditionality and absorption capacity. However, these statements as well as the one-year suspension clause due to the breach of the Copenhagen criteria have not been voiced out in the previous and especially in the Bulgarian enlargement and this once again poses the question whether the EU has the same enlargement strategy for its all candidate states and this writer claims that the Union has changed its strategy and has started to apply a new one especially in the case of Turkey.

The fact that the case of Turkey is different from the case of Bulgaria can also be understood by the summary of the progress made by Turkey in 2005 Paper. The EU has suggested that though Turkey has progressed in fulfilling the Copenhagen political and economic criteria, it was still behind the *acquis* chapters in most areas, which required further efforts on the part of Turkey.²⁵³ Here, the writer would like to mention that carrying out reforms in order to meet the requirements of the *acquis* chapters necessitates financial support. On the other hand, compared to the case of Bulgaria and especially in the field of the environmental *acquis* the EU has not provided lots of aid which would help Turkey achieve that. As a result, once again, it can be seen that the Union has acted differently in the candidacy of Turkey.

One other thing that also shows the attitude of EU as regards the Turkish enlargement is the Negotiating Framework, which was in fact prepared nearly one month before the 2005 Enlargement Paper. In the Negotiating Framework done on 3 October 2005, it was again stated that in spite of the fact that the shared objective of the negotiations is accessions, the negotiations are an open-ended process; and therefore, the outcome cannot be guaranteed beforehand. Furthermore, the importance of the absorption capacity of the EU was emphasized once more by asserting that "every effort should be made to protect the cohesion and effectiveness

²⁵³ 2005 Enlargement Strategy Paper.

of the Union.”²⁵⁴ Moreover, the EU has put forward that “the Union’s capacity to absorb Turkey, while maintaining the momentum of European integration is an important consideration in the general interests of both the Union and Turkey.”²⁵⁵ Hence, the Commission would monitor this capacity during the negotiations based on its paper related with the issues arising from the membership of Turkey.

As far as the environmental acquis was concerned, The Negotiating Framework has put forward that the EU gives utmost significance to high level of environmental protection, including all aspects of nuclear safety.²⁵⁶ With these statements, it can be seen that the Union has been quite strict as regards its requirements for membership. However, this strictness cannot be observed in the case of Bulgaria, which also shows that the EU has different enlargement strategy and criteria. The reason why the writer claims this difference on and on can also be supported with the comprehensive monitoring report on the state of preparedness for EU membership of Bulgaria and Romania. Technically, it can be said that a candidate state has to fulfill all obligations of membership including the fulfillment of the Copenhagen political and economic criteria as well as the acquis criteria. Therefore, one can expect that Bulgaria fulfill all the criteria. However, the picture is different when it comes to the field of environment. It has been pointed out that the horizontal environmental legislation was not yet completed and necessitated further efforts.²⁵⁷ What is more, there were still shortcomings in integrated pollution prevention and control, water quality, industrial pollution and risk management, chemicals, GMOs, implementation of waste management legislation and nuclear safety and radiation protection, which required increased efforts.²⁵⁸

Given this rather negative picture especially in the field of environment to which the Union gives the utmost importance, it can be expected that the EU would accept the membership of Bulgaria at a later date. However, starting from 1 January 2007

²⁵⁴ Negotiating Framework, Principles Governing the Negotiations with Turkey, prepared by the EU Commission, Luxembourg, 2005.

²⁵⁵ Negotiating Framework.

²⁵⁶ Negotiating Framework.

²⁵⁷ Communication from the Commission, Comprehensive Monitoring Report on the State of Preparedness for EU Membership of Bulgaria and Romania, prepared by the EU Commission, Brussels: 2005.

²⁵⁸ Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, prepared by the Commission’s Departments, Brussels: 2005.

onwards Bulgaria is a full member. Thus, it can be said that the EU has applied a rather different strategy to Bulgaria which totally differed from that of Turkey in the sense that it has not applied the concept of absorption capacity especially in the area of environment where Bulgaria can really pose a challenge to the integrity and cohesion of the Union itself.

Another Strategy Paper of the Union that displays its different enlargement strategy is the 2006 Enlargement Strategy Paper of the Commission. This paper is quite different from the other papers in the sense that it has included a separate annex where the Commission dwelt on the integration or absorption capacity of the Union. The writer will also analyze this concept in the consecutive paragraphs, but she would like to focus on the paper itself first. In line with the issues related with Turkey's membership into the EU, this paper also underlines that the EU enlargement agenda faces a number of major challenges in 2007, one which is the accession negotiations with Turkey. Therefore, in order to cope with these challenges, the Union is also adapting itself especially by improving its institutions. Furthermore, it is applying rigorous conditionality so that the candidate states fully comply with the rules and legislations of the EU. In addition, it has adapted its pre-accession aid scheme and replaced all types of aid with IPA which would enter into force on 1 January 2007.²⁵⁹

Of course, the paper has also emphasized that it was going to welcome Bulgaria and Romania on 1 January 2007. On the other hand, these countries still had weaknesses which were also highlighted by the Commission's monitoring reports that needed further efforts so that these weaknesses can be overcome both on the part of these two states and the EU. What is interesting is that, just like mentioned above, the EU does not consider Bulgaria as a challenge in spite of its weaknesses whereas Turkey is thought as a big challenge with its slowed down pace of reforms, which necessitates that the EU adopt a new and different enlargement strategy.

²⁵⁹ Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2006-2007 including annexed Special Report on the EU's Capacity to Integrate New Members, prepared by the EU Commission, Brussels: 2006.

As mentioned above, the 2006 Enlargement Strategy Paper of the EU also included an annex dealing with the absorption or the integration capacity of the Union, which has started to be emphasized since the 2005 Enlargement Paper. This annex, as stated by the Commission, was an integral part of the Paper and the reason why this annex has been included in the 2006 Enlargement Paper was related with the request of the European Council meeting in June 2006. As stated in Presidency Conclusions of the European Council Meeting on June 15-16 2006, every effort should be made to protect the cohesion and effectiveness of the Union. Therefore, in order to discuss this, the Council would also debate on all aspects of enlargement, including the Union' capacity to integrate new members. What is more, they have invited the Commission to provide a special report on all relevant aspects as regards the Union's absorption capacity.²⁶⁰ In line with this, the Commission has prepared this annex which "puts forward an approach for ensuring that Union can maintain and deepen its own development, in terms of policies and institutions, while pursuing an enlargement agenda with major challenges in the world today."²⁶¹

6.4. ABSORPTION CAPACITY AS A NEW PART OF THE ENLARGEMENT STRATEGY OF THE EU

Before moving on specifically what the absorption capacity of the EU is now today, it is a good idea what it refers to, what it was in the past and how it was announced. Absorption capacity, or integration capacity as referred by the Union itself, refers to the capacity of the EU's internal market, labour market, budget, eurozone and institutional system to absorb new member states, society's capacity to absorb immigration, and the EU's capacity for assuring its strategic security.²⁶² In the 1993 Copenhagen European Council Meeting, which also announced the so-called Copenhagen criteria, it was stated that "the Union's capacity to absorb new members, while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and the candidate

²⁶⁰ Council of the European Union, Brussels European Council 15/16 June 2006, Presidency Conclusions, Brussels: 2006.

²⁶¹ 2006 Enlargement Strategy Paper.

²⁶² Emerson, Michael, Senem Aydın, Julia De Clerck-Sachsse and Gergana Noutcheva. *Just what is this Absorption Capacity of the European Union?* CEPS Policy in Brief, No.113, September 2006.

countries.”²⁶³ From this statement, it can be understood that the Union has given utmost importance to its absorption capacity since 1993. More specifically, the Union has assessed its capacity to integrate new members in previous enlargements and based on these assessments the Council decided to open the negotiations. Furthermore, in each enlargement round, more specifically, in the fifth enlargement round, the implications and issues arising from the membership of each candidate country have been analyzed especially during the accession negotiations and measures have been taken as regards the budgetary issues or decision-making procedures.²⁶⁴

The concept of absorption capacity today is much more detailed and significant than it was in the past. As always stated by the Union itself, the EU “needs to insure it can maintain its capacity to function, in the interest of its present and future citizens.”²⁶⁵ Therefore, it has to ensure that its institutions, policies and budget can maintain the momentum of European integration. What this means is that, as far as the institutions are concerned the EU has to “ensure that its decision-making processes remain effective and accountable, for the sake of current member states as well as in view of further enlargement.”²⁶⁶ Consequently, changes need to be made before the EU enlarges to include more than 27 members. Moreover, as the EU includes new members the use of languages also needs to be changed. When it comes to the EU policies, it is stated in the 2006 Enlargement Strategy Paper that the EU “needs to be in a position, as it enlarges, to continue developing and implementing common policies in all areas.”²⁶⁷ Furthermore, as regards the EU budget the EU has to be in a position to continue financing its policies in a sustainable manner, which necessitates that the impact of enlargement need to be carefully assessed during the enlargement process. Hence, it can be seen that in order to absorb new members, the EU has to transform itself. On the other hand, in case of the membership of such a big country as Turkey, this will take time. Maybe, this is because the Union has started to voice out this concept of absorption capacity recently. What is more, this writer believes that the absorption capacity concept has been reintroduced as a “new” or “renewed”

²⁶³ Council of the European Union, Copenhagen European Council Meeting 21-22 June 1993, Presidency Conclusions, Copenhagen: 1993.

²⁶⁴ 2006 Enlargement Strategy Paper.

²⁶⁵ 2006 Enlargement Strategy Paper.

²⁶⁶ 2006 Enlargement Strategy Paper.

²⁶⁷ 2006 Enlargement Strategy Paper.

enlargement criterion towards the membership of Turkey. As stated in the article by Michael Emerson et al., “the limitations imposed by the institutional, financial and political dimensions of the absorption capacity are perceived to apply especially to Turkey, which is considered as a serious threat to the institutional balances in the Union with its large number of inhabitants, likely budgetary impact and unpopularity with a large majority of European publics.”²⁶⁸ In addition, as it can be seen in the German coalition agreement document, “the importance of absorption capacity has been re-emphasized with respect to EU’s relations with Turkey, a country considered to pose a particular economic, demographic and cultural challenge for the EU.”²⁶⁹ Hence, these statements also support the view that the EU has started to apply a new enlargement strategy towards Turkey especially with its absorption capacity criterion and strict conditionality.

The concept of strict conditionality is another part of the enlargement strategy of the Union. Especially in the case of Turkey political conditionality as well as conditionality in economic terms, the EU acquis and the Cyprus issue, are strictly applied all the time and the EU closely monitors this. In other words, the EU, by the help of yearly reports, monitors and assesses whether Turkey continues to fulfill the Copenhagen political, economic and acquis criteria. However, it should not be forgotten that conditionality is a really large concept and it is beyond the scope of this thesis as this thesis mainly deals with the different attitudes of the EU as regards the Turkish membership. On the other hand, in very general terms the writer would like to mention that as far as conditionality is concerned, the EU is concerned with the fact that “good preparation by candidate countries facilitates their smooth integration into the EU.”²⁷⁰ Thus, this necessitates that strict conditionality be applied as a part of the pre-accession stage as well as the accession stage where the thorough fulfillment of requirements is sought. The EU has started to apply conditionality especially with the fifth enlargement, but as mentioned above it has become much stricter, and it even leads to the suspension of negotiations which may

²⁶⁸ Interviews by the Authors with French UMP MEPS and French Bureaucrats cited in Emerson, Michael, Senem Aydın, Julia De Clerck-Sachsse and Gergana Noutcheva.

²⁶⁹ Coalition Agreement, Section IX, Germany as a Responsible Partner in Europe and the World, cited in Emerson, Michael, Senem Aydın, Julia De Clerck-Sachsse and Gergana Noutcheva.

²⁷⁰ 2006 Enlargement Strategy Paper.

show yet another difference of the EU's enlargement strategy and criteria towards Turkey.

Apart from the changes in the pre-accession aid instruments, absorption capacity of the EU and conditionality, one can also arrive at the conclusion that the EU applies a different enlargement strategy by looking at the increase in the number of acquis chapters in the case of Turkey and Croatia. Originally, there were 31 acquis chapters which were free movement of goods, free movement of persons, freedom to provide services, free movement of capital, company law, competition policy, agriculture, fisheries, transport policy, taxation, economic and monetary union, statistics, social policy and employment, energy, industrial policy, small and medium-sized enterprises, science and research, education and training, telecommunication and information technologies, culture and audio-visual policy, regional policy and coordination of structural adjustments, environment, consumers and health protection, cooperation in the field of justice and home affairs, customs union, external relations, common foreign and security policy, financial control, financial and budgetary provisions, institutions and other. On the other hand, the number of chapters has increased to 35, which was done with the aim of balancing between the chapters which means that the most difficult ones were divided for easier negotiation, that easier chapters were united and that some policies were moved between chapters. Consequently, the acquis chapters now include the following: free movement of goods, freedom of movement for workers, right of establishment and freedom to provide services, free movement of capital, public procurement, company law, intellectual property law, competition policy, financial services, information society and media, agriculture and rural development, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, economic and monetary policy, statistics, social policy and employment, enterprise and industrial policy, trans-European networks, regional policy and coordination of structural instruments, judiciary and fundamental rights, justice, freedom and security, science and research, education and culture, environment, consumer and health protection, customs union, external relations, foreign security and defence policy, financial control, financial and budgetary provisions, institutions and other issues.

Whereas the Union claims that the division of *acquis* chapters has made the negotiation process much easier, it should not be forgotten that negotiation process may take much longer when the number of chapters increases. This can show another difference in the enlargement strategy of the EU towards the membership of Turkey since the negotiation process will definitely take much longer when the current pace of negotiations as well as the increasing number of chapters is taken into account.

The last difference between the membership of Turkey and Bulgaria that elaborates the different enlargement strategy of the EU can be the membership process. What the writer means by this is that the history of EU-Turkey relations as regards membership dates to a longer time ago whereas EU-Bulgaria relations only started in 1988. On the other hand, Turkey applied for membership in 1959 and the Ankara Agreement that would guarantee membership was signed in 1963. However, there was a halt in relations until 1987, when Turkey applied for full membership. On the other hand, it took a long time for both parties to sign the Customs Union Agreement in 1995. After four years in 1999, the Council decided that Turkey could be a candidate state. However, after six years in October 2005 did the negotiation process begin and now it is unclear how long they will continue since currently negotiations in some chapters have been suspended.

On the contrary, Bulgaria had much smoother relations with the Union. After starting relations in 1988, Bulgaria applied for full membership in 1995 and the negotiations were opened in 1999. The negotiations took a very short period, meaning that it finished in 2004. In line with this, the Accession Treaty was signed in 2005 and Bulgaria became a member on 1 January 2007.

As a result, it can be seen that the history of relations also reveals the fact that EU has been different towards these two countries. The negotiation process took a very short time with Bulgaria while it is still unknown how long it will take with Turkey. Moreover, there is always the risk that full membership cannot be guaranteed, which has not been quite openly voiced out in the case of Bulgaria.

In conclusion, this writer arrives at the conclusion that the EU has a different enlargement strategy and a set of new and different criteria as far as the membership of Turkey is concerned. The strict environmental policy of the Union should have necessitated that Bulgaria not become a member as it was still behind the requirements of the Union even in the last comprehensive report in spite of the huge amount of aid it has received in the environmental field. On the other hand, Turkey was still considered a way behind the environmental criteria and it does not receive enough aid which would help it transpose the Community environmental acquis. Furthermore, the change of pre-accession aid instruments into one umbrella funding makes it unclear whether Turkey will be able to get enough funding in order to fully comply with the acquis. Moreover, apart from the environmental and aid issues, there is the big issue of absorption capacity of the EU, which, in fact, was developed as a response to the challenges created by the membership perspective of Turkey and it is still uncertain whether what the EU will do as regards its integration or absorption capacity. It may even require that Turkey not become a full member but a privileged partner as the Union will not be able to absorb such a big country with a very different background. As a result, it is clear that EU's strategies and criteria have been quite different for Turkey and Bulgaria and it is not known whether the EU will still continue to apply different strategies and criteria as regards different candidate states.

CONCLUSION

There has been growing literature in the enlargement studies which analyzes different perspectives of the issue. Much of this work has focused on the fifth enlargement where the 10 states (CEECs, Cyprus and Malta) entered the EU in May 2004. Furthermore, lots of works have been published as regard the Turkish membership of the EU. However, there have not been many studies where a comparative analysis has been made between the cases of Turkey and Bulgaria where they have been compared and contrasted in terms of the environmental aid they have received. By doing this analysis, which mainly depended on the official documents of the EU Commission itself, the writer has tried to arrive at a conclusion as regards the enlargement strategy and the criteria of the Union towards these two countries. While arriving at a conclusion, she benefited from the Enlargement Strategy Papers of the Union where a change can be easily observed.

The EU, from the moment it was founded tried to find ways to enlarge so that the disintegrated nature of Europe after the Second World War would disappear and Europe would become united once again. Therefore, it enlarged and now it is a union of 27 member states, each with a different background. With each enlargement round, the Union has been able to adapt itself, i.e. its institutions, decision-making systems, etc. in order to welcome new members. However, it has never done anything that would change the Union totally. Rather, it has tried to keep its institutions as they were but only with slight changes so as to accommodate the new comers.

In spite of the fact that the EU asserts that it has an open door policy to integrate new members, this statement is questionable especially when the case of Turkey is concerned. The Union still applies its Copenhagen criteria which require that the candidate states have:

- stable institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities,
- a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union,
- the ability to take on the obligations of membership, including supportive aims of the Union. They must have a public administration capable of applying and managing EU laws in practice.

In addition to these Copenhagen criteria, the EU strictly applies conditionality which necessitate that candidate states fulfill all obligations of membership. In addition, apart from these criteria, the EU has started to voice out its absorption or integration capacity which is related with the fact that EU has to ensure it can continue to work effectively even if it includes new members. Hence, the absorption capacity has become a very significant criterion for the future enlargement rounds.

Of course, in order to carry out the obligations of membership candidate states need assistance both in terms of financing and expertise. That is why the EU allocates pre-accession funds for the candidates. However, the distribution of aid cannot be considered as fair since each year every candidate state gets a different amount of aid in line with the priorities laid down in the Accession Partnerships, Yearly Reports and the National Programme for the Adoption of the Acquis. Moreover, certain policy areas need more attention and; therefore, more funding than the others. Environment is one of these policy areas and the EU is known to have the most comprehensive environmental legislation. It covers 300 directives which aim at full compliance with the EU acquis. In addition, it requires that candidate states reach the EU standards related with horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms, noise, and nuclear safety and radiation protection.

Given this long list of requirements, it can be expected that it may take the candidate states a long time to fulfill them. Therefore, as mentioned above aid is indispensable.

On the other hand, when the cases of Turkey and Bulgaria are analyzed, differences can be easily seen in the distribution of aid. While Turkey has only benefited from the PHARE funds during the years between 2002 and 2006, Bulgaria benefited not only from PHARE funds, but also from ISPA funds, designed exclusively for environmental projects, as well as CBC funds with neighbouring EU or EU-candidate states and nuclear funds. Hence, the amount of aid Bulgaria received was relatively higher than that of Turkey. This may also be related to the fact that environmental policy is an area which requires heavy cost investments in line with the requirements of the *acquis* and; therefore, a considerable amount of money.

It should also be taken into consideration that Bulgaria, which was far more problematic than the case of Turkey as regards nuclear waste and other environmental problems such as waste, water and air, the aid given to this country between 2002 and 2006 would be much higher. Moreover, this writer also suggests that the EU would accept countries into the Union which would be similar to the existing member states in terms of environmental policy and that would be why the EU was willing to accept Bulgaria into the Union but unwilling to accept Turkey as it still considers that Turkey still remains behind the EU environmental standards. On the other hand, it should not be forgotten that in order to comply with the EU standards in the environmental *acquis*, a candidate state would need a huge amount of money as mentioned above due to the fact that changes in environmental policy largely depend on financial aid since they require infrastructure as well as changes in the administrative capacity.

This aid difference has also risen the question of whether the EU applies the same or different strategies and criteria towards different candidate states. This question can also be answered by analyzing the Enlargement Strategy Papers of the EU apart from the environmental aid differences. Until 2004, the Papers had an explanatory nature where the progress of candidate states was explained. However, with the 2004 Paper, a separate paper has been prepared related with the issues arising from the membership of Turkey which especially displayed the serious concerns of the EU as regards Turkey. Moreover, in 2005 Enlargement Strategy Paper absorption capacity has been voiced out and the concept of conditionality has become much stricter. In

addition, in the 2006 Paper, the Commission annexed a special report on absorption or integration capacity where the EU has stated that absorption capacity has always been a criterion in enlargement rounds. On the other hand, this concept has mainly been a response to the challenges or threats related with the membership of Turkey. However, it should also be taken into account that despite the fact that Turkey is considered as a challenge to the integrity of the EU itself, the Union has accepted Bulgaria as a full member even though it had serious drawbacks in its environmental policy especially as regards nuclear waste, air, waste and water which need a lot of time, effort and financial aid so that Bulgaria can fully comply with the Union environmental acquis. This also shows the different attitude of the EU towards Turkey. Furthermore, the criterion of Europeanness can be considered as another difference as Bulgaria has been considered more European than Turkey especially in the area of environment and as far as the absorption capacity was concerned. In addition, the differences in the length of negotiation process between these two countries and the increase of acquis chapters from 31 to 35 can be counted as yet another signal of the different attitude of the EU.

As a result, it can be concluded that the EU even though it states that it wants to embrace new members in order to have a peaceful, secure and economically developed Europe; it is not as willing as before especially in the case of Turkey. The differences of the strategies and the criteria towards Turkey and Bulgaria also prove that. What is more, the question of whether Turkey is as European as Bulgaria or whether it is really European needs to be taken into account. However, it should not be forgotten that this study has covered only one aspect of the debate and there may be some controversial statements. Hence, the writer also welcomes them and suggests that these should also be studied in further research as well as studying the new enlargement strategy of the EU towards the new candidate states such as Croatia.

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