



CHAPTER 8

The European Council as a Key Driver of EU–Turkey Relations: Central Functions, Internal Dynamics, and Evolving Preferences

Ebru Turhan and Wolfgang Wessels

8.1 INTRODUCTION

With its central functions and wide-ranging activities within the political system of the European Union (EU), the European Council has turned into the key EU institution in framing and shaping EU–Turkey relations. Since its establishment in 1974, it has been making the most fundamental and far-reaching decisions on the EU–Turkey relationship. The influence of the European Council in EU–Turkey relations is derived from its role and status in EU decision-making. No institution other than the European Council has enjoyed so much ‘explicit political leadership in the EU process’ (Wallace, 2010: 82), gradually expanded its functions beyond

E. Turhan (✉)
Turkish-German University, Istanbul, Turkey
e-mail: turhan@tau.edu.tr

W. Wessels
Center for Turkey and European Union Studies (CETEUS),
University of Cologne, Cologne, Germany
e-mail: wessels@uni-koeln.de

the legal provisions enshrined in treaties, and evolved into a ‘living institution’. As a ‘place of power [...] where great European debate takes place on a one-to-one basis’ (de Schoutheete, 2012a: 22), the European Council is composed of the Heads of State or Government¹ of the member states, its President, and the President of the European Commission (Art. 15(2) Treaty on European Union, TEU). It sets the strategic direction of the Union, amends EU treaties, and takes over key agenda-setting and decision-making functions in enlargement policy and ‘new areas of EU activity’ including economic governance and foreign affairs (Fabbrini & Puetter, 2016: 482).

Since its creation, the European Council has reached agreements on the most crucial and controversial aspects of Turkey’s EU accession process. Yet, the functions and powers of the Heads of State or Government in EU–Turkey relations are not exclusively limited to the accession process. The European Council serves as a key ‘driver’ of manifold aspects of EU–Turkey relations. Drivers are understood as ‘structural/agency-related’ or ‘material/ideational elements’ that determine the direction and scope of a relationship (Tocci, 2016: 4). Drawing on both written provisions of the treaties and real-world patterns, this chapter identifies the European Council’s roles as the EU’s ‘master of enlargement’ (Lippert, 2011: 254), ‘external voice and crisis manager’, and ‘agenda and direction setter’ as its three central functions that drive the EU–Turkey relationship. The central focus of this chapter is the evolution of the European Council in framing relations with a candidate country—or what many now call a ‘strategic partner’—and the identification of the critical turning points and shifts in the central functions, internal dynamics, and preferences of this key institution.

The many faces of the European Council make it a core component of the institutional machinery maintaining relations between the EU and third countries, including Turkey. Nevertheless, theoretical and empirical studies on the dialogue of the European Council with third countries are rare. Such studies are outnumbered by existing empirical analyses of the institutional evolution, internal dynamics, and influence of the European Council (Bulmer & Wessels, 1987; Wessels, 2016; Werts, 2008; Tallberg, 2008; de Schoutheete, 2012b), its presidency (Alexandrova

¹For the members of the European Council, this chapter uses the official term ‘Heads of State or Government’ and, contingent on the context, ‘Union’s leaders’, and ‘member states’ highest political representatives’.

& Timmermans, 2013; Crum, 2009; Dinan, 2013), and theoretical considerations on the power of the European Council within the EU system (Fabbrini & Puetter, 2016). A limited number of works touches upon the European Council's relevance for the EU's relationship with third countries while studying its role in crisis management, enlargement, external action, or the area of freedom, security, and justice (Anghel et al., 2016; Wessels, 2016; Nugent, 2010). However, these studies do not provide systematic and in-depth insight into the dialogue of the Union's leaders with third countries or examine country cases like Turkey.

This chapter first outlines the central functions and powers of the European Council within the EU system that are of major relevance to EU–Turkey relations and identifies the key tasks, mechanisms, and actors related to each role. In the ensuing sections, it elaborates on the evolution of these a priori identified functions and their impact on EU–Turkey affairs from 1987 to 2020 while also scrutinizing their limits and potential to unfold EU–Turkey affairs. As far as the European Council's role as the master of enlargement is concerned, the chapter chronologically reviews the European Council's far-reaching conclusions on Turkey's accession process and examines the expanding impact of member states' individual preferences on the European Council's role as a driver of Turkey's accession process. The chapter then elaborates on EU–Turkey cooperation in times of crisis by paying specific attention to the management of the 2015/16 refugee 'crisis' and discusses whether collaboration with Ankara during external shocks is becoming an ever-growing role and a challenge for the European Council. Of specific relevance for the last section is the analysis of the empirical evidence offered by the conclusions of the European Council, which frame different narratives for the doctrine on Turkey and offer a systematic assessment of the evolution of the European Council's role as an 'agenda and direction setter' in the EU–Turkey relationship.

The main finding of this chapter is that the European Council has at different times functioned as a positive driver of both Turkey's EU accession process and of an interest-driven, transactional partnership between the Union and Turkey. At the same time, the findings showcase a growing trend toward a more conflictual, relatively hostile relationship between the European Council and Turkey. Diverging geopolitical interests—especially in the Eastern Mediterranean—and normative considerations as well as the expanding impact of bilateral issues and member states' individual

preferences shape the European Council's role as a driver of EU–Turkey relations.

8.2 EU–TURKEY RELATIONS: THE MANY FACES OF THE EUROPEAN COUNCIL

As the constitutional architect, key decision-maker, strategic guide, and external voice of the EU (Wessels, 2016), the European Council has many functions as a driver of the EU–Turkey dialogue. Its roles as ‘master of enlargement’, ‘external voice and crisis manager’, and ‘agenda and direction setter’ stand out in view of their relevance for the design of bilateral affairs and their salience in political and public discourses.

Despite the comatose state of Turkey's EU accession negotiations and palpable challenges concerning their full-fledged revival, Turkey's accession process still constitutes the political and institutional backbone of EU–Turkey relations. The European Council's role as the master of enlargement has been a decisive factor in the formulation of EU–Turkey relations, although the treaty provisions attribute only a marginal role to the European Council in the widening process. Article 49 (TEU) requires the Council to be mindful of the ‘conditions of eligibility agreed upon by the European Council’ for the accession of third countries and charges the member states with the signing and ratification of the accession treaties. In June 1993, third countries' eligibility for membership was tied to certain conditions by the conclusions of the Copenhagen European Council. The ‘Copenhagen criteria’ require

[the] stability of institutions guaranteeing, democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union’, and ‘candidate's ability to take on the obligations of membership’. (European Council, 1993: 13)

This qualitative accession conditionality serves as a ‘bargaining strategy of reinforcement by reward’ (Schimmelfennig & Sedelmeier, 2004: 670), making the major exogenous incentive—full membership in the Union and progress toward it—conditional on Turkey's and other candidates' alignment with the EU's norms (see also Lippert, Chapter 11).

The real-world patterns of accession management reveal the steering influence of the European Council beyond the legal provisions. For the

preparatory phase of the accession process, the Heads of State or Government frame and adapt their enlargement doctrine in order to display the EU's narratives about the necessity for widening the Union (Lippert, 2011). They sign different types of association agreements with third countries to foster alignment with EU norms and decide by unanimity about the candidate status of a third country and the launch of accession negotiations. In the case of Turkey, these steps took place in 1963 (Association Agreement), in 1999 (candidacy), and in 2004 (decision to start negotiations), respectively (see also Turhan & Reiners, Chapter 1). Throughout the negotiation phase, the European Council carefully monitors the talks; if necessary, adjusts their course with interim decisions (e.g., calls for the suspension of talks with the request of one-third of its members); and makes the political decision on accession. In the follow-up phase, the Heads of State or Government individually steer the signing and ratification of accession treaties according to their own domestic political landscapes and, if necessary, re-negotiate the terms of accession in the event of a request by prospective members (Wessels, 2016: 183–186; Turhan, 2016: 465; Nugent, 2010: 175).

Secondly, the European Council's duty as the external voice and crisis manager of the Union has been a key driver of the EU–Turkey dialogue, particularly since 2015. The written provisions assign the President of the European Council the role of 'external representation' in matters relating to the Common Foreign and Security Policy (CFSP) based on a division of labor with the High Representative (Art. 15(6) TEU). In its capacity as the crisis manager, the European Council frequently issues statements and declarations in the area of external action with the purpose of carving a distinguishable profile in the international system and offsetting the externalities of regional or international crises. Since the enactment of the Lisbon Treaty, the EU has become vulnerable to a series of external shocks. The lack or constrained presence of supranational competences in crisis-relevant policy areas such as CFSP and Common Security and Defense Policy coupled with the high degree of political salience carried by crisis-related issues reinforces the European Council's role as a crisis manager (Fabbrini & Puetter, 2016: 488–489).

The Union's leaders' intensified efforts to offset crisis-induced negative externalities for the EU have increased their cooperation with key third countries, including Turkey. The EU's leading mechanisms of crisis dialogue include joint declarations, statements, action plans as well as

joint summits and bilateral meetings, where the Union is typically represented by the presidents of the European Council and the Commission. As the EU's sixth largest trading partner and 'key strategic partner' (European Council, 2015a), Turkey's pivotal role in the containment of regional crises was underlined by several European Council conclusions. The announcement of the EU–Turkey refugee 'deal' subsequent to a joint summit between the European Council and the Turkish government on 18 March 2016 elevated the Union's leaders' central role as a collaborator with Turkey in negating external shocks.

Lastly, the European Council's 'most traditional function' (de Schoutheete, 2012b: 56) as an agenda and direction setter shapes the scope and political direction of EU–Turkey relations. The Lisbon Treaty charges the Heads of State or Government with providing 'the Union with the necessary impetus for its development' (Art. 15(1) TEU). This function empowers the European Council with the design of the overarching guidelines, political direction, and priorities of the EU, including those concerning the *finalité* of the European integration process. The European Council conclusions are the decisive mechanism for the accomplishment of this duty. They are central documents in which issues are initiated and framed, and the broad political parameters of future policy are set to be operationalized by other institutions (Princen & Rhinard, 2006). For this purpose, the conclusions of the European Council produce specific 'narratives' on certain issues or agents, which are 'stories told by actors to comprehend and frame the world in which they interact' (Wehner & Thies, 2014: 421). Narratives are helpful to legitimize policy direction and actions as they characterize and label the agents or issues involved in the stories and construct a causal relationship between sequential events (Oppermann & Spencer, 2016). They are contingent on critical turning points that generate 'new stories to make sense of the new events' (Wehner & Thies, 2014: 421).

European Council conclusions on Turkey construct the strategic orientation, policy objectives, and priorities of the EU and its institutions regarding their dialogue with Turkey both within and outside the accession framework. They frame and design certain narratives concerning the EU's doctrine on Turkey, which comprise 'interpretations [...] of the evolution, drivers and actors, as well as the goal (or *finalité*) of the EU–Turkey relations' and emerge 'in response to key critical junctures and milestones of the relationship' (Hauge et al., 2019: 3–4). As casual stories these narratives characterize Turkey by placing it in relation to the EU

and its norms and preferences. They also legitimize the European Council's policy direction and enable—or constrain—opportunities for action of other EU institutions involved in EU–Turkey affairs.

8.3 THE EUROPEAN COUNCIL AND TURKEY'S EU ACCESSION PROCESS: FAR-REACHING DECISIONS, UNILATERAL VETOS, AND GROWING DOUBTS

While Turkey applied for full membership in the European Economic Community in 1987, issues related to Turkey's accession did not appear in the European Council conclusions until 1992 (see Table 8.1). The European Council's initial reaction to the application appeared in its June 1992 conclusions, which discussed the applications submitted by Turkey, Cyprus, and Malta, and underlined the need to assess each application on its own merits (European Council, 1992). The considerably delayed and vague response to the Turkish case signaled the unexpected timing of the application and the lack of interest of the Heads of State or Government to perceive Turkey as a serious candidate for full membership. In the aftermath of the Copenhagen conclusions, the leaders' agenda lacked any reference to Turkey's accession until 1997.

8.3.1 *The European Council's Rise as a Positive Driver of Turkey's Accession Process*

The European Council took up its function as the 'master of enlargement' at the Luxembourg Summit on 12–13 December 1997. It became an active, key player in Turkey's accession process when it rejected Turkish demands to be included in the list of official candidates. At the same time, the European Council also took over the role of 'stabilizer' of the bilateral dialogue and sought to prevent Turkey's alienation from the EU by inviting it (alongside official candidates) to participate in the 'European Conference', which was planned to act as a forum for political consultation (European Council, 1997).² As a result of Greek reservations, EU leaders affirmed that Turkey's participation in the conference was conditional upon the principle of 'good neighborliness'. While initial conceptualizations of this criterion appeared for the first time in the July

²However, this substitute arrangement never got off the ground.

Table 8.1 The European Council conclusions on Turkey's accession to the EU (1987–2020)

<i>Date</i>	<i>Place of meeting</i>	<i>Main subjects/conclusions related to Turkey's EU accession process</i>
26–27 June 1992	Lisbon	<ul style="list-style-type: none"> • Discussion on applications submitted by Turkey, Cyprus, and Malta
12–13 December 1997	Luxembourg	<ul style="list-style-type: none"> • Turkey's invitation to the European Conference • Confirmation of Turkey's eligibility for accession
15–16 June 1998	Cardiff	<ul style="list-style-type: none"> • 'European Strategy' for Turkey • Turkey's inclusion in the list of countries to be evaluated by the Commission's progress reports
11–12 December 1998	Vienna	<ul style="list-style-type: none"> • Further development of EU–Turkey relations based on the European Strategy with the purpose of preparing Turkey for membership
10–11 December 1999	Helsinki	<ul style="list-style-type: none"> • Confirmation of Turkey's candidate status • The need to fulfill the political criteria
19–20 June 2000	Santa Maria da Feira	<ul style="list-style-type: none"> • Candidacy based on the same criteria as applied to the other candidate states • Endorsement of Turkish efforts to meet the accession criteria • Concerns about human rights, rule of law, and judiciary
7–9 December 2000	Nice	<ul style="list-style-type: none"> • Invitation for the Commission to present proposals for the single financial framework for assistance to Turkey and for the Accession Partnership • Progress achieved in implementing the pre-accession strategy
15–16 June 2001	Gothenburg	<ul style="list-style-type: none"> • Importance of the Accession Partnership and the National Programme for the Adoption of the Acquis (NPAA) • New prospects for Turkey's European perspective after Helsinki (1999) • Further emphasis on human rights in Turkey's National Programme is needed • Invitation for the Council to adopt the single financial framework for pre-accession assistance

<i>Date</i>	<i>Place of meeting</i>	<i>Main subjects/conclusions related to Turkey's EU accession process</i>
14–15 December 2001	Laeken	<ul style="list-style-type: none"> • Progress toward complying with the political criteria • Prospect of opening accession negotiations • Concerns about human rights • Endorsement of recently adopted reforms in Turkey and emphasis on further implementation
21–22 June 2002	Seville	<ul style="list-style-type: none"> • Possibility of a new decision to be taken in the Copenhagen European Council • Turkey's progress in fulfilling the economic criteria brings forward the opening of accession negotiations
24–25 October 2002	Brussels	<ul style="list-style-type: none"> • Invitation for the Commission to prepare for the Copenhagen Summit and the elements regarding the next stage of Turkey's candidacy • Candidacy based on the same criteria as applied to the other candidate states • Acknowledgment of steps taken by Turkey toward meeting the Copenhagen criteria
12–13 December 2002	Copenhagen	<ul style="list-style-type: none"> • Remaining shortcomings in the field of political criteria • The possibility of a decision by the December 2004 European Council to open accession negotiations without delay
19–20 June 2003	Thessaloniki	<ul style="list-style-type: none"> • Acknowledgment of the reform process in Turkey
12–13 December 2003	Brussels	<ul style="list-style-type: none"> • Revised Accession Partnership and increased pre-accession financial assistance • Significant progress in meeting the economic criteria and progress in meeting the political criteria • Concerns about judiciary, civil–military relations • Settlement of Cyprus problem to facilitate membership
17–18 June 2004	Brussels	<ul style="list-style-type: none"> • Far-reaching decision to be taken by the December 2004 European Council • Acknowledgment of reforms in Turkey • Far-reaching decision to be taken by the December 2004 European Council • Invitation for Turkey to conclude talks with the Commission on the adaptation of the Association Agreement
4–5 November 2004	Brussels	<ul style="list-style-type: none"> • Presentation by the president of the Commission of a study on issues arising from Turkey's membership perspective

(continued)

Table 8.1 (continued)

<i>Date</i>	<i>Place of meeting</i>	<i>Main subjects/conclusions related to Turkey's EU accession process</i>
16–17 December 2004	Brussels	<ul style="list-style-type: none"> • Far-reaching reform process in Turkey • Welcoming of Turkey's decision to sign the Additional Protocol to the Association Agreement • Turkey sufficiently fulfills the political criteria • Opening of accession talks on 3 October 2005 • Affirmation of commitment to support Turkey in its efforts to comply with membership obligations • Concerns about the fulfillment of Turkey's obligations stemming from the Additional Protocol • Commissioning of the Council to assess Turkey's progress regarding the non-discriminatory implementation of the Additional Protocol <i>vis-à-vis</i> all member states • Endorsement of the Council conclusions on Turkey adopted on 11 December 2006 regarding the suspension of talks on eight chapters of the <i>acquis</i> • Recalling of the Council conclusions of 5 December 2011 on enlargement • Recognition of all member states as a necessary component of the accession process • Stressing the need to respect Cyprus' sovereignty • Declaring the need to re-energize Turkey's accession process (under the heading 'Cooperating with third countries to stem the flows') • Reaffirmation of previous Council conclusions (including the conclusions of 26 June 2018 and 18 June 2019, which forbade the opening or closing of any further chapters)
15–16 June 2006	Brussels	
14–15 December 2006	Brussels	
9 December 2011	Brussels	
23–24 October 2014	Brussels	
15 October 2015	Brussels	
20 June 2019	Brussels	

Saurte Own compilation based on the official conclusions of the European Council on Turkey's EU accession process

1997 ‘Agenda 2000’ Communication of the Commission (Saatçioğlu, 2009), its endorsement by the EU leaders and affiliation with Turkey took place at the Luxembourg Summit. Accordingly, the European Council added another qualitative component to the accession conditionality outside of the Copenhagen framework.

In the immediate aftermath of the Luxembourg decision, the European Council abruptly became a positive driver of Turkey’s accession process with the far-reaching decisions it took in 1998 and 1999. While the Cardiff European Council in June 1998 endorsed Turkey’s inclusion in the list of countries to be annually reviewed by the Commission regarding their progress toward accession (European Council, 1998: para. 64), the Helsinki European Council in December 1999 confirmed Turkey’s candidate status (European Council, 1999: para. 12). The Helsinki decision positioned Turkey within the institutionalized normative system of the accession process. Yet, the change of heart of the Union’s leaders was anything but normative. Security considerations of the EU after the war in Kosovo accompanied by the replacement of Christian Democrat Helmut Kohl with the Social Democrat Gerhard Schröder as German chancellor primarily brought about Turkey’s candidacy (Turhan, 2012; see also Schimmelfennig, Chapter 6). The normative consistency of the Helsinki conclusions was further undermined by Cyprus’ exemption from the ‘good neighborliness’ criterion (European Council, 1999: para. 8(b)). Thus, with its conclusions in Helsinki, the European Council paradoxically acted as a positive driver of both Turkey’s EU perspective and the Cyprus conflict.

The period from 2000 to 2004 marked the ‘golden era’ of the Union’s leaders’ function as a positive driver of Turkey’s EU path. This was reflected in the mentioning of issues related to Turkey’s accession in 12 of a total of 18 ordinary European Council conclusions, which essentially acknowledged Turkey’s progress toward compliance with the political and economic criteria (see Table 8.1). Accordingly, EU leaders sent a strong political signal both to Turkey and other EU institutions regarding their ‘position that Turkey will be judged on the basis of objective criteria’ (Müftüler-Baç, 2008: 206). The EU leaders’ solid commitment to the accession process accompanied by Ankara’s execution of an effective reform process brought about the historic decision of the European Council in December 2004 to open accession negotiations with Turkey on 3 October 2005.

At the same time, the December 2004 conclusions laid a rocky foundation for Turkey's accession negotiations, which indicated the EU leaders' perception of Turkey as a special candidate. They mentioned for the first time in history the 'open-ended' feature of accession talks and included an exit clause in the framework for negotiations:

While taking account of all Copenhagen criteria, if the Candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the Candidate State concerned is fully anchored in the European structures through the strongest possible bond. (European Council, 2004a: para. 23)

The conclusions also underlined the possibility of long transition periods and permanent safeguard clauses, and created a direct linkage between Turkish membership and the EU's absorption capacity by stating that,

[...] accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms. (European Council, 2004a: para. 23)³

8.3.2 *The European Council's Development from a Positive Driver to a Brakeman in Turkey's EU Path*

After the launch of negotiations, two developments precipitated the gradual evolution of the European Council from a positive driver to a 'brakeman' in Turkey's accession process. The first development was individual member states' vetoes of the opening of talks in various chapters of the *acquis*. The initial unilateral veto was adopted by then French President Nicolas Sarkozy in June 2007 against the opening of Chapter 17. The French move had three major implications: first, the blocking of a chapter on the grounds that it would bring Turkey closer to membership (Bilefsky, 2007) de facto abolished the 'open-ended' feature of accession negotiations. Second, the French action served as a model for other unilateral vetoes, such as the French veto on four chapters in December

³Absorption capacity, also known as 'the Union's capacity to absorb new members, while maintaining the momentum of European integration' is often called the 'fourth' Copenhagen criteria (European Council, 1993: 13).

2007, the Cypriot blockage of six chapters in December 2009, and the German veto on one chapter in June 2013 (Turhan, 2016). These multiple vetoes demonstrated the expanding impact of bilateral issues and member states' individual preferences on the European Council's role as a driver of Turkey's accession process (see also Müftüleri-Baç & Çiçek, 2017; Tsarouhas, Chapter 2). Third, the individual vetoes undermined the normative consistency of the EU's *acquis* conditionality, since Turkey's 'advanced' or 'moderately advanced' level of alignment with the *acquis* in various chapters had not been rewarded with the opening of negotiation talks in those chapters.⁴ This also impaired the European Council's role as a credible and cogent player in Turkey's accession process.

The weakened interest of the Union's leaders in Turkey's full membership emerged as the second major development in the negotiation phase. From 2005 to 2020, only six of a total of 67 ordinary European Council conclusions referenced Turkey's accession process, which generally contained a negative tonality regarding the matter (see Table 8.1). In December 2006, the European Council took a far-reaching decision and adjusted the course of negotiations with its endorsement of the Council's conclusions on 11 December 2006. The conclusions suspended talks on eight chapters of the *acquis* (Council of the EU, 2006) on the grounds of Ankara's non-implementation of the Additional Protocol of the Association Agreement that foresees the opening of Turkish harbors and airports to Cyprus as originally endorsed by the June 2004 European Council. After December 2006, matters related to Turkey hardly appeared in the conclusions of the European Council in the context of enlargement. This represented a stark contrast to the European Council's statements on the Western Balkans, which repeatedly underlined palpable support for their accession (e.g., European Council, 2008, 2011, 2019b).

There were two primary reasons behind the EU leaders' vanishing interest in acting as a positive driver of Turkey's EU perspective. Firstly, the diminishing appeal of EU norms as a reference point in the reform processes in Turkey, what came to be known as 'de-Europeanization' (Aydın-Düzgüt & Kaliber, 2016: 5–6; see also Alpan, Chapter 5; Kaya, Chapter 14), weakened the plausibility of Turkey's accession process. The

⁴According to the 2012 progress report, Turkey had achieved 'advanced' or 'moderately advanced' level of alignment with the *acquis* in these four chapters blocked by member states: Chapters 15, 17, 26 and 31 (European Commission, 2012).

Heads of State or Government largely perceived the Turkish government's activities as not contributing to the goal of membership. Secondly, the resurgence of far-right, Euroskeptic political parties in the EU echoed the concerns of the European public about migration and cultural diversity (Kaya, 2020). This brought into question the salience of Turkish membership and constrained the policy options for mainstream governing leaders.

The European Council's function as a key driver of Turkey's EU accession prospects was temporarily boosted during 2015 and 2016. Faced with an unprecedented flow of Syrian refugees to Europe in late 2015 and the inability to find an EU-wide solution, the Heads of State or Government declared the need to re-energize Turkey's accession process in their conclusions on 15 October 2015 (European Council, 2015b). The strategic dependence of the Union's leaders on cooperation with Turkey concerning the management of irregular migration flows was reflected in their realization of two bilateral summits with the Turkish government, followed by the joint statements of 29 November 2015 and 18 March 2016 (the latter also known as the EU–Turkey refugee 'deal'). The statements reaffirmed the European Council's commitment to restore Turkey's accession process and its readiness to open Chapters 17 and 33 (European Council, 2015c, 2016a). The EU leaders' interest-driven support for Turkey's accession negotiations came at a time when Turkey's sustained non-compliance with the political criteria was reiterated in various EU documents and created a 'functional give-and-take relationship' (Saatçioğlu, 2020: 7) with Ankara based on an illiberal deal (Martin, 2019; see also Icoz & Martin, Chapter 4).

The European Council's support for Turkey's accession process quickly deteriorated following the announcement of the March 2016 joint statement. After the opening of talks in Chapters 17 and 33 in December 2015 and June 2016, respectively, the European Council conclusions did not include any reference to the Union's leaders' interest in accelerating Turkey's accession negotiations. Contrarily, Turkey's heightened bilateral tensions with various member states, the deterioration of the EU–Turkey dialogue in the aftermath of the attempted coup on 15 July 2016, and diverging geopolitical preferences over Northern Syria, Libya, and the drilling activities in the Eastern Mediterranean contributed to the reinforcement of the European Council's role as a brakeman in Turkey's accession process.

In October 2017, the European Council tasked the Commission with evaluating whether to cut or reorient Turkey's pre-accession funds (European Council, 2017a), leading to a reduction of 105 million EUR in Turkey's pre-accession funds in 2018. More recently, in their June 2019 conclusions, the Heads of State or Government adopted the formulation of the Council, claiming: 'Turkey has been moving further away from the European Union' (Council of the EU, 2018: para. 35). They also reaffirmed previous Council conclusions regarding the suspension of key enlargement-related dialogue mechanisms, including the opening or closing of any chapters in accession talks and the meetings of the EU-Turkey Association Council (European Council, 2019a). The expanding 'bilateralization' of European Council-Turkey relations has further boosted the European Council's growing role as brakeman in Turkey's accession process. Turkey has been increasingly confronted with unilateral statements of member states (e.g., Austria, Germany, France) suggesting ending the accession process or ruling out the opening and closing of any chapter (see e.g., Reuters, 2016, 2020; CDU, 2018; Hürriyet Daily News, 2018). Rising tensions in the Eastern Mediterranean between Turkey and various member states including France, Greece and Cyprus over drilling rights and territorial claims reinforced the bilateralization of the European Council's relationship with Turkey, and further weakened the likelihood of a revitalization of Turkey's accession negotiations.

8.4 EU-TURKEY COOPERATION IN TIMES OF CRISIS: AN EVER-GROWING ROLE OR CHALLENGE FOR THE EUROPEAN COUNCIL?

Since the early stages of the bilateral dialogue, the Heads of State and Government have acknowledged Turkey's post-Cold War geopolitical role in the EU's immediate neighborhood as a 'regional stabilizer' and 'arbiter' (Öniş, 1995: 50–51). The European Council conclusions in June 1992 attached the 'greatest importance' to 'the Turkish role in the [present] European political situation' (European Council, 1992: 5). Numerous regional crises and security challenges including the Kosovo war, September 11 attacks and the subsequent war in Iraq, the Arab uprisings of early 2011, and the ongoing Syrian civil war brought recurring attention to Turkey's potential as a security-provider for the EU. In

this context, the European Council conclusions underlined the importance of ‘Turkey’s regional initiatives with the neighbours of Iraq and Egypt’ (European Council, 2003: 2) or its efforts ‘to secure progress on the Tehran Research Reactor agreement’ (European Council, 2010: 13) amid the international community’s concerns over the Iranian nuclear program. Successive presidents of the European Council and high level political representatives of individual member states have repeatedly come together with the Turkish prime minister and/or president during official visits or on the sideline of multilateral summits in order to promote policy coordination in times of severe foreign policy crises.

However, it was not until the transformation of the so-called Syrian refugee crisis into a European crisis that the Heads of State or Government put forth a substantial effort to systematize and institutionalize EU–Turkey cooperation in crisis management and make regular reference to Turkey in their summit conclusions as a collaborator in crisis situations. The unprecedented scale of irregular migration flows to the EU in 2015 moved Turkey to the epicenter of the governance of the refugee crisis alongside the European Council. The evolution of the roles of the European Council and Turkey in the management of the refugee crisis can be divided into three distinct stages (see for a similar periodization Anghel et al., 2016: 14).

The first stage (April–July 2015) commenced in the immediate aftermath of the 19 April 2015 boat disaster off the coast of the Italian island of Lampedusa in which more than 600 refugees from Syria drowned on their way to the EU. During this stage the European Council took measures to prevent the loss of life in the Mediterranean Sea and ease the disproportionate burden placed on the frontline member states with ‘temporary and exceptional relocation over two years from [...] Italy and Greece to other Member States’ (European Council, 2015d: 2). However, the Union’s leaders were unable to live up to their commitments as a result of ‘lack of policy harmonization, low solidarity, and absence of central institutions’ (Scipioni, 2018: 1361). Specifically, the relocation of Syrian asylum seekers, a German-led initiative, was not wholeheartedly embraced by the majority of the Union’s leaders, and the transfer of Syrian asylum seekers from Italy and Greece to other member states remained at remarkably low levels. This undermined the European Council’s capacity to effectively execute the internal dimension of its response to the refugee crisis.

The second phase (August 2015–March 2016) encompasses member states' unilateral reactions to the crisis and the European Council's subsequent 'externalization' of EU border management to Turkey, which involved a 'redefinition of migration management beyond the territorial borders of destination states [in the EU]' (Üstübcü, 2019: 1). With the purpose of encouraging other member states to relocate refugees (Niemann & Zaun, 2018), in August 2015 Germany unilaterally declared its temporary suspension of the Dublin Regulation, which affirms that the country of first entry should process asylum claims in the EU. But, the unprecedented number of refugees arriving in Germany did not result in EU-wide responsibility-sharing. Rather, Germany's declaration adversely strengthened unilateralism in the European Council and brought about a 'domino effect' of internal border controls in individual member states (Scipioni, 2018: 1365). In view of these internal constraints, on the one hand, and Turkey's function as a key transit country for the refugees, on the other, the European Council engaged with Ankara for the purpose of reducing irregular migration flows from Turkey to the EU. On 23 September 2015, an informal meeting of the Heads of State or Government underlined the need to 'reinforce the dialogue with Turkey at all levels' (European Council, 2015e). Former European Council President Donald Tusk's letter addressed to the Union's leaders ahead of the European Council summit on 15 October 2015 (Macdonald, 2015) and the conclusions of the October summit (European Council, 2015b: 1) signaled the European Council's readiness to incentivize Turkey in exchange for cooperation on the management of migratory flows.

The European Council held two joint summits with Turkey on 29 November 2015 and 18 March 2016 to determine the scope and conditions of EU–Turkey cooperation and the reward mechanism to be offered to Turkey. The EU–Turkey joint statement issued following the summit on 18 March 2016 framed the final agreement between both parties. It endorsed Turkey's readmission of all irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 and the EU's resettlement of one Syrian from Turkey to the member states for every Syrian returned to Turkey from the member states. Turkey was offered a wide range of incentives, ranging from a total of six billion EUR of financial aid for hosting refugees to the acceleration of Turkey's Visa Liberalization Dialogue and accession negotiations (European Council, 2016a; see also Turhan, 2016). The European Council's joint summits made Turkey 'the only candidate country with which the EU holds bilateral summits'

(Müftüler-Baç, 2016: 100) and fortified Ankara's function as a key partner of the EU in crisis situations by institutionalizing policy externalization and bilateral cooperation in migration matters.

The third phase (April 2016–ongoing) spans from the implementation of the EU–Turkey 'deal', including discussions regarding its sustainability as well as the evolving conflictual dynamics of EU–Turkey cooperation, until the present. The European Council conclusions and statements of key member states largely portray the 'deal' as a success story accentuating the decline in irregular crossings from Turkey to Europe (e.g., European Council, 2016b: 1). However, various studies question its unequivocal impact on refugee arrivals in the EU, referring to other factors like the closing of the Balkan route (Adam, 2017; Walter-Franke, 2018). Return and resettlement numbers related to the 'one in, one out' mechanism have remained remarkably low, which has raised doubts over the Heads of State or Government's commitment to burden sharing. While the disbursement of EU financial aid carries on with some delays, other key components of the reward mechanism (e.g., the acceleration of Turkey's accession process and Visa Liberalization Dialogue, joint summits between the European Council and Turkey, and the upgrading of the Customs Union (CU)) remain to be fulfilled as a result of technical benchmarks or heightened political tensions between the EU and Turkey.

Ankara's periodic unilateral statements indicating the possibility of the suspension of the refugee 'deal' amid political tensions with Brussels or individual member states (e.g., Deutsche Welle, 2017, 2019) have cast doubt on the sustainability of the deal. Turkey's temporary *de facto* withdrawal from the deal in late February 2020 with the opening of its Western borders amidst the emergence of a new humanitarian crisis in the Syrian province of Idlib and the ensuing prospect of a new refugee wave indicates the fragility of the deal and the changing dynamics in EU–Turkey cooperation. In response to Ankara's appeal for a new 'deal', the EU and Turkey agreed in early March 2020 to enter 'a process to take stock of the implementation of the EU-Turkey Statement' (European Commission, 2020: 3–4).

Thus, we observe a paradox: issue-specific interdependence in favor of Turkey accompanied by weak or absent incentives for policy compliance (Turhan & Yıldız, forthcoming) and growing tensions between the EU and Turkey over diverging geopolitical and normative preferences make EU–Turkey cooperation in crisis management both imperative and challenging for the Heads of State or Government. The European Council conclusions of 1 October 2020 also illustrated the perplexing co-existence

of issue-specific interdependencies in favor of Turkey and the growing estrangement between the EU and Turkey. The conclusions framed a ‘dual strategy’ by offering the conditional launch of a positive agenda with Turkey, on the one hand, and by threatening to impose restrictive measures and possible sanctions, on the other (European Council, 2020).

8.5 THE EUROPEAN COUNCIL AS THE ‘AGENDA AND DIRECTION SETTER’ IN EU-TURKEY RELATIONS: COMPETING NARRATIVES ON TURKEY⁵

The conclusions of the European Council over the last four decades frame the Union’s narratives on Turkey, which are ‘legitimizing stories for specific policy actions’ (Ceccorulli & Lucarelli, 2017: 84). These casual stories couple lessons from the past with the future when proposing issue-specific policies (Radaelli, 1999). The European Council’s narratives on Turkey construct specific characterizations and labels of the country at different points in time and under distinct circumstances. They showcase the Union’s leaders’ prevailing perception of Turkey and the present and future of EU-Turkey relations. The way the European Council discursively characterizes Turkey justifies the agendas of member states’ highest political representatives concerning EU-Turkey relations and the policy actions endorsed by the European Council conclusions. Influential narratives are particularly those that are capable of telling a more convincing story than the competing narratives, and which are reiterated on a more regular basis over time (Tonra, 2011). The study of the European Council conclusions from the early 1980s to 2020 reveals both shifts and continuities in the Union’s leaders’ narratives on Turkey. Four (master)narratives—the normative, the accession, the transactional partnership, and the conflict narratives—stand out in view of their repeated iteration by the European Council, their distinct readings of past and present events, and their influence on the direction of the EU-Turkey partnership.

⁵This section partially builds on Wessels (2020).

8.5.1 *The Normative Narrative*

From the early 1980s to the start of Turkey's accession negotiations, the European Council's 'normative narrative' has often remained at the core of the Union's leaders' readings of Turkey and EU–Turkey relations. The normative narrative refers to the liberal democratic values of the Union (Art. 2 TEU and Charter of Fundamental Rights of the EU) as the focal point for the further progression of the EU–Turkey relationship, in general, and Turkey's EU accession process, in particular. Notably, respect for human rights, democracy, rule of law, fundamental freedoms, and independent and efficient judiciary, which are at the crux of the European Council's Copenhagen political criteria and of Chapter 23 of the *acquis*, have recurrently provided the Heads of State or Government with legitimate ground for the improvements and setbacks in EU–Turkey relations. Following its confirmation of Turkey's candidacy, the European Council repeatedly acknowledged in its conclusions from 2000 to 2004 Ankara's progress in complying with the political criteria while also demanding further alignment in various issue areas as a condition for commencing accession negotiations (see Table 8.1). In doing so, it provided Turkey's accession process with further normative impetus for its advancement. Throughout the negotiation phase, the normative content of the European Council conclusions has been largely reduced to concerns over Turkey's commitment to good neighborly relations and international law, while the EU's criticism of a broad range of Turkey's normative failings has rather been left to other institutions like the European Parliament and the European Commission (see also Bürgin, Chapter 9; Kaeding & Schenuit, Chapter 10). More recently, in its June 2019 conclusions the European Council endorsed previous Council conclusions that justified setbacks in the deepening of EU–Turkey relations, including preventing the modernization of the CU, according to Turkey's diminished commitment to good neighborly relations and peaceful settlement of disputes (European Council, 2019a). Key documents of individual member states like the German coalition agreement in 2018 also ruled out any reform of the CU until the situation of rule of law, democracy, and human rights is improved in Turkey (CDU, 2018). Overall, as Turkey's membership prospects started to deteriorate, the European Council's normative narrative was largely replaced by utility-maximizing calculations, according to the interest of the Heads of State or Government 'in the development of

a cooperative and mutually beneficial relationship with Turkey’ (European Council, 2020: para. 15).

8.5.2 *The Accession Narrative*

The ‘accession narrative’ underpins Turkey’s labeling by the European Council as an accession candidate with a functioning and promising accession process. This narrative was high on the agenda of the Heads of State or Government between 1997 and 2006. Throughout this period almost all European Council formulations on Turkey appeared under the section ‘enlargement’ in the summit conclusions and communicated both the positive developments and remaining shortcomings regarding Turkey’s transformation on its path toward accession. Based on the evaluation of past developments and experiences, the EU leaders narrated policy actions about the future direction of Turkey’s accession process. Those ranged from inviting the Commission to prepare ‘proposals for the single financial framework for assistance to Turkey as well as for the Accession Partnership’ (European Council, 2000: para. 17) to demanding ‘full and timely implementation of reforms at all levels of administration and throughout the country’ (European Council, 2004b: para. 27). While the European Council confirmed the launch of Turkey’s accession negotiations in December 2004, the possibility of long transition periods and permanent safeguard clauses led to Turkey’s labeling as a ‘special candidate’. In this context, the December 2004 conclusions confirmed the EU leaders’ openness to alternative forms of partnership outside the accession framework. That the European Council conclusions have increasingly dealt with matters related to Turkey under other sections and that they have not included any precise formulation about Turkey’s accession negotiations since October 2015 suggest the transience of the accession narrative and confirm the European Council’s increasing interest in ‘thinking outside of the accession box’ (Turhan, 2017) in regard to the future design of EU–Turkey relations.

8.5.3 *The Transactional Partnership Narrative*

With the gradual evaporation of the accession narrative, the European Council’s ‘transactional partnership narrative’ has gained importance. The underlying logic of this narrative is its characterization of Turkey

and its relationship with the EU largely independent from the accession process and its accompanying norms-based conditionality through locating an interest-driven, functional partnership in areas of common interest to the center of bilateral affairs. The transactional partnership narrative partly draws on the logic of ‘external differentiated integration’, which refers to forms of cooperation/policy harmonization between the EU and non-member states ranging from ‘narrow, bilateral, static’ to ‘broad, multilateral, dynamic models’ (Gstöhl, 2015: 855; see also Tekin, Chapter 7). Former European Council President Tusk’s labeling of Turkey as a ‘key partner’ of the EU ‘in areas of common interest for EU-Turkey relations such as security, migration and energy’ (Delegation of the EU to Turkey, 2018) indicates the broad spectrum of policy fields concerning this narrative. At the same time, of particular relevance for the transactional partnership narrative has been the vast number of European Council conclusions on EU–Turkey cooperation on the management of the migration influx to Europe. In their October 2009 conclusions, the Heads of State or Government had already welcomed ‘the beginning of the reinforced dialogue on migration with Turkey’ (European Council, 2009: para. 38). However, the exacerbation of the Syrian refugee crisis in 2015 and the resulting EU–Turkey ‘deal’ of March 2016 primarily evoked an interest-driven functional partnership between the EU and Turkey and induced the recurrent use of the transactional partnership narrative by the Heads of State or Government. The March 2016 agreement did not incorporate any normative conditionality that fell back on the EU’s political criteria. On the contrary, it offered Ankara material rewards and an upgrade of its institutional dialogue with the EU outside the accession framework based on frequent joint summits and thematic high level dialogues. These mechanisms mimic the dialogue procedures the EU utilizes in handling its official strategic partnerships that are largely of a transactional and sectoral nature (Turhan, 2017). Following the making of the EU–Turkey ‘deal’, a large number of European Council formulations on Turkey popped up under the heading ‘migration’ in the summit conclusions, underpinning the Union’s leaders’ perception of Turkey as a key partner rather than a promising candidate for accession. During 2016–2017 the European Council reiterated in its conclusions its ‘commitment to the EU-Turkey Statement’ (e.g., European Council, 2016c: para. 1) and repeatedly demanded the ‘implementation of the EU-Turkey Statement in all its aspects’ (e.g., European Council, 2017b: para. 20). The transactional partnership narrative came once again into prominence

in 2020 when in their 1 October 2020 conclusions, the Heads of State or Government endorsed the conditional ‘launch a positive political EU-Turkey agenda with a specific emphasis on the modernisation of the Customs Union and trade facilitation, people to people contacts, High level dialogues, continued cooperation on migration issues’ (European Council, 2020: para. 19).

8.5.4 *The Conflict Narrative*

The conflict narrative primarily draws on Turkey’s portrayal by the European Council as a difficult cooperation partner and a problematic neighbor. Growing disagreements with Ankara over geostrategic priorities and regional threat perceptions as well as Turkey’s strained bilateral dialogue with several member states have lately evoked the emergence of this narrative. The conflict narrative pinpoints the gradual shift of EU-Turkey relations from a primarily cooperative to a progressively uncooperative and conflictual one, thereby generating cautiousness about the reinforcement of the institutional dialogue between the EU and Turkey even for transactional purposes. In recent years, several developments have served as enablers of the conflictual dynamics in the bilateral relationship and promoted the conflict narrative. In view of mounting tensions between the EU/Cyprus and Turkey over drilling activities in the Eastern Mediterranean, in October 2014 the European Council initially expressed its ‘serious concern about the renewed tensions in the Eastern Mediterranean and urged Turkey to show restraint and to respect Cyprus’ sovereignty over its territorial sea’ (European Council, 2014: para. 24). Since 2018 the conflict narrative has increasingly replaced the transactional partnership narrative in the conclusions of the European Council, which have recurrently characterized Turkey as a destabilizing actor and a major source of conflict in the Eastern Mediterranean and Northern Syria. The conclusions reiterated the Union’s leaders’ ‘full solidarity with Cyprus’ (European Council, 2018: para. 12) and underlined ‘the serious immediate negative impact that such illegal actions have across the range of EU-Turkey relations’ (European Council, 2019a: para. 17). They characterized Turkey’s Syria policy as a critical threat to European security (European Council, 2019b: para. 7) and deemed the memorandum signed between Turkey and Libya on Mediterranean maritime sovereignty in November 2019 as incompatible with international law (European Council, 2019c: para. 19). More recently, in their 1 October

2020 conclusions, member states' highest political representatives indicated the possibility of imposing sanctions and restrictive measures in the event of renewed unilateral attempts by Turkey (European Council, 2020: para. 20). Such formulations signal a turn toward a narrative that questions Turkey's credibility as a reliable partner and stabilizing actor in the EU's immediate neighborhood and challenges the further deepening of EU–Turkey relations even on a primarily transactional and sector-specific basis.

8.6 CONCLUSION AND OUTLOOK: A KEY INSTITUTION'S EVER-EVOLVING ROLE IN A CONFLICTUAL PARTNERSHIP

The European Council serves as a key driver of EU–Turkey relations. This chapter has illustrated that the powers of the European Council are derived from the three functions it performs in the ever-evolving EU system.

First, as the master of enlargement, the European Council remained a positive driver of Turkey's EU accession process from the late 1990s to 2005. The interest and influence of the Heads of State or Government in Turkey's EU aspirations were manifested in the far-reaching decisions they took in 1999 and 2004, and the high number of detailed conclusions they formulated on Turkey's accession. Throughout the negotiation phase, the European Council gradually developed from a positive driver to a brakeman in Turkey's accession process as a result of the unilateral vetoes of individual member states, increasing bilateralization of European Council–Turkey relations, and evolving normative conditions in Turkey.

Second, in their capacity as the external voice and crisis manager of the EU, the Heads of State or Government systematized EU–Turkey cooperation in crisis management and placed Turkey at the epicenter of the governance of the refugee crisis with the EU–Turkey Statement in March 2016. The commitment of member states' highest political representatives to a reinforced partnership with Ankara based on an extensive reward package, which even foresaw the acceleration of Turkey's accession negotiations at a time of greater normative uncertainty, was an instance in which the strategic interests of the Heads of State or Government trumped normative concerns. This demoted the normative consistency of the EU's conditionality strategy, placing EU–Turkey relations primarily along a transactional axis outside the accession framework. At the same

time, Turkey's temporary *de facto* withdrawal from the refugee 'deal' put the sustainability of a functional relationship between two parties with increasingly diverging geostrategic and normative preferences into question, turning EU-Turkey cooperation in times of crisis into a growing challenge for the European Council.

Third, over the last four decades, the conclusions of the European Council have framed diverse narratives on Turkey that have shaped the overarching agenda and course of EU-Turkey relations. The disappearance or, at times, coexistence of some (master)narratives since the early 1980s highlights the complexity and layered nature of the Union's leaders' mental maps of a moving target. The findings of this chapter indicate a clear shift from the use of the 'accession narrative' and 'normative narrative' to formulations based on the 'transactional partnership narrative' in the European Council's characterization of Turkey following the launch of the accession negotiations. However, contrary to the Parliament's actions, the Heads of State or Government have refrained from officially closing 'the accession door for Turkey' (see Kaeding & Schenuit, Chapter 10) and remained interested in acting as a central 'stabilizer' of EU-Turkey relations based on their self-interested, utility-maximizing calculations. At the same time, the latest statements of the European Council from 2018, 2019, and 2020 emphasize a turn toward the 'conflict narrative', which portrays Turkey as a dissonant partner and problematic neighbor. The increased use of the conflict narrative by the Union's leaders challenges the reconfiguration of EU-Turkey relations even on a primarily transactional and sector-specific basis.

Growing divergences between the Heads of State or Government and Turkey over geopolitical interests and normative principles suggest a long-lasting role for the European Council as a brakeman in Turkey's accession process. This brings the European Council to an important crossroads in its function as a driver of EU-Turkey relations. On the one hand, the recent turn toward more conflictual and uncooperative relations between the European Council and Turkey makes the search for an innovative partnership model for EU-Turkey relations outside the accession scheme tricky. On the other hand, in view of the ever-evolving political contexts and issue-specific interdependencies between the EU and Turkey, the future trajectory of the bilateral relationship is likely to rest on an institutionalized alternative path. This could force the European Council to develop a strategy for a special partnership and frame a respective narrative based on geopolitical arguments. The findings of this chapter provide

plentiful evidence that with their powers and central functions in the making of the EU–Turkey dialogue, the Heads of State or Government will remain a key driver in the design of an institutionalized alternative path for EU–Turkey relations.

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Ebru Turhan is assistant professor at the Department of Political Science and International Relations, Turkish-German University (TGU), Istanbul. She also serves as a senior research fellow at the Institute for European Politics (IEP) in Berlin. Turhan was the academic coordinator of the Jean Monnet Module ‘INSITER-Inside the Turkey-EU Relations’ (2016–2019), co-financed by the European Commission. Before joining the Turkish-German University in September 2015, she was a Mercator-IPC fellow and post-doctoral researcher at the Istanbul Policy Center (IPC) of the Sabancı University. Her current research interests include EU-Turkey relations, external differentiated integration, EU enlargement policy, German-Turkish relations, and decolonizing and degendering knowledge. Turhan holds an M.A. in Contemporary European Studies from the University of Bath and a Ph.D. in Political Science from the University of Cologne.

Wolfgang Wessels is the director of the Center for Turkey and European Union Studies (CETEUS) and holder of an *ad personam* Jean Monnet Chair

at the University of Cologne, Germany. He is the vice president of the German consortium for the foundation of the Turkish-German University, Istanbul and visiting professor at the College of Europe. He is the chairperson of the Executive Board of the Institute for European Politics (IEP, Berlin) and was chairperson of the Executive Board of the Trans European Policy Studies Association (TEPSA, Brussels) until 2016. He is involved in several EU-funded research and teaching networks on EU-Turkey relations, such as INSITER, VIADUCT, and FEUTURE.

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