

**Europeanization of National Policy in Non-EU  
States: National Adaptation of Environmental Policy  
in the Turkish Republic of Northern Cyprus**

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## ABSTRACT

Europeanization is the transferring of the EU's regulations, rules, structures toward the member or candidate states and non –member states. When the Republic of Cyprus (ROC) joined the European Union, the relationship between Turkish Republic of Northern Cyprus and European Union was affected after 2004. Basically, the EU does not recognize TRNC as a separate state, thus the EU refers to the TRNC as the Turkish Cypriot Community. Turkish Cypriot Community refers the northern side of the island and it is only recognized by Turkey as a republic. According to Protocol 10 of the Accession Treaty of 2003, the EU suspended the *acquis communautaire* in the northern part of island. The ROC represents the entire island in the EU community. On the other hand, the EU provides financial assistance to the Turkish Cypriot Community. This thesis deals with the impact of Europeanization on non-member states and focuses on the case of the TRNC. What are the meanings of Europeanization and its mechanisms? Which mechanisms are suitable for analysis of the case of TRNC? If EU does not recognize the TRNC as a state, how is the TRNC affected by EU's directives without any conditions? Moreover, this thesis is going to focus on environmental policies of EU and its harmonization process on the TRNC's administration. Is the TRNC successful at harmonization of the EU's environmental legislation into its administration? The main purpose is to understand the Europeanization impact on non-member states and TRNC is a case study for this end.

**Keywords:** Europeanization, Non-member States, Environmental Policy, European Union, New Environmental Legislation

## ÖZ

Avrupalılařma, Avrupa Birlięi'nin üye veya üye olmayan ve aday olan ülkelere uygulanan düzenlemeler, kurallar ve yapıların aktarılmasıdır. Kıbrıs Cumhuriyeti Avrupa Birlięi'ne katıldıktan sonar, 2004 yılında Kuzey Kıbrıs Türk Cumhuriyeti ve AB arasındaki iliřki bu durumdan etkilenmiřtir. Temel olarak, AB KKTC'yi ayrı bir devlet olarak tanımamaktadır. Bundan dolayı, AB KKTC'yi Kıbrıs Türk Toplumunu olarak tanımlamaktadır. Kıbrıs Türk toplumu, adanın kuzeyinde yařayan devleti tanımlamaktadır ve sadece Türkiye tarafından devlet olarak tanımlanır. 2003'teki Katılım Antlařması Protokol 10 'a göre, AB'nin yasaları adanın kuzey kısmındaki, Kıbrıs Türk Toplumunu'nda askıya alınmıřtır. Kıbrıs Cumhuriyeti AB'de adanın bütününe temsil etmektedir. Dięer yandan, AB Kıbrıs Türk Toplumunu'na finansal yardım saęlamaktadır. Bu tezde, Avrupalılařmanın üye olmayan ülkeler üzerindeki etkisini ele alır ve KKTC örneęini hedef alır. Avrupalılařmanın anlamı nedir ve mekanizmaları nelerdir? KKTC örneęi için hangi mekanizma uygun görünür? Eęer AB, KKTC'yi devlet olarak tanımıyorsa, nasıl KKTC AB'den etkilenir? Buna ilaveten bu tez AB'nin çevre politikaları ve KKTC yönetiminin AB kurallarına uyum sürecini inceler. KKTC yönetimi AB'nin çevre yasalarını, kendi yönetimiyle uyumluluk içinde olmasında başarılı mıdır? Bu tezde Avrupalılařmanın hem üye olmayan ülkelere hemde KKTC'nin üzerindeki etkisi araştırılarak, çevre konusu bu etkinin yansıtıldıęı alanlardan biri olarak seçilmiřtir.

**Anahtar Kelimeler:** Avrupalılařma, Üye Olmayan Devletler, Çevre Politikası, Avrupa Birlięi ve Yeni Çevre Mevzuatı.

*To my family*

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## **LIST OF ABBREVIATIONS**

|       |   |
|-------|---|
| EU    | European Union  |
| TRNC  | Turkish Republic of Northern Cyprus                   |
| ROC   | Republic of Cyprus                                    |
| EIA   | Environmental Impact Assessment                       |
| EMU   | European Monetary Union                               |
| EPC   | European Political Cooperation                        |
| CFSP  | Common Foreign and Security Policy                    |
| CBC   | Cross-Border Cooperation                              |
| ENP   | European Neighboring Countries                        |
| ENPI  | European Neighboring Partnership Instrument           |
| ECJ   | European Court of Justice                             |
| EC    | European Commission                                   |
| UK    | United Kingdom  |
| CEE   | Central Eastern European                              |
| UNCED | United Nations Conference Environment and Development |
| ECO   | Environmental Citizens' Organizations                 |
| Vas   | Voluntary Agreements                                  |
| METAP | Mediterranean Environmental Assistance Programme      |
| TAIEX | Technical Assistance and Information Exchange         |
| UN    | United Nations  |
| EUPSO | European Union Programme Support Office               |
| UNDP  | United Nations Development Programme                  |
| SEA   | Strategic Environmental Assessment                    |

|       |   |
|-------|---|
| IPC   | Industrial Pollution Control  |
| LCP   | Large Combustion Plant  |
| REACH | Registration, Evaluation, Authorization and Restriction of<br>Chemicals                   |
| EMAS  | Environmental Management System   |
| GMO   | Genetically Modified Organisms  |
| GHG   | Green House Emission  |
| ECHA  | European Chemical Agency  |
| IPPC  | Integrated Pollution Prevention and Control   |
| OMC   | Open Method Cooperation   |
| IRM   | Implementation Review Mechanism   |
| IMPEL | The European Union Network for the Implementation and<br>Enforcement of Environmental Law |
| LIFE  | Funding Programme   |
| EPE   | European Principle for the Environment  |
| SEPA  | Special Environmental Protection Area   |

# Chapter 1

## INTRODUCTION

The issue of Europeanization was a highly disputed topic at the beginning of the 2000s between member states and non-member states. The TRNC has a special position from the EU's point of view. After the Republic of Cyprus was accepted into the EU, the TRNC's current status, and its position in the EU, became a matter of debate. After the 2004 Act of Accession, many changes happened on both sides of the island of Cyprus.

Basically, the special statute of the TRNC can be explained through the perspective of the EU. In other words, the EU does not recognize the TRNC as a state, but refers to it as the "Turkish Cypriot Community". While the TRNC is not recognized by the EU, there are many influences on the TRNC coming from the EU. My main research question is "To what extent is the Europeanization integrated into the TRNC's national environmental policy?" Also, this thesis is going to answer the following questions: how can the impact of the Europeanization process on the domestic environmental policies of the TRNC be examined? Which methods of Europeanization have an influence on the national adaptation of environmental policies of the EU, in the case of the TRNC? Which Europeanization integration and mechanism fits in the case of the TRNC's national environmental policy? Is the TRNC affected by the EU laws and regulations, even though its administration is not recognized by the EU? Is the TRNC successful in producing new laws in accordance

with EU legislation? The aim of these questions is to analyze the impact of Europeanization within the TRNC as a non-EU state. The TRNC makes an effort at harmonizing the EU's environmental legislation under the condition of Protocol 10 of the 2004 Accession Treaty. The Protocol established suspension of EU laws and regulation for the "northern part of the island". This terminology implies that there is no "Turkish Republic of North Cyprus" in the "northern part of the island". In other words, the EU does not recognize that the island is divided between two different states.

Europeanization is a newly discussion concept because some experts believe that the wave of Europeanization started after the enlargement in 2004 and increased due to the impact of neighborhood policies. This thesis slightly differs in terms of the impact of Europeanization, since it bridges the impact of Europeanization on the TRNC's environmental regulations or laws and the TRNC's current condition in terms of the environmental legislation. This is a very broad issue and it is necessary to narrow it down to a specific topic. Environmental issues are the main concept in this thesis because the TRNC has been adopting and transporting environmental rules with regard to the EU environmental regulations. In comparison with the previous environmental legislation of the TRNC between 1997 and 2012, there are some deficiencies in terms of environmental enforcements. The TRNC's administration made some amendments in 2004, but this thesis will point out some legal insufficiencies from 1997 to 2012.

## **1.1 Literature Review**

### **1.1.1 Europeanization**

Europeanization gained momentum at the beginning of the 1990s. It is a very broad term and several authors define it from different perspectives. The Web of Knowledge database demonstrates that the number of articles about Europeanization increased rapidly during the period of 1998 to 1999. In the following years, the number of articles continued to rise (Featherstone & Radaelli, 2003), which is one of the reasons why Europeanization is the main focus of this study. This thesis claims that Europeanization is the transformation of EU laws and regulations in the EU member states or non-member states. Cowles et al. define Europeanization as the “emergence and development of distinct structures of governance at the European level” (Cowles et al, 2001, p. 3). They claim that Europeanization occurs at the European parallel, rather than that Europeanization has an impact on member states and non-member states. Their statement includes the whole definition of the term. This term also denotes on “incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (Ladrech, 1994, p. 3). This process includes politics and economics in the scope of Europeanization. Johan P. Olsen dwells (2004) on five comprehensive explanations about Europeanization. He defines “Europeanization as changes in external territorial boundaries, as the development of institutions of governance at the European level, as central penetration of national and sub-national systems of governance, as exporting forms of political organization and governance that are typical and distinct for Europe beyond the European territory and as a political project aiming at a unified and politically stronger Europe” (Olsen, 2004, pp. 3-4). Claudio M. Radaelli (2003) is



one of the leading authors on the Europeanization subject. He points out that Europeanization works as a process and the “construction, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared benefits and norms which are first defined and consolidated in the EU policy process and then incorporated into the logic of domestic discourse, identities, political structures and public policies” (Featherstone & Radaelli, 2003, p. 30). Another definition is the “possible transfer of EU rules, procedures and paradigms to third countries” (Olsen, 2004, p. 4).

On the other hand, Markus Haverland (2007) has a different point of view. He states that “... almost all early studies on Europeanization have been descriptive and have focused on a single case” (Haverland, 2007, p. 64). Moreover, he claims that the problem is about “case selection”. He has different opinions about the effects of the EU. For example, he believes that EU factors are a basic reason for developments. He added that “with regard to the capital market, an area quite likely to be affected by the EU, given by EMU and Commission and Council activity in this area, no effect of European integration could be found (Verdier and Breen 2001, p. 67). Levi-Faur also provides evidence that in areas where most scholars would probably expect an EU effect, developments are actually driven by other factors” (Haverland, Markus, 2005, p. 67). According to Markus Haverland (2005), the case selection has to extend to different topics, countries and policies. In the case of the TRNC, Europeanization may not be one reason for improving environmental legislation within domestic policy. In this case, the reason could be socio-economic and necessary for people’s lives.

Moreover, he puts forth the significant question why the researchers use Norway and Switzerland as an example of the impact of the EU on non-member states (Haverland, Markus, 2005, p. 8). He also wonders “why the EU should not have an effect in Latin American, African or Southeast Asian countries” (Haverland, Markus, 2005, p. 8). These countries have other influencing factors than impact from the EU. Therefore, this question refers to Markus Haverland’s (2005) concept of “no variation problem”. He offers to use a “cross-sector strategy” for several topics. (Haverland, Markus, 2005, p. 8)

All these explanations reflect the general conceptions of the term. However, this study focuses on Europeanization and its effects on non-member states. Heather Grabbe points to Europeanization’s “impact on applicant countries from Central and Eastern Europe in the context of EU accession process” (Featherstone & Radaelli, 2003, p. 306). These classifications cover the whole explanation of Europeanization. “The application of the concept of Europeanization is thus no longer restricted to political changes in ‘official’ member states of the European Union” (Bauer et al., 2007, p. 406). According to the Europeanization scholars, there is not one statement that the process of Europeanization only applies to member states.

This research investigates the transnational process of EU laws and regulations on the domestic change. According to Table 1, there are three basic categories. The first one is non-member states that have no effects in terms of “compliance”. The other two categories are in “competition” and “communication”. Two classes have “slight changes in long term” with non-member states (Bauer et al., 2007, p. 417). This table illustrates the ‘transnational period’ of EU regulations from member states to other

non-member states. In the case of the TRNC, there is no direct relationship with the EU, but the TRNC benefits from some projects provided by the Aid Programme of the EU. The TRNC and the EU have also agreed on long-term projects, such as water supplies and sanitation changes, solid waste or capacity building in the environmental sector (European Union Infopoint, 2010, p.11). This is a short review of Europeanization. In the following subchapter, this study will focus on the evolution of Europeanization.

Table 1: EU Regulatory Policies and Domestic Institutional Change

|                      | <b>Member states</b>  | <b>Candidate Countries (likely members)</b>         | <b>Other non-members (unlikely members)</b>     |
|----------------------|---|---|---|
| <b>Compliance</b>    | Moderate change (persistence driven)                              | Significant change (conditional driven)             | No effect (persistence driven)                  |
| <b>Competition</b>   | Significant change (performance driven)                           | Moderate change in medium term (Performance driven) | Slight change in long term (performance driven) |
| <b>Communication</b> | Moderate to significant change in medium term (legitimacy driven) | Moderate change in medium term (legitimacy driven)  | Slight change in long term (legitimacy driven)  |

Sources: (Bauer, Christoph, & Pitschel, 2007)

## 1.2 Evolution of Europeanization

There is no exact date for the beginning of Europeanization. In other words, the literature has different time periods for the coinage of the term. However, this study argues that the evolution of Europeanization became a substantial concept from the mid-1990s (Cini, 2007, p. 408). The first enlargement started in 1973 and it continued until 2007.

First of all, the significance of this Europeanization process is the Copenhagen Declaration of 1993. The Copenhagen Declaration is known as a ‘pre-accession strategy’ at the Essen European Council in December 1993. (Grabbe, *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe*, 2006, p. 11). The most important clause of the Copenhagen Declaration is “having democracy, the rule of law, respect for human rights and the protection of minorities.” (Cini, 2007, p. 426) These steps address the criteria for an EU membership. Also, twelve member states agreed on the Copenhagen Criteria: Belgium, France, Germany, Italy, Luxembourg, the Netherlands, Denmark, Ireland, the United Kingdom, Greece, Spain and Portugal. (Cini, 2007, p. 425) This declaration is a set of requirements or principles that every candidate state must apply in order to become an official member state. The significance of this declaration for Europeanization is that it was the first written document that emphasized “European Integrity”. Mehmet Bardakçı (2007) made a comparison with other agreements before the approval of Copenhagen Criteria. He stated that “they were loosely defined and informal. At the Copenhagen Summit, they were in written form and relatively more institutionalized.” (Bardakçı, 2007, p. 15)

1. > - 1450: The period of European self-realization
2. 1450 –1700: The period of Proto-Europeanization
3. 1700 – 1919: The period of Incipit Europeanization
4. 1919 >: The period of Contemporary (inward) Europeanization
5. 1945 > The period of Contemporary (outward) Europeanization and EU-ization

Sources: (Flockhart, 2007, p. 19)

Figure 1: Stages of Europeanization

Generally, Europeanization appears as an effect or impact of the EU rules and regulations on nations. This “European Integrity” broadens with the addition of every new member state. The European integration occurred with the increase of “European Integrity”. Therefore, the process of Europeanization started at the beginning of the 1990s and reached its peak in the middle of the 1990s. At that time, in 1997, the EU made a proposal to 12 countries to become a candidate state. Twelve member states agreed on the Copenhagen Criteria, and then the number of candidate states increased steadily. In other words, the impact of Europeanization was spreading geographically. From 1995 to 2004, there were ongoing accession negotiations with ten candidate states. In 1998, the EU opened negotiations with Cyprus, Poland, Estonia, Hungary, Czech Republic and Slovenia. (Grabbe 2006, p.xvi) In that year, the EU and Cyprus accession negotiations commenced, and they continued in the following years until the Republic of Cyprus (ROC) became an official member state of the EU in 2004. Two significant changes occurred at the beginning of the 2000s. The first one is known as a “Big Bang” enlargement in the EU. In 2002, these accession negotiations with the EU were completed, and then ten new member states joined the EU (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia) (Europa, 2007).

The Europeanization impacts grew rapidly from 1995 to 2004. According to Michelle Cini (2007), “there was a particularly strong link between the 2004 enlargement and Europeanization because the negotiations were largely about the rule transfer.” (Cini, 2007, p. 416) The Copenhagen Declaration is not the only event that triggered the acceptance of these countries as official member states of the EU. Kevin Featherstone and Claudio M. Radaelli (2003) claim that the establishment of

the European Political Cooperation (EPC) and the improvement of the Common Foreign and Security Policy (CFSP) gained important momentum for the evolution of Europeanization (Featherstone & Radaelli, 2003, p. 10). In addition, the single currency is another considerable improvement, established in 1999. In the same year, another significant change in the EU gave Turkey and other applicant states the statute of candidate countries. Therefore, the European integration has direct connections to the evolution of Europeanization.

Lastly, the evolution of Europeanization started with the establishment of Copenhagen criteria and this was the first political and written action within the EU for the membership status. This declaration created 'European Integrity' and expanded 'European integration'. This thesis argues that the 'Evolution of Europeanization' has a great impact on candidate and member states because it accelerates the negotiation process and provides legal position (*acquis communautaire*) for candidate and member states. In the following part, this dissertation will explain the mechanism of Europeanization for understanding the process of Europeanization.

### **1.3 Mechanism of Europeanization**

The mechanism of Europeanization has several subtitles which explain Europeanization based on implementation of non-member states. The mechanisms emerged with regard to the responses of member and candidate states. In other words, each country has different responses to the European integration process.

Table 2: Governance, Policy and the Mechanism of Europeanization

| <b>Mode of Governance</b> | <b>Type of Policy</b> | <b>Analytical Core</b>                           | <b>Main Mechanism</b>  |
|---------------------------|-----------------------|--|------------------------|
| Negotiation               | Any of those below    | Formation of EU policy                           | Vertical (uploading)   |
| Hierarchy                 | Positive integration  | Market-correcting rules, EU policy templates     | Vertical (downloading) |
| Hierarchy                 | Negative integration  | Market-making rules, absence of policy templates | Horizontal             |
| Facilitated coordination  | Coordination          | Soft law, OMC, policy change                     | Horizontal             |

Source: (Bulmer & Radaelli, 2004, p. 8)

### **1.3.1 Horizontal Mechanism**

The horizontal mechanism is known as an indirect effect of EU norms on the member, candidate and non-member states. These three types of states can take the EU regulations or legislations as an example for their domestic policies. There is no obligation to harmonize the EU rules and it also depends on the state's preferences. According to Claudio M. Radaelli (2003), "horizontal mechanism looks at Europeanization as a process where there is no pressure to conform to the EU policy models." (Featherstone & Radaelli, 2003, p. 41) This statement argues that there is no obligation to adopt the policies of the EU. Therefore, it is known as an indirect effect of the EU policies. In other words, we can define it as a soft law. The horizontal mechanism lacks authors to apply sanctions. In this study, this mechanism is not the appropriate way to understand the process of Europeanization for the TRNC which is not a member state nor does it have any obligation to comply to EU policies. There are two important factors in the horizontal mechanism. The first one is that market action, which is the opposite of market-making, can change or initiate the shape of the horizontal mechanism. In addition to market shaping, society is another important variance for horizontal mechanism. (Featherstone & Radaelli,

2003, pp. 41-42) Market action and society are two important factors in the horizontal mechanism. The case of water reform is one example of the horizontal mechanism, particularly the factor of market-shaping. This case is known as the “Italian parliament Act 36/1994, which intended to radically re-regulate the provision of water services in the country.” (Asquer, 2009, p. 3) The Italian government would like to make a profit out of the water firms. On the other hand, the EU policies about the environmental issues are a little different than the Italian administration. “EU water policies typically address issues of environmental protection, drinkable water, sewage and wastewater treatment standards, and water management, rather than the *economic* regulation of the provision of water services.” (Asquer, 2009, p. 4) Later, the Italian government considered water firms to improve their profit from water. Therefore, they implemented the Act 36/1994. One of the factors in the horizontal mechanism is market actions because the necessity of this act came from the market demands. This act may not exist in the EU policies but that does not mean that Italy’s position is not fit in the member state status. Russia, Moldova and Ukraine are other examples of states for “the cross-border cooperation (CBC)”. (Boman, 2007, pp. 1-2) The CBC policy is provided by the EU toward the European neighboring countries (ENP) and Partnership Instrument (ENPI) ([ec.europa.eu](http://ec.europa.eu) is the official website of the European Commission and part of Europa, 2007). CBC is not an obligation for those states. For this reason, the CBC policy is a soft law. Russia, Moldova and Ukraine are implementing this policy, even though it is not under their responsibilities. Belarus, Moldova, Russia and Ukraine increased their budgets from 1996 until 2003 with the CBC Small Projects Fund. (Boman, 2007, p. 2) According to Julia Boman (2007), these countries do not fit in the vertical mechanism which has adaptation pressure. The TRNC is not required to adopt the new environmental legislation of the



EU, but the market shaping factor plays a role and society demands more changes to protect the environment with effective environmental laws. Table 3 illustrates the rise of these funds between non-member states.

Table 3: The Number of Submitted Applications and Projects Implemented under TACIS-CBC Small Projects Fund in 1996-2004

| Budget Year*  | Amount in EUR millions | Belarus |      | Moldova |      | Russia |      | Ukraine |      |
|---------------|------------------------|---------|------|---------|------|--------|------|---------|------|
|               |                        | APL     | PROJ | APL     | PROJ | APL    | PROJ | APL     | PROJ |
| <b>1996</b>   | 3                      | 10      | 0    | 0       | 0    | 76     | 15   | 5       | 1    |
| <b>1997</b>   | 6                      | 10      | 3    | 3       | 2    | 110    | 22   | 10      | 3    |
| <b>1998</b>   | 4,5                    | 5       | 1    | 4       | 0    | 92     | 18   | 20      | 6    |
| <b>1999</b>   | 3,5                    | 5       | 2    | 12      | 2    | 67     | 12   | 16      | 2    |
| <b>2000/1</b> | 8,4                    | 11      | 5    | 21      | 6    | 90     | 27   | 22      | 4    |
| <b>2002</b>   | 6,7                    | 4       | 1    | 20      | 6    | 79     | 20   | 18      | 6    |
| <b>2003</b>   | 9,2                    | 3       | 2    | 25      | 8    | 91     | 22   | 41      | 3    |

\*Budget year means the area of funding for these projects. The actual project completion time occurs one or two years later; e.g. in case of the 2003 funding, the deadline for applications was April 2004.

Source: (Boman, 2007, p. 6)

### 1.3.2 Vertical Mechanism

The vertical mechanism is the opposite of the horizontal mechanism. The vertical mechanism has a direct impact on the member states' national policies. In this mechanism, there is a hard law and member states are under "adaptation pressure". (Featherstone & Radaelli, 2003, p. 41) Moreover, there is a mutual recognition between member states, imposed by the European Court of Justice. (Featherstone & Radaelli, 2003, p. 41) According to Claudio M. Radaelli (2003), "the vertical mechanism seems to demonstrate clearly the EU level (where policy is defined) and the domestic level, where policy has to be metabolized." (Featherstone & Radaelli, 2003, p. 41) Directives, decisions and regulations are defined and these are

obligatory for all member states. Moreover, there is a specific type of policy for member states and a given time for member states to obey exactly the same policy in a given period of time. The EU provides a specific model for member states, which they are obliged to apply.

The EC directives, ECJ decisions, and EC competition decisions are included in the vertical mechanism that states cannot deny to implement. Examples are the decisions of ECJ based on the two cases, *Giuseppe Sacchi* [1974] ECR 409 and *Case 52/79 Procureur du Roi v Marc J.V.C. Debaue and others* [1980] ECR 833 about the media industry. In the *Giuseppe Sacchi* case [1974] ECR 409, “ECJ ruled in the absence of express provision to the contrary in the treaty, a television signal must, by a reason of its nature, be regarded a provision of services.” This statement was a response to the Italian Tribunal Court of Biella (Featherstone & Radaelli, 2003, p. 182). Then, the Court maintained another statement in the case of *Debaue 52/79 Procureur du Roi v Marc J.V.C. Debaue and others* [1980] ECR 833. It stated that “any discrimination by a member state against a broadcasting signal due to national origin is illegal.” (Featherstone & Radaelli, 2003, p. 182) On the other hand, the Belgian legal system prohibited “the transmission of commercial advertising.” These two cases opened the legitimate way for the EU media policies. The Belgian Court failed to comply with Articles 52, 59, 60 and 221 of the EEC Treaty. One of the reasons was the prohibition of transmitting commercial advertising. Then, ECJ intervened in the Belgian court system and demanded a change. This intervention indicates the direct impact of ECJ decisions or directives on the national policies. Later, Greece implemented New Media Law No. 1866/1989, and the UK applied the Broadcasting Act in their National Court. (Featherstone & Radaelli, 2003, p. 185)

Therefore, Europeanization has a direct and immediate domestic impact on the national policies of member states. According to these explanations and examples, there is a mutual recognition between member states and the EU. For this reason, member states will start with a “regulatory competition” that decides which member state will adopt a new policy at a certain point in time. Germany is an example of this regulatory competition in terms of the climate change policy, since it largely reduced its CO2 emissions (by 20 percent). Later, Greece, Ireland, Portugal, Spain and Sweden made another reduction to reach the target of the EU. Each member state has a given period and a specific policy that they have to follow. (Hatch, 2007, p. 11) In the vertical mechanism, uploading and downloading are two terms that explain the Europeanization policy process between member states and the EU. (Bulmer & Radaelli, 2004, pp. 3,5,7) Figure 2 illustrates this downloading and uploading process between the EU and its member states. Also, this table shows three responses of the Europeanization process.

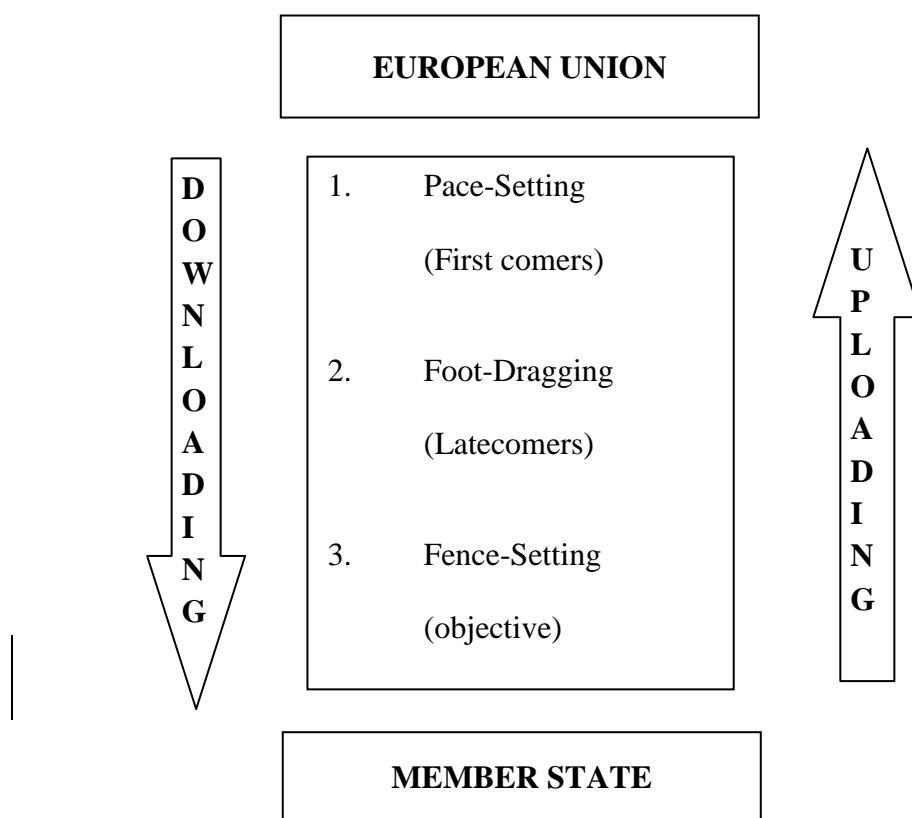


Figure 2: Member States' Responses to the Europeanization Process  
According to Michelle Cini's (2007) definition, "member states have an incentive to 'upload' their policies to the European level to minimize the costs of 'downloading' them to the domestic level." (Cini, 2007, p. 411) Two of these policies work together and there are different factors that prevent this process. Within this uploading and downloading process, there are three types of responses. The first one is 'pace-setting' (first comers), which means that the behavior of member states is taken as a sample by other member states. For instance, Germany, the Netherlands and Denmark "have strong incentive" to adjust their requests. (Börzel, 2002, p. 197) Secondly, the 'foot-dragging' is totally different from pace-setting. We can consider this category as "latecomers" instead of first comers. For example, four countries are latecomers according to the environmental rule: these are Portugal, Italy/Ireland, Greece and Spain (PIGS). (Börzel, 2002, p. 203) The latecomers are not required to adopt the regulations of the EU policies. Moreover, they delay adaptation procedures or even block them. Tanja A. Börzel (2002) states that "latecomers are policy takers rather than policy makers." (Börzel, 2002, p. 205) This statement points out that those countries are opposed to the EU standards. For example, Spain and Ireland did not accept "the extension for qualified majority voting" about environmental issues. Then, these two countries accepted it after all, because they got a "Cohesion Fund" for the adaptation of the EU environmental legislations. Thirdly, the 'fence-sitting' is done by neutral states. These types of states neither receive any encouragement to upload the EU rules or laws, nor have the ability to take any action. Basically, they are in a position between first comers and latecomers, like Britain with its action for the issue of implementing the Urban Waste Water Treatment Directive. Britain

accepted to implement this directive but later requested to postpone it. (Börzel, 2002, pp. 207-208) Tanja A. Börzel (2002) figures that the uploading and downloading can be considered a “bottom-up” and “top-down” dimensions. (Börzel, 2002, p. 193) For example, the Single European Act is ratified by all national governments and this is an example of a bottom-up process. On the other hand, Denmark and Finland have a great effect on the EU policy-making with the establishment of the Committees of European Affairs. (Cini, 2007, p. 413) Actually, the two-way interaction is not an easy process for both sides. The reason is that Europe is a changeable union, and member states’ preferences, decisions and especially their interests are not stable, so negotiations and open-method cooperation are useful alternatives between the EU and its member states. (Mendez et al, 2003, p. 5) In addition, each member state has a different response to the EU policies, such as Germany’s reduction of the CO<sub>2</sub>. Greece, Ireland, Portugal, Spain and Sweden did not reduce their emission like Germany “because a planned phase-out of nuclear power asserted their right to increase domestic CO<sub>2</sub> emissions.” (Hatch, 2007, p. 11) In other words, interest can change the shape of EU policies or effect the other member states’ decisions. Furthermore, each member state has a different importance in the two ways of interaction for the Europeanization process. All those national governments come together and ratify any treaty in the EU, such as the Single European Act, made by acceptance of a large amount of member states. This explains their significance within the process. (Cini, 2007, p. 413)

### **1.3.3 Positive Integration**

Positive integration means that the EU manages specific rules or policies for member states and each member state has to adopt these policies. Therefore, there is an obligatory factor within this integration. According to Michelle Cini (2007),

“positive integration, through market-shaping measures, occurs when the EU prescribes a specific institutional model or policy template that the member states have to adopt.” (Cini, 2007, p. 409) In other words, there is a well-defined rule or policy by the EU, and its member states obey this rule. Therefore, member states share the market. There is no competition among member states, and member states are not creating new rules. They share the rule which was established by the EU. In addition to this definition, market-shaping measures include “adaptation pressure” between member states and the EU. For example, “environmental policy, consumer production or health and safety” issues are included in positive integration. (Cini, 2007, p. 409) In this integration, the EU has to follow the adaptation process because the policy has to be obeyed accurately by the member states. In this thesis, the TRNC case is not compatible with this integration, because it is not a member or candidate state and it does not have any responsibility to adopt the EU policies within its national legislation.

This integration is not only compulsory for member states, but candidate states also have to follow this procedure with regard to the specific EU policy. Moreover, member states have to implement these policies and put them into “practice effectively”. (Bulmer & Radaelli, 2004, p. 6) However, every state has different reactions to every policy. There is a rule that, if any member state prefers to stay away from joining the EMU, they have to “make their national banks independent” in the EU. In the case of France, the *Banque de France* is not fully independent and is controlled by the French government. In other words, the EU was a weak player to put pressure on the French national government. On the other hand, the German central bank (*Bundesbank*) was turned into an independent bank by the state. (Cini,

2007, p. 409) These two cases can be defined as “misfit” and “fit” under the “goodness of fit” categorization. To achieve the “fit” policy, the vertical mechanism is more useful than the horizontal mechanism. Therefore, sometimes it takes time to implement and find the middle point between a member state and the EU. For instance, the UK (case of telecommunication) is one of the efficient examples for the definition of “goodness of fit”. The UK administration had to adapt new changes for telecommunication to comply with the EU policies. Therefore, the government preferred to implement the new policy, since they did not want to provoke hard pressure from the EU and face more difficult problems. Instead of facing difficulties and adaptation pressure, sometimes member states accept the legislation system of the EU instead. (Bulmer & Radaelli, 2004, pp. 9-10) In other words, member states and the EU agree, thus avoiding problematic situations. Moreover, this increases the spread of the Europeanization process. (Bulmer & Radaelli, 2004, pp. 10-11)

#### **1.3.4 Negative Integration**

Negative integration is different from positive integration. There is an indirect effect of the EU. Negative integration means removing the trade barriers between countries. The basic purpose is “to create a common policy”. (Bulmer & Radaelli, 2004, p. 6) For this reason, “market-making” integration is important in the negative integration. (Bulmer & Radaelli, 2004, p. 6) The states compete among each other, because there are no specific rules defined by the EU. Therefore, there is competition about which state will participate in the market. “Goodness of fit” is not required and “policy template” does not exist. (Bulmer & Radaelli, 2004, p. 7) In contrast, the importance is that the states choose the most ‘acceptable policy’ of the EU. As I mentioned with regard to the vertical mechanism, this integration also includes “regulatory competition”. The reason is that the market is the basic concern, which creates

competition among member states. In addition, this integration creates an opportunity for cooperation and negotiation processes. This competition among member states provides effective and efficient results within the national laws, which increases the process of Europeanization.

The most suitable example for the negative integration is Single Market. (Grabbe, *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe*, 2006, p. 184). The Single Market policy works to “remove trade barriers” among member states. Removing trade barriers among member states was not an easy job for the EU and its member states, but the “mutual recognition of national laws” was used. (Cini, 2007, p. 409) The Single Market system does not need huge resources or difficult legislation procedures. According to Heather Grabbe (2006), “[n]one of the countries had major countervailing pressures politically; as this part of the *acquis communautaire* did not conflict with strong domestic interests. Trade unions were not generally opposed to EU workers being free to compete in CEE labour markets...” (Grabbe 2006, p. 131) She adds that Bulgaria, Poland and Hungary would like to start a negotiation process for the EU’s free movement of workers policy. According to Claudio M. Radaelli (2004), the negative integration means removing trade barriers, which is exactly what the Single Market theory does. In other words, the removal of quotas and tariffs is helpful for economic integration in the trade. If state A is not ready for this kind of competition and state B is more applicable to compete, that means B will adopt the Single Market system before state A. We only consider the economic position of states and the outcomes of this competition.



### **1.3.5 Framing Integration (Facilitated Coordination)**

Framing integration refers to the significance of national legislation. The national governments are the main actors in this integration. (Cini, 2007, p. 409) We may think that the EU provides rules and regulations to the member states, but national governments are the only active and effective players to adopt these policies. Mostly, this kind of integration is used by candidate states, such as “voluntarily signed ‘Joint Assessment Papers’ with the Commission that will guide their labour market policies”. (Grabbe, 2002, p. 9) This action is taken by CEE countries which do are not obliged to sign the papers but would like to know actions they can undertake as member states.

The Open Method of Coordination (OMC) is a newly founded decision concept within the EU (Bulmer & Radaelli, 2004, p. 7). The OMC plan emerged in the Lisbon Strategy (2000). (Europa, 2007) The Lisbon Strategy was concerned with the economic improvements, social developments and “knowledge – based economy in the world”. (Idema & Kelemen, 2006, p. 111) Hence, the OMC was established to maintain several strategy plans among member states. The OMC is intergovernmental because the coordination happens among member states. Also, the facilitated coordination has a significant position. The OMC is organized among members state and facilitated coordination is part of intergovernmental integration. Therefore, the OMC has positive proportions within the framing integration. Table 4 illustrates these three types of integration models. Learning is included in the framing integration because the learning process takes place when the EU does not offer policies and ideas considered among member states.

Table 4: Europeanization and Policy Illustration

| <b>Type of Policy</b> | <b>Illustrative Policy Areas</b>  | <b>'Default' Explanation of Euro-Peanization</b> |
|-----------------------|---|--|
| Positive Integration  | Environment, Social Policy, EMU, CAP  | Goodness of fit                                  |
| Negative Integration  | Internal market in goods and services, utilities sectors (e.g. telecommunications, electricity), corporate governance | Regulatory competition                           |
| Coordination          | CFSP, third pillar, OMC policies (e.g. employment, social inclusion, pensions, enterprise policy, asylum policy)      | Learning   |

Source: (Bulmer & Radaelli, 2004, p. 8)

I would like to mention the significant article by R. Daniel Kelemen (2006) about the OMC because he has invaluable views that are helpful for a comparison of the affect of the new governance method. He has different points of view about the OMC. He insists that the OMC comprises to the “European Employment Strategy (EES) and Social Inclusion process”. (Idema & Kelemen, 2006, p. 110) Furthermore, he stresses the impact of the OMC within the member states. For example, the EES and Social Inclusion did not create any impact within Germany’s national policy and were therefore not effective. The author claims that there are three conditions for creating an effective impact in the domestic policy by means of the OMC. According to R. D. Kelemen (2006), “the OMC is used in areas where it is in harmony with domestic policy priorities (employment), but practically ignored in areas where it conflicts with these priorities (social inclusion).” (Idema & Kelemen, 2006, p. 110) I would like to use the example of Germany and the Netherlands to explain the EES and Social Inclusion. For instance, “the Netherlands kept using its own indicators in its National Action Plan instead of the commonly agreed indicators.” (Idema & Kelemen, 2006, p. 112) One of these three conditions points out the importance of “transgressions”. Therefore, the Netherlands are disfiguring the information and do

not provide accurate information. “Joint Report” is prepared for reducing distortions knowledge (Idema & Kelemen, 2006, p. 112) Idema and Kelemen claim that “Germany’s high unemployment rate has a much stronger impact on Germany than it has on any other Member State ...” (Idema & Kelemen, 2006, p. 113) Hence, the European Court of Justice implements a rule on the member states. However, the Commission is averse of this situation, since member states can come together to take action against the Commission. When the Commission shames any member state, the other member states will support the same idea in the Commission of the OMC. Therefore, the Commission has minimal involvement with the cases of the OMC.

The outcomes of the Europeanization process vary in different perspectives. According to Kevin Featherstone and Claudio M. Radaelli (2003), there are three outcomes of the domestic change reaction of Europeanization. According to Table 5, domestic changes are divided in three sections. The first one is absorption, which means that there is a little EU adaptation form from EU level. Member states consider the policy or put it in their programs, but they do not exactly adopt it, as “domestic change is low”. (Featherstone & Radaelli, 2003, p. 70) The second one is accommodation, which means that “member states accommodate Europeanization pressures by adapting existing processes, policies, and institutions without changing their essential features and the underlying collective understandings attached to them.” (Featherstone & Radaelli, 2003, p. 70) The third one is transformation. This signifies that “member states replace existing policies, processes, and institutions by new, substantially different ones, or alter existing ones to the extent that their essential features and/or the underlying collective understandings are fundamentally

changed.” (Featherstone & Radaelli, 2003, p. 70) The significant changes occur in this domestic change. In addition to these three responses, Michelle Cini (2007) added “inertia” which means there is a “misfit”. (Cini, 2007, p. 410) In other words, there is no change within the national governments. For negative and positive integration, the EU plays a leading role, but states adopt rules or create competition.

Table 5: The Different Degrees of Domestic Change

|                                | <b>High Adaptation Pressure</b>                           | <b>Medium Adaptation Pressure</b>                   | <b>Low Adaptation Pressure</b>        |
|--------------------------------|---|---|---------------------------------------|
| <b>Facilitating factors</b>    | RI: Transformation<br>SI: Inertia (unless external shock) | RI: Transformation<br>SI: Gradual transformation    | RI: Transformation<br>S:Accommodation |
| <b>No Facilitating factors</b> | RI: Accommodation<br>SI: Inertia                          | RI:Accommodation / absorption<br>SI: Accommodation/ | RI: Inertia<br>SI: Absorption         |

Source: (Featherstone & Radaelli, 2003, p. 71)

Actually the concern is why European rules and regulations effect or have an impact on non-member states. Why are some of the non-member states ratifying the EU legislation into their national government, even though it is not obligatory? Why is the TRNC ratifying the EU’s environmental legislation into their administration?

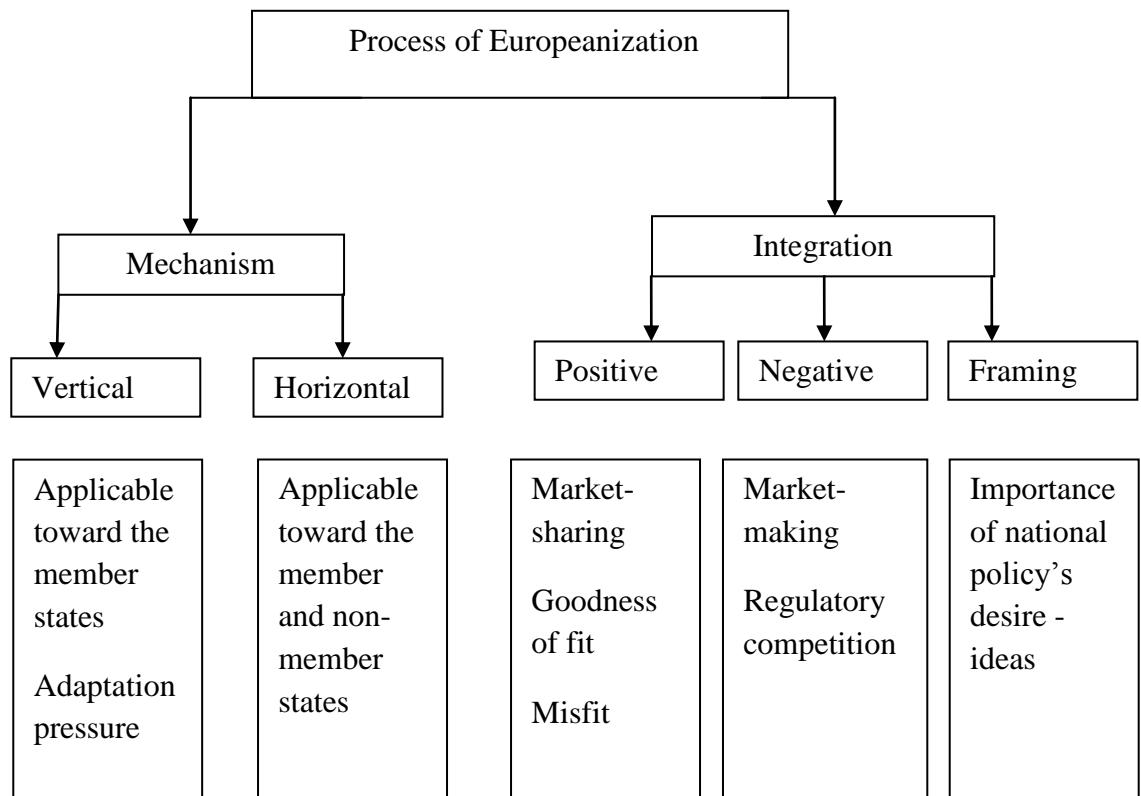


Figure 3: Europeanization Method

#### 1.4 Implementation of Europeanization Mechanisms in Non-Member States

Every state has different reactions to the process of Europeanization. This process is not simple because each state can face different sanctions or pressure for implementation procedures. The cooperation between Ukraine and the EU in terms of energy policies is an example of this process. First of all, Ukraine is a not candidate or a member state of the EU. This thesis argues that the TRNC and Ukraine have similarities in terms of status with regard to the EU. The relationship between Ukraine and the European Neighbourhood Policy (ENP) is working so this policy explains us their connection on the European level. Moreover, there should be logical reasons for a Europeanized energy policy in Ukraine. According to Michal Natorski (2007), there are two reasons and there are “incentives” which are given by the EU to Ukraine for energy, such as gaining access to the EU market or financial

assistance. According to the two basic mechanisms of Europeanization, the integration of Ukraine is a horizontal mechanism where there is no adaptation pressure for a Europeanized energy policy. Furthermore, the EU used the soft law model for Ukraine, which is not legally enforceable and makes the state more independent to apply policies. I think these incentives are included in the soft law model. However, the horizontal mechanism may need cooperation which is known as an Open Method Cooperation (OMC). The EU and Ukraine are using this open method cooperation in this case. Ukraine and EU relations have a long history concerning the energy policy. This dissertation aims to figure out how Ukraine's energy policy is influenced by the EU and what the outcomes of this kind of cooperation are. In the beginning, Ukraine did not have a clearly defined program for energy policy. Several governments tried to put it under control but could not achieve this. This is the reason for the EU's interference in the Ukraine energy sector. In other words, "the European Commission presented a work programme aimed at the verification of the degree Ukrainian legislation's compliance with EU Directives and proposed to develop a calendar for introducing the necessary changes." (Grabbe, 2006, p. 110)

This way, Ukraine gained an "observer status" (Grabbe, *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe*, 2006) in the Energy Community Treaty. Moreover, the Ukrainian government gained momentum to increase its position in this energy sector. They adopted the "Energy Strategy of Ukraine for the Period until 2030" in 2006. This was the first effective action taken by the EU and it also enhanced the "Action Plan". Furthermore, with the effective supply of the EU, Ukraine improved its position and gained a valuable

voice in the EU's energy market. Lastly, the EU had a great impact on Ukraine's energy policy and the Europeanization of a Ukrainian sector was achieved. (Grabbe, 2006, p. 176) Another impact of negative integration between Ukraine and EU is the free movement of persons. In other words, the implementation of visa exception made it easy to crossing the border between Ukraine and Poland. Moreover, Bulgaria provided a "visa-free regime" for Ukraine. (Grabbe, 2006, p. 113)

There is a negative integration model between Ukraine and the EU because there is no adaptation pressure on the national government of Ukraine. When the Ukrainian energy policy is considered, we can understand the impact of the EU on a non-member state. Ukraine is not the only example. The EU has a distant impact even if a state is not included in the European states. Another example is Switzerland's adaptation to the EU's migration policy. Even though Switzerland rejected an EU membership, it used the EU's migration policy. After Switzerland had rejected to take part in the European Economic Area, they decided that they have to integrate with the EU in order to reduce "discrimination against Swiss economy". (Fischer et al., 2002, p. 143) Therefore, they agreed to start "bilateral talks" between the Swiss government and the EU. Moreover, the free movement of persons is crucial for the EEA. The EU initiated the idea of free movement of persons. On the other hand, free movement of persons is one of the most important issues for the Swiss government. They would truly like to stay away from this migration policy because they think that foreign workers are a threat to their government. Later, the "bilateral talks" suggested free movement of workers between EU and Swiss administration, so they renegotiated this issue and agreed on the free movement of workers. (Fischer et al., 2002, p. 151) In this case, Switzerland used the horizontal mechanism and a softer

term for the adaptation of European norms. These two cases demonstrate how Europeanization can occur in non-member states. The difference between the Ukrainian case and the Swiss migration policy is that the EU provided incentives to the Ukraine, but did not implement pressure or any sanctions when the state did not adopt the EU norms. The impact of Europeanization on the TRNC is similar with these cases. In the following part, this thesis will clarify the case of the TRNC with the appropriate mechanisms of Europeanization.

## **1.5 TRNC Case Study in the Mechanism of Europeanization**

### **1.5.1 Horizontal and Framing Integration**

First of all, I would like to stress that the TRNC is an exceptional case. There is no other state that is similar to the TRNC with regard to the EU. In fact, the TRNC is defined as a non-member state in this thesis, but it is difficult to set a clear definition for the situation of the TRNC. In fact, the TRNC is defined as a “Turkish Cypriot community” by the European Commission (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). The EU does not recognize the TRNC as a separate state from the Republic of Cyprus (ROC). For this reason, the TRNC case is interesting and the position of the TRNC is unlike Ukraine or Switzerland. According to Kivanç Ulusoy (2008), “Europeanization is a critical concept in understanding the changing dynamics in Northern Cyprus and the new political, economic, and legal dimensions of the problem.” (Ulusoy, 2009, p. 401) Moreover, “this process compels both the Republic of Cyprus, becoming an EU member representing the island as a whole, and the TRNC, which still has not been recognized but whose actual existence can no longer be rejected in the framework of the EU...” (Ulusoy, 2009, p. 401) He defines the TRNC clearly with these



statements. Furthermore, the EU made a clear classification within the Accession Treaty of the ROC in 2003. According to this treaty, “in the northern part of the island, in the areas in which the Government of Cyprus does not exercise effective control, EU legislation is suspended in line with Protocol 10 of the Accession Treaty 2003” (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). The TRNC is not in an area of the EU legislation but it is affected by the membership of the ROC in EU and some of the social processes are made for the adaptation to the EU norms. For these reasons, Europeanization is playing an active role even in the northern part of island. If the TRNC was a member or candidate state, the mechanism of Europeanization would be vertical. However, the TRNC is not a member state of the EU so this document applied the horizontal mechanism for the TRNC. The reason is that the horizontal mechanism does not have any adaptation pressure or time limitation for implementation of EU norms or rules. The TRNC is not obliged to implement the EU’s environmental norms because the TRNC is not a member or a candidate state. The horizontal mechanism depends on the market preferences or choices so this market preference can be explained through negative integration. However, negative integration is not applicable to the TRNC and the EU relations. Another kind of integration is known as a framing integration, which is the most suitable for the TRNC. For instance, the EU does not play an active role in the administrative system of the TRNC, but EU norms or regulations have become the main sources for environmental legislation. There is little EU impact in the framing integration and the TRNC does not depend on the EU legally, but it has an EU Coordination Office, an EU Information Office and an EU Support Office. Hence, their relationship can be expressed in terms of framing integration. In other words, there is ‘little EU impact’ in the TRNC.

Nevertheless, this research points out that ‘little EU impact’ does not refer to an inactive role. The EU is playing an active and effective role in the social process, such as through the “Aid Regulation Programme” (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). This program is provided to the Turkish community by the EU and includes many aspects, such as the environment, education, social life etc. Moreover, the EU Information Office has different kinds of education programs about the EU’s system of functioning. Therefore, these education projects prepare and educate society about Europeanization. Another active and effective type of impact of the EU on the TRNC was the ratification of the environment policy on 15 February 2006 (Erçin E. i., 2012). This ratification of environment policies was reviewed in accordance with EU norms, and the TRNC administration made it more Europeanized in 2006. These examples are soft laws and they are not ‘legally enforceable’. For instance, the new environment rules include “sustainability of environment”, which is taken from EU rules. Hence, this type of Europeanization is positive integration between the TRNC and the EU. Another aim of changes in the environmental rules harmonized the European standard in accordance with EU *acquis* communities for the TRNC’s environmental rules.

Lastly, there is no clear determination for all types of mechanism and integration models for non-member states. The mechanisms differ based on the cases or subjects. This research examines the impact of Europeanization on non-member states, but it is important to focus on a specific area, because Europeanization has different kinds of impacts. Hence, this study will research the impact of

Europeanization on the environmental policy. The following part will focus on the environmental policies of the EU. Figure 4 illustrates the horizontal mechanism and negative integration influence between the EU and the TRNC.

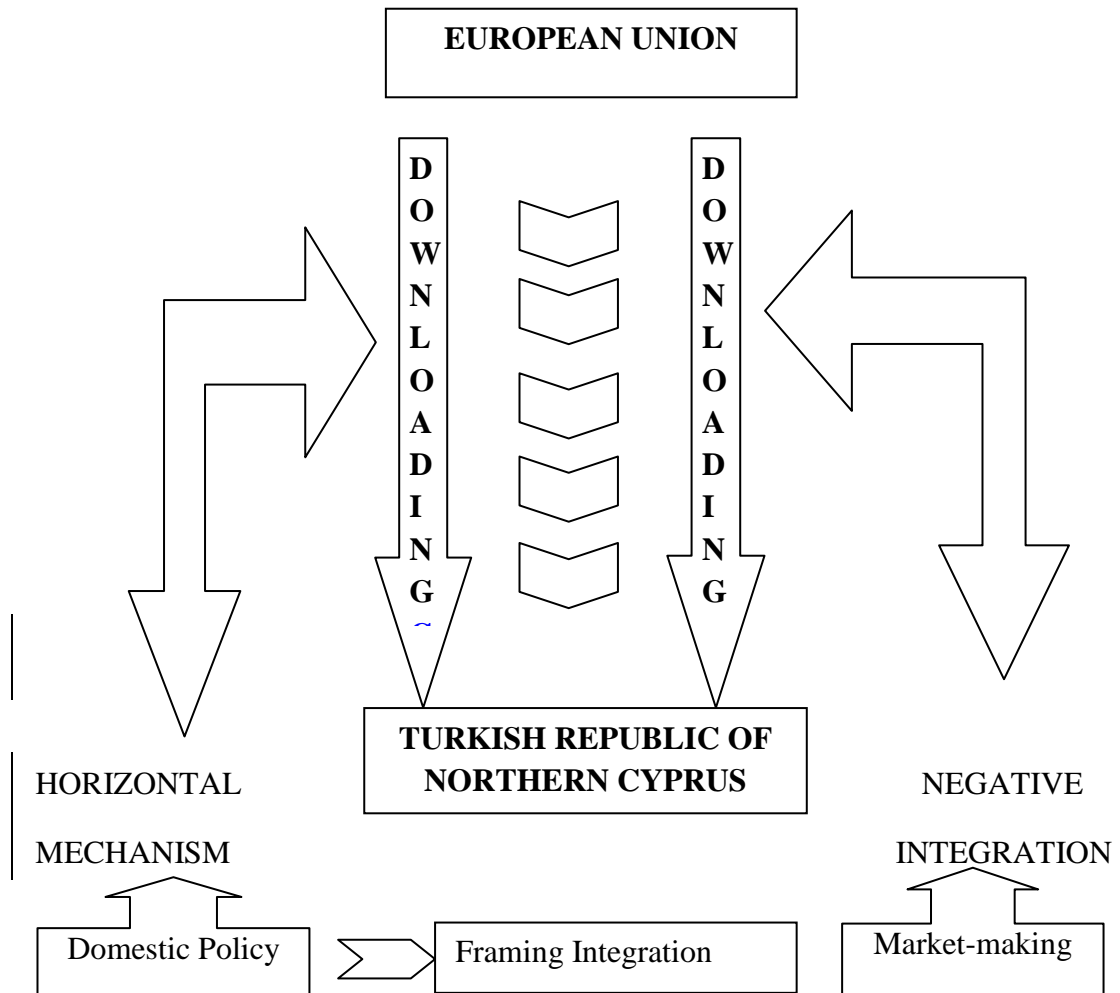


Figure 4: TRNC's Position within the Europeanization Process

## 1.6 Europeanization in Environmental Policy

### 1.6.1 Environmental Policies

Environmental issues are one of the priorities within the EU. Basically, the reason to choose the environmental issue was newly implemented in the TRNC's environmental legislation in 2012. When we compare the previous environmental

law (1993) with the new one, there are significant changes within the TRNC's domestic environmental policies. Also, these changes were really essential within the TRNC's environmental legislation. The EU supported these changes by providing financial assistance to the Turkish Cypriot Community. The other reason is that the EU is putting more effort into the environmental issues, such as managing action plans. However, the environment is a very broad issue, so this thesis divides it into two sections, the physical and the cultural environment. It is necessary to divide them; otherwise this thesis would be a very long and complicated study. Moreover, the dissertation will focus on the physical environment in the following chapters, especially the case of the TRNC and its harmonization with the EU's new environmental legislation. This dissertation will provide a brief explanation of the two environmental sections.

#### **1.6.1.1 Physical Environment**

The physical environment is everything that surrounds us. Mainly, the physical environment consists of land, air, water, plants and animals, buildings and other structures. These components are very essential for the quality of life. For this reason, mankind has to care about the environment for their future. The EU also gives importance to the environment, for example by funding “€268.4 million for 202 new environment projects under the LIFE programme”. (Europa, 2007) According to the financial aid program for the Turkish Cypriot Community, the EU is planning to spend €73.2 million only for water supply and sanitation during the period between 2008 and 2013. (European Union Infopoint, 2010, p.11) These are two examples which demonstrate that the EU is concerned with the environment issue.

### **1.6.1.2 Cultural Environment**

The cultural environment reflects our cultural heritage, i.e. everything that people in the past have constructed. People have to protect the environment because it is necessary for their knowledge of past human activities and enlightening for their future. Cultural heritage is also important for the EU, which is indicated by its funding of the “first research project” about the restoration in 1986 by the European Commission (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). In addition, “cultural heritage research in the EU has been supported and managed within the framework of the Commission's environmental research programmes...” (ec.europa.eu is the official website of the European Commission and part of Europa, 2007) Furthermore, the sustainability of cultural heritage was discussed in the London Declaration by recognizing 21 member states (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). In other words, the EU is making an effort to improve cultural heritage. These two main topics are not enough to fully analyse the relationship between the EU and the environment, so we need to know the process of environment laws and regulations within the EU.

### **1.6.2 Evolution of Environmental Policies**

The environmental issues were not on the agenda of the EU before the 1970s. There were specific policies or legislations at the Rome Treaty. Specifically, the Community offered the prevention of nuclear energy and discussed some domestic environmental problems, such as air pollution in Britain. (Duru, 2007, p. 2)The principles of environment regulations of EU were established at the Paris Summit in 1972, before which the EU did not have common environmental policies. This means that the environment is a newly developed issue which needs more research in order

to get effective results. At the beginning of the environment history, the principles were based on amending the existing situation. However, this policy did not work effectively, so the policy makers decided to amend the old policies and establish the new preventive policies. (Hey, 2005, pp. 18-19) In the following years, the environment policies of the EU continued to develop with non-governmental organizations and the United Nations. (Kar & Arıkan, 2003, pp. 318-319)

#### **1.6.2.1 First Action Plan (1973-1977)**

These action plans are fundamental in the environmental history of the EU. The first one started with “down to earth” in 1973. (Hey, 2005, p. 19) The EU decided on the basic environment principles and determined the reasons of environment pollution, so this first action was the most important for the environment because it contains all its meanings and principles. Mostly, the action plan was to research “water protection” and “waste”. (Hey, 2005, p. 19)

#### **1.6.2.2 Second Action Plan (1977-1981)**

The 2<sup>nd</sup> Action Plan was not much different from the first one, as it was also related to “nature protection”. (Hey, 2005, p. 19) In addition to the first plan, the legislative process of this second plan gained momentum, but the policy makers were just amending the old rules instead of adopting new regulations. Furthermore, the EU made a larger effort against the water pollution and for “non damaging use and national and rational management of space”. (Jordan A. , 2005, p. 25)

#### **1.6.2.3 Third Action Plan (1982-1986)**

This plan was more important for the EU, because the first and second plan were not included in its common environmental policy. (Kar & Arıkan, 2003, p. 331) The Union believed that these first two action plans did not succeed, so they did not need to improve other action plans. However, this situation changed with the demands of

the Green Party to reduce the emissions. Also, Germany decided to “adopt the reduction of emissions from the cars”. (Jordan A. , 2005, p. 26) The German administration adopted a new rule to protect itself from competition. Reduction of emissions is included in the Third Action Plan. Another important change is the establishment of application of the polluter pays principle. (Kar & Arıkan, 2003, p. 331) In other words, this principle figures out how much the EU cares about the environment and the cost of any damage done to the environment. At the end of this action, the Netherlands, the UK and Germany paid more attention to environmental objectives.

#### **1.6.2.4 Fourth Action Plan (1987-1992)**

In this action plan, the economic situation and environment protection are considered together. The EU established “The White Paper on Growth, Competitiveness and Employment (CEC) 1993” (Hey, 2005, p. 21) for the states that want to care for the environment and earn money at the same time. In addition, the “sustainable development” system is maintained for “improving the state of the environment, social efficiency and competitiveness simultaneously”. (Hey, 2005, p. 21) It is significant that this period was one of awareness of “climate change” and environmental damages. In addition to the EU, the UNCED (United Nations Conference on Environment and Development) organized several conferences to raise awareness of environmental threats. Therefore, the 4<sup>th</sup> Action Plan gained more substantial momentum for the whole of Europe. According to Christian Hey (2005), “the environmentalism wave” started by increasing the importance of Green Parties in the EU countries and raising the ECO (Environmental Citizens’ Organizations) at the end of the 1980s. These structural changes set up basic objectives for the ongoing 5<sup>th</sup> Action Plan.

#### **1.6.2.5 Fifth Action Plan (1992-1999)**

The 5<sup>th</sup> Action Plan was organized according to “sustainable development”. It focused on the procedures to reach that goal. For this reason, the Action Plan dealt with selected areas such as energy, transportation, tourism and agriculture. Also, it was concerned with the climate changes, quality of air, control of water resources, waste management and so on. These areas consist of the physical environment. These structural changes gained momentum, such as the provision of a legal basis within the Maastricht Treaty. For instance, the environmental taxation system was implemented for energy/CO<sub>2</sub> proposals. On the other side, the “sustainable development” needs a period of time for results, so each state has already accepted to reach those goals in a given period. In addition, Germany expanded efforts for the adaptation of environmental taxation, but each state has several environmental directives to adopt. For instance, one state may make profits from the industrial sector and cannot make any reductions in this sector. It has to create reductions in other sectors in order to reach the standard levels that were agreed on by the EU. The EU agreed on several directives and assessments such as the End of Life Vehicles (2000/53) and WEEE (2002/96), the Strategic Environmental Impact Assessment (2001/42), the Environmental Liability (2004) and CO<sub>2</sub>- Emission Trading (2003/87). (Hey, 2005, pp. 21-26) All member states followed the regulations and directives, influenced by the Green Party and Social Democrats in the EP (European Parliament).

#### **1.6.2.6 Sixth Action Plan (2002-2012)**

This action plan maintained specific subjects on which the member states focused, such as the increase of “climate change, loss of biodiversity or need for the consolidation of existing legislation”. (Hey, 2005, p. 27) If we consider the timing of



the 6<sup>th</sup> Action Plan, it was the beginning of a big enlargement for the EU. Therefore, the environmental legislation was considered in combination with the enlargement. In addition to the enlargement, the beginning of the millennium witnessed an economic crisis. (European Commission, 2011) I would like to indicate the importance of this action plan because it was the first action plan that was “adopted by the Council and the European Parliament via the co-decision procedure”. (European Commission, 2011) In other words, this action plan illustrates that the EU is giving importance to the implementation of environment regulations. Also, the EU takes the viewpoint of member states into consideration and tries to arrive at the same decision. The Action Plan has several priorities, such as climate change and the use of natural resources and waste. (ec.europa.eu is the official website of the European Commission and part of Europa, 2007) In addition to these priorities, there are seven thematic strategies. (European Commission, 2011) The problem of the environment is the implementation procedure and the relationship between the EU and its member states. For instance, reaching the required level of biodiversity was not successful in this plan because of the inappropriate relation between the EU and its member states. Another problem is the incompatibility of the given time with those strategies. According to these seven action plans, some objectives need more time to reach effective and efficient resolutions. On the other hand, this action plan made some achievements, such as resolving the pollution of lakes and rivers and the reduction of greenhouse emissions. It also created global understanding of such problems. For that reason, the Commission had to take more action on protection instead of making legislation. In addition, the “Commission is changing its key role from an initiator of legislation to a manager of policy processes”. (Hey, 2005, p. 27) Commissioner Janez Potočnik has said that they are aware that environmental

regulations are not as effective as expected, so the EU has to work harder than before in this respect. (ec.europa.eu is the official website of the European Commission and part of Europa, 2007) After the 6<sup>th</sup> Action Plan, the EU modified the 7<sup>th</sup> Action Plan between 2011 and 2012. The 6<sup>th</sup> Action Plan lost its effectiveness and it is essential to work on another action plan, especially for the implementation of environmental policies and the improvement of the political willingness of EU directives. Moreover, the 7<sup>th</sup> Action Plan is a supplementary factor for the other action plans and focuses on ecological biodiversities. In my opinion, the 6<sup>th</sup> Action Plan was not successful and the EU postponed the results of this action's failure. Hence, the 7<sup>th</sup> Action Plan was established instead of improving the strategies of the 6<sup>th</sup> Action Plan. (European Environmental Bureau, p. 1) In addition, the 7<sup>th</sup> Action Plan has to work with the Europe 2020 Strategy. This Strategy is a long-term program which consists of four priorities. These are smart growth, sustainable growth, inclusive growth and economic governance. Therefore, the 7<sup>th</sup> Action Plan is part of these priorities and they should improve together. Furthermore, the 7<sup>th</sup> Action Plan did not concentrate on the performance of new policies or directives. The reason is that there is implementation, policy integration and cohesion problems within the environment issue. Table 6 shows the environmental work of the EU during the period of 2014 to 2020.

According to some authors, the “added value” that was described by the Commission will develop “implementation, policy integration and coherence, ensuring broad ownership and mobilizing action.” (European Environmental Bureau, p. 7) Basically, if we consider the previous action plans, they did not mention the establishment of “environmental *acquis*”. However, this 7<sup>th</sup> Action Plan is included in option 1

(European Environmental Bureau, p. 9). On the other hand, the “timeframe” and economic pressure are problematic for this action plan. With the existence of the 7<sup>th</sup> Action Plan, the Commission started to discuss “Europe 2020” or 2050 to extend the period of these environmental strategies. Lastly, this thesis indicates that the Commission can upgrade environmental roadmaps or strategies and add or improve new directives, but that the adaptation depends on the member states.

Table 6: – How Sectoral Policy Proposals Address Major Environmental Issues

|                      | Climate Change | Biodiversity | Natural resource Use | Env.& Health |
|----------------------|----------------|--------------|----------------------|--------------|
| Agriculture          |                |              |                      |              |
| Fisheries            |                |              |                      |              |
| Cohesion Policy      |                |              |                      |              |
| Energy and Transport |                |              |                      |              |
|                      |                |              |                      |              |
|                      |                |              |                      |              |
| Industry             |                |              |                      |              |

|  |  |
|--|--|
|  | <b>Strong link:</b> Proposal takes into account the environmental issue concerned by explicitly referring to it and to concrete policy actions. <b>A strong link does not imply that the measures are considered sufficient or guarantee an effective outcome.</b> |
|  | <b>Moderate link:</b> Proposal takes into account the environmental issue by explicitly referring to it, but proposed actions are not exhaustive/ too weak to influence the environmental trend.   |
|  | <b>Weak link:</b> Proposal takes into account the environmental issue and purposes specific policy actions to a limited degree or insufficiently.  |
|  | <b>Very weak link:</b> Proposal makes a formal recognition of the environmental issue but does not purpose any specific action.  |
|  | <b>No link:</b> Proposal does not refer to the environmental issue.  |
|  | Discussion remains on the strength of the link.  |

Source: (Volkery et al., 2011, p. 5)

For this reason, we have to look at the horizontal mechanism of Europeanization and its enforcement between member states and the EU. The 7<sup>th</sup> Action Plan also concentrates on the issues of “horizontal governance”, because adopting new environmental directives is related to the member states’ economic attitude. There are several actions which will take place in this regard. For instance, one of the possible achievements is the “Revision of Recommendation 2001/331/EC on minimum criteria for environment inspections (RMCEI) (and possibly turning it into a binding instrument)”; (European Environmental Bureau, p. 14) In the following part, the dissertation will to research basic information on the sources of EU law and its content. It is necessary to know them, because it would be beneficial for the estimation of translated or adapted regulation between the EU and the TRNC with regard to the issue of the EU environmental legislation.

## **1.7 The Sources of EU Community Law**

The EU Community Law is the center of decision-making procedures. It is essential to know the sources of Community Law to understand the legislative system between the member states. Clearly, EU Law (regulations, decisions or directives) rules over national Law (domestic policy), which is known as a supranational. (Cini, 2007, p. 171) These supranational rules are binding, but EU Law also has non-binding instruments (recommendations and opinions). I would like to start with a brief explanation of the sources of EU Community Law. (Cini, 2007, p. 162)

EU Community Law is based on the two main laws. These are unwritten and written rules. The unwritten rules are the General Principles of the international law. The written rules are the treaties. Moreover, these written treaties are divided into two

subtitles. (European Institute of Public Administration, 2011, p. 2) The first one is primary law and the second one is secondary law. (Altınbaş, Ömer F., 2007, pp. 1-2) The primary laws are the “Founding Treaties”, the “First Amending Treaties”, the “Nice Treaty”, the “Maastricht Treaty”, the “Lisbon Treaty” and the “Amsterdam Treaty”. Specifically, the “Founding Treaties” are the European Coal and Steel Community (ECSC) from 1952-2002, the European Economic Community (EEC) from 1957, and the European Atomic Energy Community (Euratom) from 1957. (European Institute of Public Administration, 2011, p. 2) In addition to these Founding Treaties, there are complementary agreements such as the Nice Treaty, protocols, proceedings and the Single European Act. The primary law contains binding rules for all member states.

On the other hand, the secondary laws are regulations, directives, decisions, recommendations and opinions. The regulations are “directly applicable” by member states. (European Institute of Public Administration, 2011, p. 7) Therefore, member states are not required to create another implementation process to approve them in their national policy. Furthermore, these regulations are approved by the EU Council, the European Parliament and the Commission. Nevertheless, the directives are different from the regulations. Directives are also binding rules, but it is necessary to make efforts to implement them in the domestic policy. (ec.europa.eu is the official website of the European Commission and part of Europa, 2007) The EU Council, the European Parliament and the Commission confirmed these directives. Also, decisions are binding laws, but they are only valid for specific cases. Regulations, directives and decisions are binding laws clearly, but EU Community Law has non-

binding rules. The non-binding rules are recommendations and opinions. The EU provides the opinion and makes a recommendation for specific issues.

Basically, EU Community Law has three pillars. The first pillar is regulations, directives and decisions. The second pillar is Common and Security Policy, which includes joint action, common position and international law. Moreover, this is an intergovernmental pillars. Lastly, the third pillar is Justice and Home Affairs. The sources of this pillar are common position, framework decisions and joint action. (European Institute of Public Administration, 2011, p. 20) These pillars are applied in accordance with the question which legislative procedure will be implemented. As a consequence, environmental issues clearly depend on the performance of the member states, so each member state has to implement directives and regulation in the environmental policies.

The body of EU Environment Law has different sectors that make the legislation successful. Mostly, the legislation consists of secondary law principles such as regulations, directives and decisions. For instance, Directive 2008/98 is about the waste management or REACH (Registration, Evaluation, Authorization and Restriction of Chemicals), i.e. the management of chemicals. Also, each sector has specific policies. These are “climate change such as Kyoto Protocol, air pollution, general provisions, sustainable development, waste management, water protection and management, soil protection, noise pollution, civil protection, protection of nature and biodiversity, chemical products. In addition to these subtitles, EU environment law has complementary relations with the third countries, such as candidate sates or non-member states.” (ec.europa.eu is the official website of the

European Commission and part of Europa, 2007). Furthermore, these sectors include different policies within the divided subheading.

Consequently, we could define the TRNC's new EU environmental legislation as adapted legislation, because the new environment rules are approved by the TRNC's assembly. Also, the TRNC's environment legislation has "adapted" secondary law, which includes regulations and directives. On the other hand, some laws are transposed draft laws, because these are ongoing regulations.

### **1.7.1 Implementation of EU Environmental Policy**

Basically, EU Environmental Law depends on the member states' features and desires. Member states are the only effective actors and they have an authority to implement these environmental legislations. The EU established the "Common Environmental Policy" in 1972 (European Parliament, 2009). Then, they had basic objectives: sustainable development, subsidiary, protection and polluters pay principles. All directives, regulations, decisions and joint actions consist of these environmental principles.

Firstly, "IMPEL (The European Union Network for the Implementation and Enforcement of Environmental Law) is an international non-profit association of the environmental authorities of the European Union Member States, acceding and candidate countries of the EU, EEA and EFTA countries." (Implementation and Enforcement of Environmental Law , 2012) The main purpose of this group is to control the implementation procedures with the member states and improve the effectiveness of the implementation process. Furthermore, there are four offices that work for the environmental policy of the EU. The first one is "The Environment

Directorate-General”. (Duru, 2007, p. 12) This institution prepares the environmental legislation and supervises the implementation of this legislation by all the member states. Moreover, this institution has subunits: communication, protection of nature, climate changes, law, water, air, sustainable developments, LIFE (Funding Program) and Resources. The second one is the “European Environment Agency”, which provides reliable information about the environment for both member and non-member states. (Duru, 2007, p. 12) The third one is the “European Investment Bank”. This bank gives the opportunity for protection of the environment and sustainable development. The last one is the “European Principles for the Environment (EPE)”. The purpose of the EPE is to support the environmental projects of member and candidate states. It consists of “The Council of Europe Development Bank, The European Bank for Reconstruction and Development, The European Investment Bank, The Nordic Environment Finance Corporation and The Nordic Investment Bank”. (Duru, 2007, p. 13)

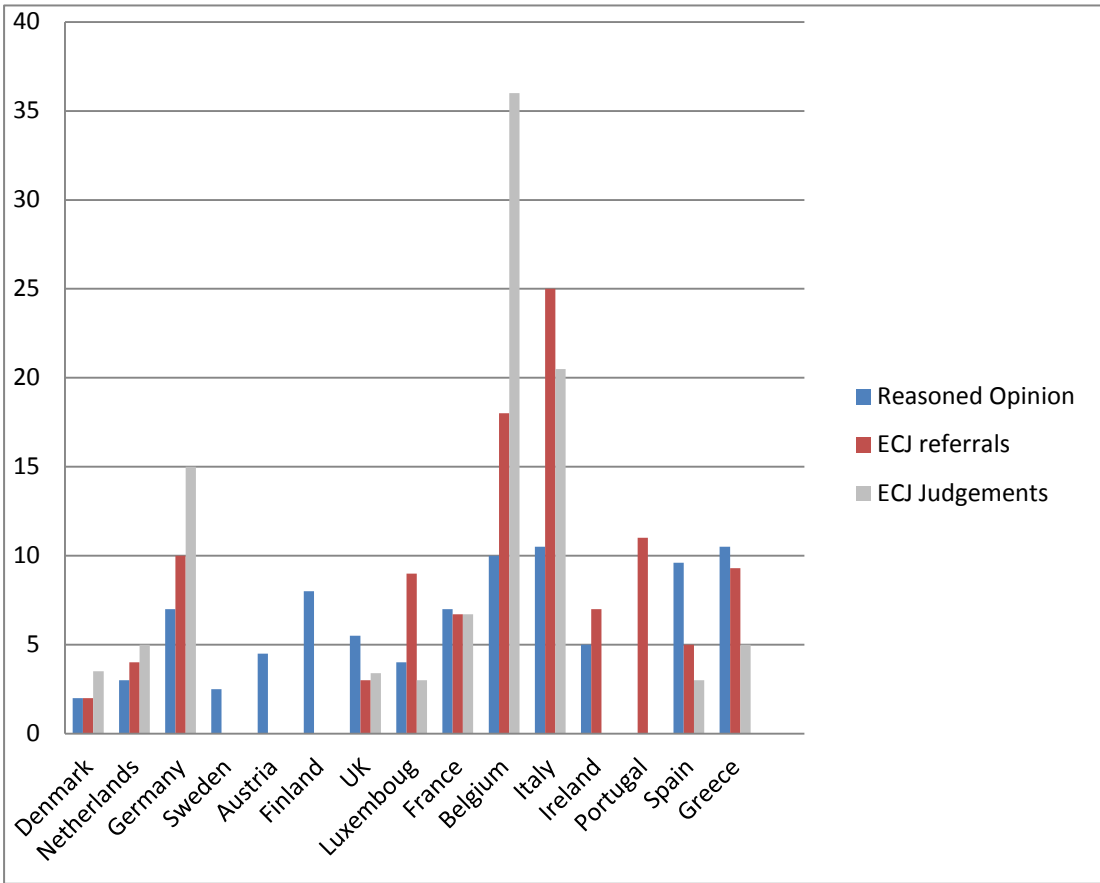
Lastly, there are other intuitions that support the environmental protection. For example, the Environmental Impact Assessments (EIA) make estimates for environmental projects and Eco-labels, which controls the products and prevents the export and import of dangerous products. Eco-audit is in control of legal arrangements (Duru, 2007, p. 13).

### **1.7.2 Implementation of Environmental Policy in Member States**

Originally, the environmental legislation existed in regional areas, but later it expanded to the Union. Before the establishment of the action plans, environmental protection legislation started in 1960s. Later, it was followed by the Environmental Action Plans. Therefore, environmental policies existed on a national level, and were



then prolonged on a supranational level. (Featherstone & Radaelli, 2003, p. 205) This thesis uses the definition of Tanja A. Börzel (2002) for the implementation of environmental legislation by the member states. As I mentioned in the chapter on the vertical mechanism, there are various responses of member states, such as “first comers, foot-dragging and fence-sitting”. (Börzel, 2002, p. 193) According to Figure 5, Sweden, Finland and Austria are newcomers that are still working on implementation procedures for the *acquis communautaire*. The table defines them as “reasoned options”. In addition to these three new member states, Denmark is below 5 and has the lowest level for all three stages (Reasoned Options, ECJ referrals and ECJ judgments). Belgium’s performance is the highest of all states based on the ECJ judgments.



Sources: (Börzel, 2002, p. 202)

Figure 5: Member State Performance in Downloading EU Environmental Policies

This thesis gives some examples of member states and their adaptation processes to environmental policies. The first example is Austria, which joined the EU in 1995. It is a quiet new member state of the EU. As I mentioned in the subchapter on the 7<sup>th</sup> Action Plan, the position of member states plays a significant role in the adaptation process. For this reason, Austria can easily apply the subjects of “clean technology, renewable energy, transit traffic, nuclear energy safety standards”. (Jordan & Liefferink, 2004, p. 47) These areas are the most appropriate issues for applying environment policies to such a new state. However, Austria is a fence-sitting state: it prefers to behave like a neutral state, which means it is hesitant to adapt directives within the national legislation. On the other hand, Austria could not always be neutral because after the accession of the EU there was great pressure from the EU. Hence, Austria started to implement environmental directives. For example, Austria achieved clean technology and was encouraged for its “sustainable development” in the Amsterdam Treaty. (Jordan & Liefferink, 2004, p. 53) According to Volkmar Lauber (1997), the problem of the Austrian parliament to upload EU environmental legislation is that the parliament became unable to work sufficiently and lost its power within the state. (Andersen & Liefferink, 1997, p. 81) For this reason, the relationship between the EU and Austria was affected. For some cases, the Austrian parliament’s behavior changed the situation of Austria within the EU. For instance, Austria behaved as a foot-dragging state in the case of implementing the EU’s Habitats Directive. (Jordan & Liefferink, 2004, p. 60) Another member state is Finland, which is relatively more successful than Austria. Finland is a more functional state because it is a “fully fledged member of the Economic and Monetary Union (EMU)”. (Jordan & Liefferink, 2004, p. 64). However, national and economic interests play a strong role for each member state. For example, Finland always pays

attention to its economic and cultural interests. (Jordan & Liefferink, 2004, p. 64)

Therefore, sometimes Finland behaves as a passive member state, which influences the process of environmental legislation in the Union. For example, the Natura 2000 could have been an effective and successful process if Finland's environmental administration had worked efficiently. According to Rauno Sairinen and Arto Lindholm (2002), "the implementation of the Natura 2000 network became a long-lasting nightmare for Finland's environmental administration." (Jordan & Liefferink, 2004, p. 70) After joining the EU, Finland had to change this position and implement the EU environmental legislation. On the other hand, Finland was the first nation that applied taxation on carbon dioxide (CO<sub>2</sub>) emissions. After having big conflicts about the Natura 2000, Finland tried to reach a solution and avoid debating these issues with the Commission. Furthermore, Germany's situation is different from the cases of Finland and Austria. We can consider it as a pace-setting state for environment legislation. For example, it was the "pioneer" member state for the adaptation of Environmental Impact Assessment (EIA), and Voluntary Agreements (VAs) have a significant purpose for German's environment strategy. (Jordan & Liefferink, 2004)

Mainly, Germany's attempt was very successful but started to decline after the 1990s. For instance, Germany adopted the "Waste Oil Directive, the Large Combustion Plants Directive and car emission and fuel directives". (Jordan & Liefferink, 2004, p. 15; Börzel, 2002, pp. 7-9) The main reason of Germany's decline is Europeanization, which also affected the national policy attempts toward Union. Moreover, the German administration would like to stress its national interests. (Börzel, 2002, p. 10) Later, Germany's situation became a "partial mismatch" between the EU and its environmental directives. The next chapter will research the legislation of environmental policy in non-member states.

### **1.7.3 Legislation of Environmental Policy in Non-Member States (Methods)**

#### **1.7.3.1 Legislation Procedure**

Basically, Europeanization affects a non-member state like a member state. The environment issue is broad, so the Union cannot reject non-member states and apply those legislations to member states only. This is also determined in Article 174 IV (1) EC. It indicates that “within their relative spheres of competence, the Community and the Member States shall co-operate with third countries and with the competent international organizations.” Therefore, the non-member states should not keep themselves away from the EU environment legislation. According to Markus Haverland (2005), non-member states affected the impact of EU “via policy learning and imitation”. (Featherstone & Radaelli, 2003, p. 218) Member states of the EU have to share their ideas and strategies with other non-member states or third countries. The most well-known example of those non-member states are Norway and Switzerland. (Featherstone & Radaelli, 2003, p. 218) Ukraine and Russia are other examples that can be used to determine the effects of Europeanization on non-member states. This dissertation illustrates the significance of Russia for the EU with the statement of Javier Solana (EU High Representative for Foreign and Security Policy) that “[i]t is a long time since security was thought of only in terms of military force. We all know that security is far broader today, that it includes economic, environmental, and social issues...” (Lavenex, 2004, p. 685) Therefore, the relationship between Russia and the EU is crucial. In addition to this kind of relationship, Ukraine and Russia developed Partnership and Co-operation Agreements based on the environmental policies of the EU. This promotes the representation in the European Environmental Agency. (Lavenex, 2004, p. 692) EU and non-member state relations are coordinated under the European Neighborhood

Policy (ENP). In addition to this policy, the EU maintained another significant policy for Mediterranean countries which is known as the Mediterranean Environmental Assistance Programme (METAP). According to this program, Tunisia, Jordan, Egypt and Palestine improved environmental policies (Berglund & Raggamby, 2008, p. 9). “The Finland Highway project” shows us the co-operation between a non-member state and a member state for reducing environmental damage. The problem is the Nordic capital’s road design and the lack of facilities. If the government designs a new road system, they will damage natural areas. Hence, instead of damaging natural areas, the EIA decided to build a new motorway. (Berglund & Raggamby, 2008, p. 10) Furthermore, Russia’s legislation is affected by the EU-Russia relationship because of environmental changes. Russia’s attempt to protect the environment and future is coordinated with the cooperation of the EU. An example is the establishment of “Ministerial Forest Law Enforcement and Governance Ministerial Process for Europe and Northern Asia, with the aim of tackling illegal logging and trade, as well as improving forest management.” (European Commission , 2007-2013, p. 14) Also, Russia’s new legislation joined the EU Water Initiative to control water management with the EU. (European Commission , 2007-2013, p. 14) There are significant member state partners for environment issues, but Russia is the most critical partner for the ‘Water Initiative’.

Lastly, these legislations indicate the substantial partnership that ensures regions of the Baltic Sea, Urals to Greenland, North-West Russia and European Arctic provinces. This is called the “Northern Dimension Environmental Partnership”. (European Commission , 2007-2013, p. 24). This means that the EU provides opportunities for the non-member states to develop their environmental policy levels.

Following these definitions and evaluations of Europeanization and environmental policy, the next chapter will put together the Europeanization and the case of this thesis (TRNC). Basically, we know the concepts of Europeanization and environmental evolution within the member and non-member states. Chapter 4 will research the Europeanization of the TRNC's environmental policies.

## **1.8 Europeanization of TRNC Environment Policies**

### **1.8.1 European Union and Cyprus**

The European Union and Cyprus do not have long historical ties. Officially, their relationship started with the accession process of the Republic of Cyprus in 1993. Geographically, Cyprus has a significant position in the Mediterranean and the Middle East. This creates serious problems and the island is required to be controlled with different policies. In my opinion, it is relevant to study the historical ties shortly. According to Nathalie Tocci and Tamara Kovziridze (2004), the dispute started in the era of the British rule over the island. The Greek side was not satisfied with the administration of the British autonomy and wanted to gain "freedom". The Turkish Cypriots were aware of that threat and defended themselves. In the following years, many innocent people died and both sides brought damage onto themselves. In the following years, they fought for their independence. The existence of the EU came after the military intervention of the Turkish government on the island aiming to end the conflict between the two parts. Nevertheless, the EU accepted Cyprus and currently the ROC represents the whole island in the EU. Some of the authors had different opinions about the application of the ROC for EU membership. They claim that when the UK decided to join the EU, Cyprus had doubts about the UK's market on the island. The reason was that the UK's market demand toward Cyprus could

decline after joining the EU. ( Öztürk et al., 2006, p. 4).. Furthermore, they made an Association Agreement in 1972. This agreement is known as the first and substantial agreement between the EU and the ROC. The Association Agreement came into force in 1973. In that year, the EU and the ROC agreed on “two stages”. These are the establishment of “custom union” and “common external tariff”. ( Öztürk et al., 2006, p. 4) The first stage was expected to conclude in 1977. However, it was disrupted by the division force of the island, so the Community decided to extend the first stage until 1987. Therefore, the first stage finished in 1987. Moreover, the “custom union” was signed in 1987 and entered into force in 1988. It is important to note that the “custom union” had significance for both sides but especially for the ROC’s economic developments. The reason is that “custom union” provides several trade opportunities between the ROC and the EU. The first period of the second stage started after 1988 and it continued until 1997. Later, the second period of the second stage took place between 1998 and 2002. At the end of 2002, the ROC and the EU accomplished the required implementations of the “custom union”. ( Öztürk et al., 2006, p. 5) In the following part, this study will focus on the process of the ROC’s EU membership.

### **1.8.2 Accession of Republic of Cyprus**

The accession of the ROC was the major starting point for the relationship between the EU and Cyprus. When the UK decided to apply for EU membership, the ROC felt that this application could be a threat to their economy. On the other hand, some sources illustrated that the reason for this membership of the EU was not economic. According to the regular report of the European Commission in 1998, Cyprus’s exports and imports decreased during the period between 1993 and 1997.

Table 7: Destination of South Cyprus's Exports and Imports Between 1993-1997

|  | 1993 | 1994 | 1995 | 1996 | 1997 |
|--|------|------|------|------|------|
| <b>EU- 15's share with the Imports of South Cyprus (%)</b> | 51.9 | 50.3 | 51.7 | 48.6 | 47.6 |
| <b>EU- 15's share with the Exports of south Cyprus (%)</b> | 37.4 | 36.0 | 34.7 | 28.4 | 27.1 |

Sources: (Regular Report of European Commission, 1998, p. 11)

Moreover, Cyprus's economy was performing "better than any member countries" ( Öztürk et al., 2006, p. 11). The first attack of Cyprus and the EU on the Turkish Cypriot community, even though they claimed there was no discrimination. Article 5 of the Accession Agreement stated that "the rules governing the trade between the contracting parties may not give rise to any discrimination between the Member States or nationals or companies". ( Öztürk et al., 2006, p. 4) The agreement was signed only with Greek Cypriots but covered the whole island. Moreover, the accession procedure of Greek Cypriots was the same since the application concerned the whole island. In other words, the ROC applied to the EU for the Turkish and Greek Cypriots on 3<sup>rd</sup> July 1990 ( Öztürk et al., 2006, p. 14). The negotiations continued between the EU and the ROC, even though the ROC represented itself as a whole island. "When the Greek Cypriot side applied to the EC for full membership of Cyprus on 3<sup>rd</sup> July, 1990, most of the community members' attitude towards Cyprus issue was that the existing Cyprus problem should be solved prior to the entry of Cyprus into the Community." ( Öztürk et al., 2006, p. 14) The EU noticed the attitude of the UN Security Council Resolutions and their assignments on the island, but the Cyprus problem was not an obstacle for EU membership of the ROC. Actually, the Cyprus problem would become a link between the EU and the TRNC in the following years, but at that point in time it was discriminating towards one part



(TRNC) to make the other part (ROC) an EU member state. After initiating the mission of the UN Security Council Resolution, the EU started to negotiate with the ROC despite objections from the Turkish Cypriot community and the UN. Also, the secretary of the United Nations, Mr Perez de Culler “criticized the EU for its decisions. He said that the EU is causing the Cyprus Problem to be impossible to solve by taking this decision.” ( Öztürk et al., 2006, p. 15) The reason is that starting negotiations without finding a comprehensive solution for the Cyprus problem would create more problems and probably make the situation impossible. Furthermore, Professor Mendelson claims that the application of the ROC did not have a “legal basis” in accordance with international law ( Öztürk et al., 2006, p. 17). This thesis argues that the membership of the ROC caused unforgettable consequences. The thesis does not argue against the membership of the ROC, but it does argue against the acceptance of this kind of application without finding any solution.

On the one side, the EU and the ROC worked on the accession procedure. Another important result was the 16<sup>th</sup> Cyprus Association Council meeting. This was “Cyprus familiarization with the *acquis* communities”. (Tocci, 2004, p. 72) These attitudes of the EU made the acceptance of the ROC a more serious issue. The European Council stated the opening of the accession process with the candidate countries in December 1997. Cyprus was one of those candidate countries, even though the European Council had rejected the candidate status of Turkey in 1995. In the middle of the 1990s, the EU’s approach was positive toward the ROC, but negative with regard to the Republic of Turkey and the Turkish Cypriot community. For this reason, these guarantors (UK and Turkey) were included in the UN resolution participation aiming to find a solution between two sides. At the end of the 1990s, the leader of the

Turkish Cypriot community, Rauf Raif Denktaş rejected the idea of federation and insisted on confederation, which means “two sovereign states”. (Tocci, 2004, p. 75) In the following years, sometimes negotiations were going well but sometimes they were not as good as expected. When the Turkish Cypriot community leader decided to withdraw from the talks, the negotiations became more difficult to accomplish.

Lastly, the UN prepared the “Annan Plan” in November 2002. Several talks between leaders of the two communities failed. According to the referendum result, the Turkish Cypriot community voted in favor but the Greek Cypriots rejected the plan and joined the EU in May 2004. The ROC successfully finalized their accession process to the EU and the EU accepted them as a member state and a representative of the whole island.

### **1.8.3 European Union and TRNC**

The TRNC’s position is *sui generis*, which means “unique”, for the EU. (Adaoğlu, 2009, p. 135) Officially, the relationship between the EU and the TRNC started with the application of the ROC for EU membership. This application covered the whole island and the Turkish Cypriot community is not recognized by the EU. In July 1990, the ROC decided to join the EU without including the Turkish Cypriot Community. The Association Agreement also states that the application covered the whole island. Moreover, it is significant to know the definition of the EU toward the TRNC. Today, the TRNC is not recognized by the EU as a state. The EU describes the TRNC as the “Turkish Cypriot Community” or the “northern part of the island” ([ec.europa.eu](http://ec.europa.eu) is the official website of the European Commission and part of Europa, 2007). According to my research, the EU is very careful with descriptions of the TRNC in media speeches. (Adaoğlu, 2009, p. 139) In addition to these descriptions,

the relationship between the TRNC and the EU is also mentioned in Protocol 10 in the Accession Treaty 2003. Article 1 of the Protocol states that “[t]he application of the *acquis* communities shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.” (EurLex, 2003) Furthermore, article 3 states that “such measures shall not affect the application of the *acquis* communities under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus.” (EurLex, 2003) Officially, the mention of the “other part” of the ROC means that the TRNC and the EU *acquis* community are not applicable to the northern part of the island. However, there are several abnormalities between the TRNC and the EU. For instance, the TRNC is not an official member state of the EU, but the EU claims that the official languages in the ROC administration are Greek and Turkish (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). Despite Protocol 10, the EU decided to help the Turkish Cypriot community to find a comprehensive solution to the Cyprus problem and the TRNC’s economic situation especially to end the isolation. This program is referred to as the “Task Force for the Turkish Cypriot Community” (Europa, 2007) and contains the Green Line Regulation, Direct Trade and Aid Regulation. Firstly, the Green Line Regulation is required to control the crossing line of goods between the ROC and the Northern part of island. (Official Journal of the European Union, 2004) The regulation signifies the trade between two communities on the island. There is an advantage and disadvantage to the regulation. The advantage is that it opens the door for exports of the TRNC’s production. On the other hand, this trade is under the control of the ROC rather than the EU. Therefore, the green trade line consists of two sides of a coin. Secondly, direct trade has not progressed and still “remains with the Council for

consideration”. Thirdly, Aid Regulation provides 259 million euro to be spent on the improvement of the TRNC’s economic position as opposed to its isolation. (ec.europa.eu is the official website of the European Commission and part of Europa, 2007).

Finally, this thesis argues that these are attempts to soften the situation for the TRNC before the ROC was accepted into the EU. When we look at the timing of these attempts, the referendum was made in April 2004 and the RoC joined the EU on 1<sup>st</sup> May in 2004. Even though the Turkish Cypriot community showed their support for a solution, Greek Cypriots rejected the Annan Plan. After this rejection, the EU accepted the ROC as a representative of the whole island. Because of these attempts, the EU has an impact on the TRNC’s policies and administration.

#### **1.8.4 Europeanization Impacts on TRNC’s National Policies**

##### **1.8.4.1 Funding**

The funding provided through “Aid Regulations” is included in the EU’s financial aid program. The Aid Regulation is exclusively between the EU and the TRNC. Therefore, this is an important economic association between the EU and the TRNC. According to Article 3, “[t]he Commission shall be responsible for administering the assistance.” (Official Journal of the European Union, 2006) This financial assistance is managed only by the Commission. In addition, this assistance consists of agriculture, health, education, human resources, rural development, enlightenment about the EU’s political and legal structure and especially the environment (ec.europa.eu is the official website of the European Commission and part of Europa, 2007), including solid waste, water supply and sanitation, the Lefke Mining area, protection of the potential NATURA 2000 sites, and the Dikmen Dumping site.

( European Union Infopoint , 2010, p. 11) This means that these funds are going to each sector in the TRNC civil societies. According to Can Köstepen (Key Expert at EU info Office), Technical Assistance and Information Exchange (TAIEX) have a big impact on the civil society of the TRNC. The TAIEX program prepares states to become a member state and makes the EU closer within political and legal frameworks. Also, TAIEX plays a substantial linking role between the EU and the member or candidate states. In the case of the TRNC, TAIEX provides the business sectors and civil societies in case the TRNC unifies with the ROC in the future. The EU spends 11 million euros on TAIEX for the TRNC, and the environment is one of the principles of TAIEX. More particularly, TAIEX cares about waste water resources and the management of these water resources. (European Union Infopoint)

The TRNC's agricultural products play a large role in the economy, and the EU provides financial assistance for rural developments. Many farmers benefit from the financial assistance, such as Nilhan Parıldak Karaböcek, who is a provider of milk products to whom the EU offers rural development assistance. (European Union Info Point, 2010, p. 5) These activities are managed by the EU's key experts so the EU is a provider and manager, too. Finally, Protocol 10 is still being implemented in the TRNC, but informally the EU prepares the TRNC in the case of future unification with the ROC. According to my research, Europeanization has an impact on this sui generis case. It must be noted that the EU has never mentioned the TRNC as a separate state on the island. All of these financial assistances are preparing for future scenarios between the TRNC and the ROC. At the same time, the TRNC is being influenced by Europeanization.

Table 8: Financial Allocations by Objective (As at 30 September 2011)

|   | <b>Planned</b> | <b>% of total planned</b> | <b>Contracted</b> | <b>Paid</b> | <b>% paid of total contacted</b> |
|---|----------------|---------------------------|-------------------|-------------|----------------------------------|
| <b>Objective 1</b><br>Developing and restructuring of infrastructure  | 129,25         | 44,2 %                    | 135,02            | 76,49       | 56,6 %                           |
| <b>Objective 2</b><br>Promoting social and economic development   | 84,65          | 29,0 %                    | 64,87             | 49,41       | 76,2 %                           |
| <b>Objective 3</b><br>Fostering reconciliation, confidence-building measures and support to civil society   | 23,50          | 8,0 %                     | 19,90             | 17,61       | 88,5 %                           |
| <b>Objective 4</b><br>Bringing the Turkish Cypriot Community closer to the EU   | 12,50          | 4,3 %                     | 8,62              | 7,49        | 87,0 %                           |
| <b>Objective 5</b><br>Preparing the Turkish Cypriot community to introduce and implement the acquis communautaire and unallocated TA and Programme Reserve facility | 21,35          | 7,3 %                     | 15,69             | 14,15       | 90,2 %                           |
| <b>Subtotal Operational Part</b>  | 271,05         | 92,8 %                    | 244,10            | 165,15      | 76,7 %                           |
| <b>Management (Staff and Missions), Logistics</b>   | 21,05          | 7,2 %                     | 15,30             | 13,64       | 89,1 %                           |
| <b>Total</b>  | 292,30         | 100,0 %                   | 259,40            | 178,79      | 68,9 %                           |

Source: (European Court of Auditors, 2012, p. 8)

#### 1.8.4.2 Policy Change

Policy change is another result of Europeanization toward the TRNC. Mostly, the impact of Europeanization has effects on the environmental policy changes. In February 2006, the TRNC's council of ministers decided to change the principles of environmental legislation and they approved three important principles. The TRNC's administration could manage its environment legislation and review its own rules or make changes to adopt the EU regulations. The TRNC's government established the "restructuring of the environmental committee" with the coordination of the Ministry of Environment and also with contributions of Mr. John Butson (previous advisor of TAIEX) and Mrs. Gretta Goldenman (advisor of TAIEX) toward the EU TAIEX in

2008. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008, pp. 1-2) This committee prepares many principles and sets up the structure of new environmental legislation for short and long periods. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008)

Finally, this dissertation points out that these attempts are being implemented under the existence of Protocol 10. In addition to the environmental policy changes, there are other sector changes, such as telecommunications restructuring, the water sector, opening new checkpoints between the ROC and the Turkish Cypriot community (Ledra Street, Yeşilirmak etc.) and improvement of the civil society (European Court of Auditors, 2012, p. 21).

#### **1.8.4.3 European Union Programme Support Office (EUPSO)**

The EUPSO is the main body of financial and social assistance to the EU for the TRNC. Also, EUPSO is a bridge between the TRNC and European Commission. (Europa, 2007; ec.europa.eu is the official website of the European Commission and part of Europa, 2007) The EUPSO started in September 2006 and gives opportunities for meetings to coordinate and control this assistance. (European Commission, 2010) The office is situated in Nicosia, so it is easier to control these aid programs. The EUPSO is not the only body that is concerned with the relationship between the EU and the TRNC. The European Union Coordination Centre is a little different from the EUPSO because it has an official relation with the Prime Minister of the TRNC. Moreover, they have to keep in contact if there are any changes in the relations between the TRNC and the EU. The “European Union Coordination Centre, established in June 2003, primarily undertakes the responsibility for coordinating, organizing and monitoring all the contacts and connections made or to be made with both TAIEX (Technical Assistance and Information Exchange) under the European

Commission Directorate General for Enlargement, and other EU Institutions and their collaborates such as United Nations Development Programme – Project for Future (UNDP- PFF).” (European Union Coordination Centre , 2006) The head of this center is Mr. Erhan Erçin. According to his statement, this center is another link between the TRNC and the EU based on governmental levels. He insisted that these financial assistances of the EU determine the type of relation between the EU and the TRNC. Moreover, the EU Coordination Centre works with the EU as a member state on behalf of the TRNC. The Centre offers the EU rules and regulations to the Prime Minister, and then the Prime Minister evaluates the possibilities of implementing those rules with the government considering all aspects. Erhan Erçin stated that this kind of relationship is like a “member state and EU”. Not all financial assistance is going directly to the government. This EU Coordination Centre plays a significant role in managing the process of the financial assistance. For example, the TRNC is a unique state and the EU uses the centralized internalization model for monitoring financial assistance with coordination of the EUPSO. The EU opens auction on behalf of any municipality. After the auction, the firm who won the auction establishes a connection with the EU and carries out projects. Therefore, the assistance depends on the coordination works with the EUPSO, the EU Coordination Centre and the EU. This kind of process is unique and special for the case of the TRNC.

Lastly, Erhan Erçin, (Erçin E. , 2012) noted that this financial assistance and coordination is insufficient to be successful and it is necessary to change the structure of administration, for example by establishing a new environmental administrative structure. In Table 8 the objectives are denoted clearly. Then, Table 9 shows the



financial assistance for all the objectives and projects. This thesis indicates them with the amount of money that the EU manages to spend, so now we have to research the legislative side of this financial assistance. Also, it is necessary to know the environmental situation and legislation procedure in the TRNC. Later, how does the TRNC's government legislate or harmonize the EU's environmental legislation?

Table 9: Breakdown of All Individual Projects/Sector Programmes as on 30 September 2011

| Objectives and projects   | Planned (euro)     | Contracted (euro)  | Paid (euro)       | Paid/c ontr. (%) |
|---|--------------------|--------------------|-------------------|------------------|
| Objective 1: Developing and restructuring of infrastructure   |                    |                    |                   |                  |
| <b>Sub-Objective 1 – Protecting the environment</b>   |                    |                    |                   |                  |
| Project 1.1 – Sector programme for upgrading the quality and management of water supply and sanitation services   | 71 400 000         | 83 852 225         | 40 619 611        | 48%              |
| Project 1.2 – Support to the Turkish Cypriot community as regards management and protection of potential Natura 2000 sites in the northern part of Cyprus | 5 000 000          | 5 176 480          | 3 855 268         | 74%              |
| Project 1.3 – Solid waste sector programme for the Turkish Cypriot community  | 21 200 000         | 19 367 570         | 10 750 517        | 74%              |
| Project 1.4 – Feasibility study for the rehabilitation of the Lefke mining area   | 900 000            | 906 500            | 906 500           | 100%             |
| <b>Sub-Objective 2 – Improving management of the energy sector</b>  |                    |                    |                   |                  |
| Project 1.5 – Upgrading the management of the energy sector   | 5 000 000          | 6 035 972          | 5 841 195         | 97%              |
| Project 1.6 – Development and restructuring of the energy infrastructure – Part II  | 8 750 000          | 5 341 486          | 5 135 356         | 96%              |
| <b>Sub-Objective 3 – Improving traffic safety</b>   |                    |                    |                   |                  |
| Project 1. 7 – Improving traffic safety   | 3 000 000          | 2 724 511          | 2 266 958         | 83%              |
| <b>Sub – Objective 4 – Telecommunications</b>   |                    |                    |                   |                  |
| Project 1. 8 Development and restructuring of telecommunications infrastructure   | 14 000 000         | 11 617 413         | 7 113 606         | 61%              |
| <b>Subtotal</b>   | <b>129 250 000</b> | <b>135 022 157</b> | <b>76 489 010</b> | <b>57%</b>       |

Source: (European Court of Auditors, 2012, p. 29)

## **1.9 Significance of the Study**

The general purpose of this thesis is to research the impact of Europeanization on non-member states, and particularly on the TRNC's environmental legislation. This thesis demonstrates the implementation procedure of these mechanisms in non-member states and, in this particular case, of the TRNC, which is an unrecognized state by the EU and is neither a member state nor a candidate state.. Another important aspect of this thesis is that it points out which directives are transposed and adopted from the EU into the TRNC's domestic policy. This study entails details of the process of environmental legislation in the EU and the TRNC's environmental policies. This framework is applied to the case of the TRNC and other non-member states.

## **1.10 Methodology**

Several methods are utilized within this thesis. Firstly, written documents (books) and articles related to the topic are used. Secondary data used for the purpose of the study include legislations and laws. The first type of secondary data is the TRNC's former environment legislation from 1997 and the TRNC's new environment legislation in 2012. I used the compare and contrast method by using the old and new environment legislations of the TRNC. Therefore, the draft and amended legislations could be distinguished easily. Also, the scopes of legislation 1997 versus 2012 were compared. The second type of secondary data is the 'Programme for the Future Adoption of the Acquis (PFAA) in 2009. The third one is the newspaper published by the European Union Info Point. Lastly, I used the consequences of the different chapters that concluded the International Conference on the Environmental Problems of the Mediterranean Region, on 12-15 April 2002. Moreover, the primary data for

this study were collected through expert interviews. I interviewed Mr. Erhan Erçin (Head of the EU Coordination Centre) for the purpose of debating the current situation of financial assistance that is provided by the EU to the Turkish Cypriot community and also the TRNC-EU relationship concerning the new environmental law that was amended by the TRNC's assembly in 2012. Mr. Erhan Erçin suggested an interview with Mr. Orhan Atasoy, the responsible person for the environmental issues in the European Coordination Centre, who was therefore the second person I interviewed for the purpose of collecting information about the new environment law of 2012. The third interview was made with Mr. Can Köstepen (the Key Expert in the European Union Info Point), who made some determination about the activities of TAIEX within the TRNC. Fourthly, I interviewed Mr. Kudret Akay (Task Manager of the European Union Info Point). I hereby focused on the position of the EU Info Point between the EU and the TRNC's administration, and also on environmental developments in the TRNC toward examining the financial assistance. Lastly, I interviewed Mr. Nevzat Öznel (Managing Director of the New Nicosia Waste Water Treatment Plant (WWTP) in Haspolat). A Protocol was prepared for coding the new (2012) environment legislation in accordance with the Harmonization of the TRNC's Environment Strategy (KKTC için Bütünleştirilmiş Çevre Uyumlaştırma Stratejisi). This strategy was compared with the new environment law of 2012 and the impact of Europeanization on the TRNC's domestic policy was examined. Also, this document was prepared to maintain the new environment law in accordance with four time periods. Lastly, the thesis considers different perspectives on the EU and the TRNC's administrative decisions about the adaptation of environmental policies.

### **1.11 The Limitations of Study**

This thesis does not investigate the implementation procedure of these new environmental legislations. The reason for this is that there are several case studies about the implementation procedures for the environment and each subject has long-term plans, so some of them have not been finalized yet. Therefore, a sufficient evaluation is not possible without finalization. This thesis deals with the legislation procedures, such as new directives and new rules that were adapted and transposed in the TRNC's environmental legislation system on 27<sup>th</sup> February 2012.

## **Chapter 2**

### **TRNC AND LEGISLATION OF ENVIRONMENTAL POLICIES: EUROPEANIZATION EFFECTS**

#### **2.1 Environmental Issues in TRNC**

Nowadays, environmental issues are significant and argumentative. There are several speculations about them and there are different kinds of problems in the TRNC, for example the CMC (Cyprus Mines Cooperation) in Gemikonađı, the lack of sewerage systems, the Teknecik Electrical Station (providing electricity to the north without controlling its dangerous effects) and garbage problems. (Fırat, 2012) In 2004, the EU Coordination Centre was established, which manages the flow of financial assistance for environmental issues in the TRNC. Later, Restructuring the Environmental Committee was established in April 2005 (Çevre ve Dođal Kaynaklar Bakanlıđı, 2008, p. 1). This Committee opens new processes to protect and create a sustainable environmental area. In my opinion, this is essential in the TRNC and the TRNC's government failed to achieve it. The TRNC's administration announced that 2011 would be the 'Year of the Environment'. In the previous years, there were several environmental conferences, such as the International Conference on Environmental Problems of the Mediterranean Region and the International Conference on Environment: Survival and Sustainability in the Near East University. (Gökçekuş, 2002) Many environmental problems were brought up during these conferences. According to Mr. Okan Şafaklı (academician at the Department of Business Administration in the Near East University) and Mr. Hüseyin Özdeşer (Vice Rector of the Near East University in 2009, Chairman of Economics and

President of the Conference and the Organizing Committee), “clean air” is one of the problems in the TRNC, partly due to the Teknecik Electric Provider Service. These two academicians pointed out some substantial environmental problems at the International Conference on the Environmental Problems of the Mediterranean Region. In addition to clean air, “distorted urbanization” is another significant problem for the TRNC.

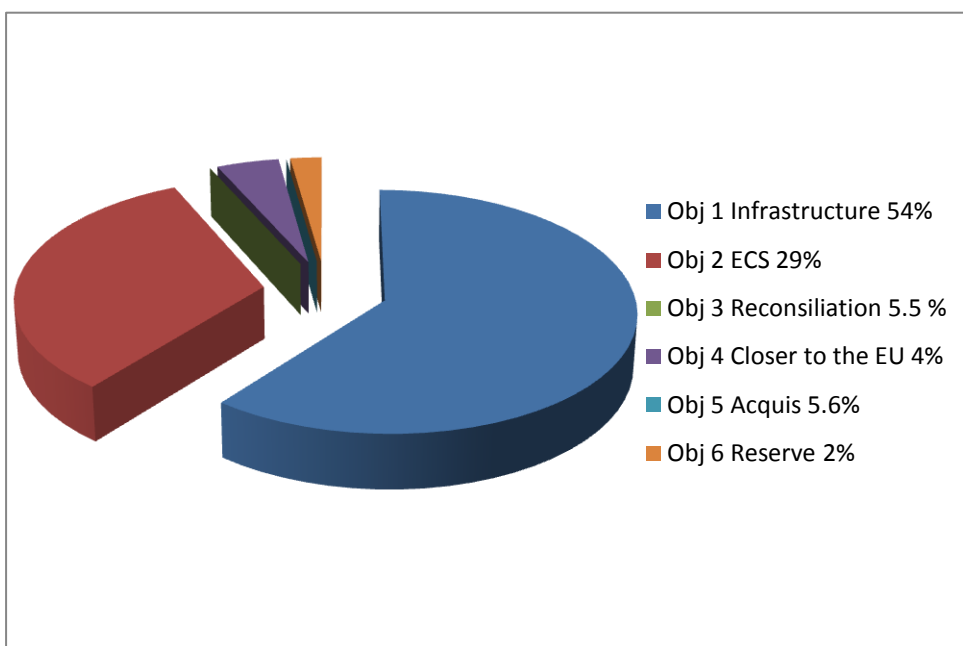
The TRNC’s environmental legislation was reviewed in February 2006 in accordance with the EU regulations and rules (Çevre ve Doğal Kaynaklar Bakanlığı, 2008, p. 1). New regulations brought new challenges to environmental issues in the TRNC because the environment was not as important as it is today and there is no special ministry for the environment. Moreover, the EU provides opportunities to establish a Ministry of Environment and Natural Resources. This attempt is very difficult to prepare, because the environment is a very broad term and it has many ties with other departments in the government. In addition, TAIEX supported the spreading of those EU regulations about the environmental requirements in May 2005. In the following year, the cabinet approved the new legislation on the subject of the environment and then the Ministry of Environment and Natural Resources was established. Another important development was the Environmental Impact Assessment which is known as “EIA”. The EIA reports were going to be read and considered at the end of the process when the government decided to restructure the environment in a special sector. (Turkish Republic of Northern Cyprus Environmental Legislation , 2012, p. 6) Logically, some of the construction needs to get an availability report from the EIA before the building of the structure. However, some of the construction was built without proof of this report. (Çevre ve Doğal

Kaynaklar Bakanlığı, 2008) It is significant to consider this gap between sustainability and environmental protection. EIA reports have to become a condition to construct any building so this situation show a discrepancy between the TRNC and the EU rules on environmental issues. The government has to consider EIA reports for all buildings. Directives of EIA have started to be taken into consideration by the administrative.

Finally, we need funds to achieve those attempts and use them effectively. In order to prepare those EIA reports, the administration is required to get financial assistance. Surely, these funds are coming from the EU via the EU Coordination Centre. In the following part, the thesis is going to analyze this financial assistance.

### **2.1.1 Funding**

Financial assistance is a basic necessity for these environmental developments. For financial assistance, I would like to point at reports of the EU that were provided after the funds. After the result of the Annan Plan, the Council decided on several principles for the Turkish Cypriot Community. According to the Luxembourg meeting, “[t]he Council invited the Commission to bring forward comprehensive proposals to this end, with a particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU. The Council recommended that the 259 million euro already earmarked for the northern part of Cyprus in the event of a settlement now be used for this purpose.” (European Commission, 2010, p. 2) Officially, the European Union expressed their financial assistance toward the Turkish Cypriot community with this statement. The distributions of this financial assistance are based on an organized program with several objectives. Figure 6 displays the distribution of these funds.



Source: (European Commission, 2007, p. 7)

Figure 6: Distribution of Funding by Priority Objective

First of all, the EU is planning to spend nearly 129.25 million euro for the “developing and restructuring of infrastructure”. (European Commission, 2010, p. 5)

The first objective consists of environmental issues, especially the problems of water and sanitation, solid water and nature protection. (European Commission, 2010, p.

14) For this reason, the EU allocated a huge amount for the environment. The first objectives are divided in different projects, such as a “feasibility study for the rehabilitation of Lefke mining area (900,000 euro), solid waste sector programme for the Turkish Cypriot community (21,200,000 euro) and sector programme for upgrading the quality and management of water supply and sanitation services (71,400,000 euro)”. (European Commission, 2010, p. 14)

In addition to the environmental funds, 13.46 million euro was used for activities of TAIEX within the fifth objective. (European Commission, 2010, p. 6) Furthermore, the fifth objective involved “capacity building in the environment sector”, which would cost 2.460.000



euro. (European Commission, 2010, p. 14) According to these distributions of financial assistance, the EU was going to spend more money in the following years. This information was in the first annual report from 2006 to 2007, and the EU has furthermore announced five reports since 2008. The process of each objective is proceeding visibly. For example, AGRECO is the responsible company of the project of “Solid Waste Management Plan”, which costs 199.850 euro. This statement was in the first report. Then, the outline of this plan was completed and the process started in accordance with the second report. (European Commission, 2010, p. 6) At that time, the paper indicated that these reports were directly controlled by the Commission. For this purpose, the Commission established the Implementation Review Mechanism (IRM). (European Commission, 2010, p. 9) Furthermore, the EU is managing the activities of financial assistance. However, this thesis is researching the implementation processes. According to the fourth report, €84 million was used for “water/wastewater infrastructure” projects in 2009. This financial assistance was used spent for Famagusta, Kumköy, Güzelyurt and Haspolat. At the end of the report, the Commission gave €75.8 million to the Turkish Cypriot community (European Commission, 2010, pp. 4-9). This covers 30% of the total amount (€259 million). In the fifth report, the project became bigger than in previous years because that financial assistance was put in process and Nicosia, Kyrenia, Gönyeli, Lefke benefitted from it. The result was better than that of the fourth report, because the amount of money was €132 million and the changing of water distribution pipes was completed in 2010 (European Commission, 2010, pp. 3-8). In the sixth report, €27 million was used for only seawater desalination and to provide water for 100.000 people in Kumköy (European Commission, 2012, p. 5).

In conclusion, the EU gave a huge amount of money to the Turkish Cypriot Community for the development and harmonization of the EU standards in the Turkish Cypriot Community. According to these six reports, the Commission made huge changes such as providing clean water, which is the island's biggest problem. This financial assistance is one of the results of Europeanization. The distribution of funds and objectives is shown in Tables 10 and 11.

Table 10: List of Commission Decisions Taken Under the Aid Regulation

|   | Title and date of the Decision   | Amount in £m |
|---|--|--------------|
| 1 | COMMUSSION DECISION C/2006/2336/3 Of 23/06/06 establishing a technical assistance facility to support the implementation the economic development of the Turkish Cypriot community   | 4.00         |
| 2 | COMMUSSION DECISION C/2006/2335/4 OF 26/06/2006 establishing a programme of assistance provided by the Technical Assistance Information Exchange Instrument (TAIEX) for the Turkish Cypriot Community  | 4.50         |
| 3 | COMMUSSION DECISION C/2006/5000 of 2006 of 27/10/2006 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community- Part I   | 38.10        |
| 4 | COMMUSSION DECISION c/2006/6533 of 15/12/2006 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community- Part II  | 197.55       |
| 5 | COMMUSSION DECISION c/2006/7035 of 22/12/2006 establishing a technical assistance facility to support the implementation of the instrument of financial support to encourage the economic development of the Turkish Cypriot community – Part II | 14.65        |
|   |  | 258.800*     |

This is the total amount of the 2006 budget line 22.02.11(2007 budget line 22.020703). The balance is constituted by 200,000 euro on a budget line relating to administrative expenditure for TAIEX in 2006 for implementation of the TAIEX assistance for the Turkish Cypriot community.

Source: (European Commission, 2007, p. 13)

Table 11: Breakdown of Individual Projects

|   |                    |
|---|--------------------|
| Objective 1: Developing and restructuring of infrastructure (49, 9%)  |                    |
| <b>Sub-Objective 1 – Protecting the environment</b>   |                    |
| Project 1.1 – Sector programme for upgrading the quality and management of water supply and sanitation services   | 71 400 000         |
| Project 1.2 – Support to the Turkish Cypriot community as regards management and protection of potential Natura 2000 sites in the northern part of Cyprus | 5 000 000          |
| Project 1.3 – Solid waste sector programme for the Turkish Cypriot community  | 21 200 000         |
| Project 1.4 – Feasibility study for the rehabilitation of the Lefke mining area   | 900 000            |
| <b>Sub-Objective 2 – Improving management of the energy sector</b>  |                    |
| Project 1.5 – Upgrading the management of the energy sector   | 5 000 000          |
| Project 1.6 – Development and restructuring of the energy infrastructure – Part II  | 8 750 000          |
| <b>Sub-Objective 3 – Improving traffic safety</b>   |                    |
| Project 1. 7 – Improving traffic safety   | 3 000 000          |
| <b>Sub – Objective 4 – Telecommunications</b>   |                    |
| Project 1. 8 Development and restructuring of telecommunications infrastructure   | 14 000 000         |
| <b>subtotal</b>   | <b>129 250 000</b> |
| <i>Objective 2: Promoting social and economic development (27.1%)</i>   |                    |
| Project 2.1 Rural Development Sector Programme  | 29 700 000         |
| Project 2.2 Upgrading of local and urban infrastructure   | 7 000 000          |
| Project 2.3 Upgrading of local and urban infrastructure – Part II   | 8 000 000          |
| Project 2.4 Human Resources Development Sector Programme  | 8 000 000          |
| Project 2.5 Micro and Small Enterprises Loan programme  | 9 000 000          |
| Project 2. 6 Sustainable economic development sector programme  | 6 000 000          |
| Project 2. 7 Supporting private sector development within the Turkish Cypriot community   | 2 500 000          |
| <b>Subtotal</b>   | <b>70 200 000</b>  |
| <i>Objective 3: Fostering reconciliation, confidence building measures and support to civil society ( 5%)</i>   |                    |
| Project 3.1 Reconciliation, confidence building measures and support to civil society   | 8 000 000          |
| Project 3.2 De-mining assistance programme  | 4 000 000          |
| Project 3.3 Support to the development of new trends in history teaching for reconciliation and stability in Cyprus                                       | 1 000 000          |
| <b>Subtotal</b>   | <b>13 000 000</b>  |
| <i>Objective 4: Bringing the Turkish Cypriot community closer to the European Union (3.7%)</i>  |                    |
| Project 4.1 Community scholarship programme   | 5 000 000          |
| Project 4.2 Promotion of youth exchanges and other people – people contracts  | 3 000 000          |
| Project 4.3 Information on the European Union political and legal order   | 1 500 000          |

Source: (Europa, 2007)

|   |                    |
|---|--------------------|
| <i>Objective 5: Preparing the Turkish Cypriot community to introduce and implement the acquis communautaire (5.2%)</i>  | 6 500 000          |
| Project 5.1 Technical Assistance to support legal transposition as well as implementation of the acquis through the TAIEX instrument – Part II (Component A – Assistance through TAIEX); Component B – small scale equipment facility) + Part I | 4 500 000          |
| Project 5. 2 Capacity building in the environment sector  | 2 460 000          |
| <b>Subtotal</b>   | <b>13 460 000</b>  |
| <i>Objective 6 : Unallocated Technical Assistance and Programme Reserve Facility (1.8%)</i>   |                    |
| Project 6.1 Unallocated Technical Assistance and Programme Reserve Facility   | 4 470 000          |
| <b>Subtotal</b>   | <b>4 470 000</b>   |
| <b>Total</b>  | <b>240 150 000</b> |
| <b>+Overall technical assistance for the implementation of the programme (7.2%)</b>   | <b>18 850 000</b>  |
| <b>Overall total</b>  | <b>259 000 000</b> |

Source: (European Commission, 2007, p. 14)

## 2.2 Legislation

The harmonization of the EU environmental legislation was started with changes of environmental law on 15 February 2006 in the TRNC's constitution. First of all, strategic plans for the environment needed to be clarified. For this reason, TAIEX had a meeting in 2005 and then founded the Environmental Change Management Committee in the same year. (European Coordination , 2009, p. 354). “The Integrated Environmental Approximation Strategy (IEAS) identifying the actions that the Turkish Cypriots must take in order to comply with EU environmental requirements covering a period of five years, is intended as a ‘road map’ to guide the Turkish Cypriot people in achieving alignment with EU environmental standards and in implementing the goals set forth in the 2006 Environmental Policy Statement.” (European Coordination , 2009, p. 354). The IEAS agreed on nine environmental sectors: “Water and Waste water, Solid Waste, Nature Protection, horizontal legislation, Air Quality, Industrial Pollution Control, Chemicals and Genetically

modified organisms, Noise and Climate Change.” (European Coordination , 2009, p. 354) In the following part, I would like to examine these nine sectors.

### **2.3 Nine Sectors**

The EU provides financial assistance for the TRNC to improve its life standards and policies. Recently, the TRNC’s national assembly approved new environmental legislation on 27<sup>th</sup> February 2012. In addition to this new environmental legislation, the EU determined nine sectors which are required for improvement and legal arrangements. These sectors are included in the new environmental law. Moreover, these nine sectors consist of the EU regulations and directives, so these can help to understand the differences between “adapted” and “transposed” in the process of Europeanization. The EU environmental regulations take time and water infrastructures need to be renovated, so the Committee of Restructuring the Environment decided to divide the work into four periods: short (2007-2008), medium (2009-2010), long (2011-2012) and very long (after 2012). (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) There is a substantial point for these time periods and each period has one year. The reason is that these periods are categorized according to their priorities (Çevre ve Doğal Kaynaklar Bakanlığı, 2008, p. 3), for example, water, the waste management system, the protection of nature and the implementation in horizontal issues. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008, p. 3) These four priorities are the first ones, and therefore they are evaluated within the short period (2007-2008). For instance, it would be difficult to create an effective implementation without having legislation about the issue. Moreover, it is not possible to make a law and implement it at the same time in the TRNC, because the TRNC has some deficiencies in technical support and resources of information.

Therefore, these directives and regulations are still being discussed within the TRNC's domestic policy. I would like to mention these nine sectors and point out the directives that are going to be transposed in the TRNC's domestic policy.

### **2.3.1 Protection and Management of Water Resources**

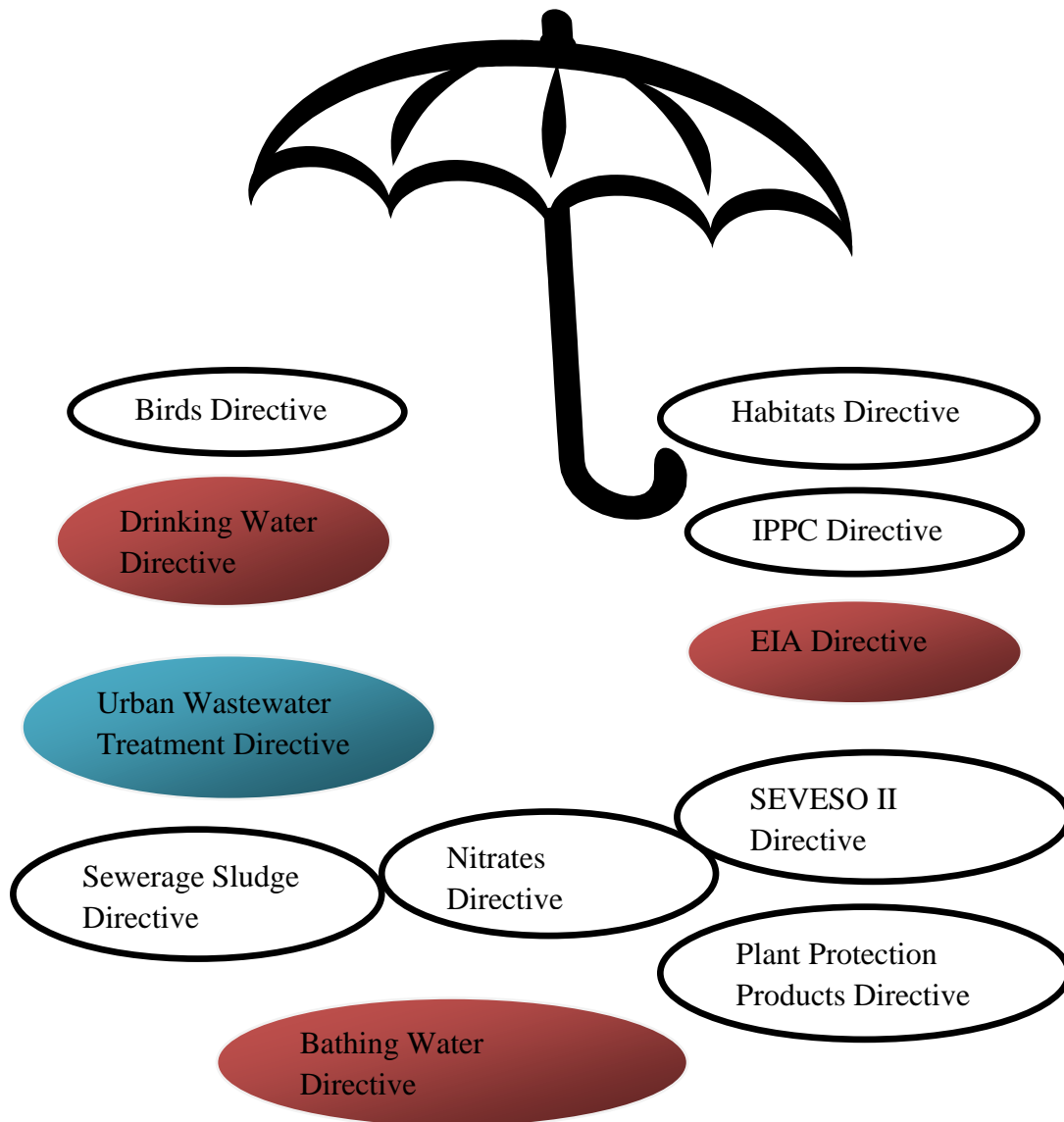
Water is the most important resource that mankind has to protect, since it is crucial for life on earth. In the case of the TRNC, there is a huge water shortage, especially in the summer time. The TRNC's water resources are insufficient because many water resources do not have sufficient infrastructure. Therefore, the existing water resources have to be used carefully and effectively. Moreover, any development of the water resources has to be a 'sustainable development'.

Basically, the EU has a Water Framework Directive (2000/60/EC) which consists of general regulations about water such as ground and surface water, rivers or lakes and their protections. ([ec.europa.eu](http://ec.europa.eu) is the official website of the European Commission and part of Europa, 2007). In fact, the WFD is like an umbrella that includes all types of directives for water resources. (Finnish Environment Institute (SYKE), 2007, pp. 1-2) The current situation of water in the TRNC is decreasing daily because the current water resources need to be restructured as soon as possible. Especially Güzelyurt water resources are mixed with the sea water, since the city does not have a sewerage system. According to the environmental law of the TRNC, there are several regulations for the protection of the sea, but these are not adjusted to the requirements of the EU environmental laws. However, this is not the basic reason for spending EU financial assistance on water resources and the constriction of sewerage systems. Water resources are one of the primary objectives of the EU, and all

projects work in cooperation with the United Nations Development Programme (UNDP) and the EU.

The Drinking Water Directive (98/83/EC), the Bathing Water Directive (2006/7/EC), the Urban Waste Water Directive (91/271/EEC) and the Groundwater Directive (2006/118/EC) are the primary directives that are going to be transposed into the TRNC's domestic policy. (European Coordination , 2009, pp. 358-359) (Çevre ve Doğal Kaynaklar Bakanlığı, 2008). These were part of the 'drafted legislation', and the transformation process continued from 2009 to 2011. There were no such directives in the TRNC's 1997 environmental law. For instance, the Drinking Water Directive is the first law that was amended in the new environmental law. Moreover, the TRNC's national assembly approved the entire underground water program on 27<sup>th</sup> February 2012. In accordance with this program, the national assembly implemented a new structure for the types of water resources, and it coordinates under the Ministry of Environment and Geology and the Mining Department. Urban Waste Water is a regulation which states that the TRNC's national assembly has to implement and enact necessity policies under the waste water law. According to the 2012 TRNC's environmental law, the Urban Waste Water Directive is included and the Ministry of Environment is responsible for waste water. Figure 7 illustrates the Water Framework Directive and its complementary directives. Also, it shows the TRNC's new directives that are adapted and transposed in its domestic policy.

# WATER FRAMEWOK DIRECTIVE



1. Red directives are transposed into the TRNC's domestic environmental law.
2. Blue directives are adapted by the TRNC's national assembly.

Figure 7: Water Framework Directive.



### 2.3.2 Waste Management System

The Waste Management system is included in the Waste Framework Directive (2006/12/EC), the Hazardous Wastes Directive (91/689/EEC) and the Shipment Regulation (259/93/EC). Also, there are supplementary directives but these three laws are substantial for the EU's waste management system. The problem is that the TRNC's municipalities and neighborhood policies are not effective in their waste management systems. For example, the municipalities collect waste in the cities and villages, but there are no legal places where they can leave this waste. Also, there are few regulations about carrying this hazardous waste and the government faces implementation problems with the waste management system. The area of Dikmen is the only place where waste is collected. Hence, many environmental problems are created, e.g. fire, dangerous air and pollution. (European Coordination , 2009, p. 370). They planned to close this area and establish another landfill area with the separation of each type of waste, such as plastic, glass, medical or hazardous waste. Today, the Dikmen landfill is closed and a new area was built in the village of Değirmenlik-Güngör. (European Coordination , 2009, p. 370) According to the new environmental legislation, the TRNC's national assembly adapted Waste Oil Directive 75/439/EC ("Regulation on Vegetable Waste Oil, Metallic Waste Oils Regulation"), Hazardous Waste Directive 91/689/EEC ("Hazardous Wastes Regulation" and "Medical Wastes Regulation"), Landfill Directive 99/31/EC ("Landfill Regulation"), Shipment Regulation 259/93/EC, Polychlorinated Biphenyls and Polychlorinated Terphenyls (PCB/PCT) 96/59/EC, Packaging & Packaging Waste Regulation Directive 94/62/EEC, End of life vehicles Directive 2000/53/EC, Waste Batteries and Accumulators Directive 2006/66/EC and Waste Electrical and Electronical Equipment Directive 2002/96/EEC. It seems like a long directive list for

different types of waste but if mankind consumes them, we have to know how to recycle or destroy these kinds of products. Also, these directives are another illustration of the difference between the 1997 and 2012 environmental policy of the TRNC. In 1997, environmental laws did not distinguish between specific types of waste, such as electronic devices, old vehicles or accumulator waste. Some of the laws have been transposed such as the Law on Old Metal Products and Mine and Quarries within the TRNC's domestic policy.

### **2.3.3 Nature Protection**

Nature Protection requires an effective framework, and for that reason the "Nature Protection Group" was established in July 2007. (European Coordination , 2009, p. 381). Then, six regions decided to include areas which are known as the Special Environmental Protection Areas (SEPA). These areas are Karpaz National Park, the Ronnas, Ayfilon and Alagadi, Southern Karpaz and the Akdeniz Region "under the Environmental Law 21/97". (European Coordination , 2009, p. 381) These areas were selected specific individual reasons. For instance, Alagadi was selected because this place is the home of *Cheloniemydas* and *Caretta caretta* turtles. Furthermore, these areas were approved by the TRNC's national assembly. There are two directives that the TRNC's Council of Ministers adopted in their national policy. These directives are Habitats Directive 92/43/EEC and Wild Birds Directive 79/43/EEC. (European Coordination , 2009, pp. 382-383) The first objective is the implementation of the Wild Birds Directive because it is required to reflect the impact of the EU environmental legislation on the TRNC's domestic policy. It is not enough to decide on unique areas, but we also have to protect wild flora and fauna. For this reason, the TRNC's administration transposed draft law about forestry,

coastal security and wild flora and fauna protection. (“Regulation on Protection of Species of Wild Flora and Fauna” EC/338/97)

#### **2.3.4 Improvement of Legislation and Implementation in Horizontal Issues**

This sector consists of the Environmental Impact Assessment System (EIA) and the Strategic Environmental Assessment (SEA) Directive. There are three substantial directives: Environmental Impact Assessment System (EIA) 85/337 EEC, Strategic Environmental Assessment (SEA) EC 2001/42 and Access to Environmental Information 2003/4/EC. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) The EIA and SEA directives are essential for the EU’s environmental policies because they consist of different projects. (ec.europa.eu is the official website of the European Commission and part of Europa, 2007) Also, some of the projects are obligatory, such as the construction of railways or airports. (ec.europa.eu is the official website of the European Commission and part of Europa, 2007). This directive was “amended three times” and the last amendment was done in 2009 (ec.europa.eu is the official website of the European Commission and part of Europa, 2007) .

In the case of the TRNC, the EIA directive existed in the previous environmental law in 1997, but some of the EIA rules were not implemented correctly. For example, the EIA has an impact on the construction of buildings. Therefore, EIA specialists have to prepare a report about the type of building to evaluate its damages. Unfortunately, the building starts to be constructed without the approval from an EIA specialist. This is not in accordance with the requirements of the EU. The EIA directive is adapted into the TRNC’s domestic policy. Also, the Planning Consent and Public Participation regulations are adapted. (European Coordination , 2009, p. 396). The SEA directive is a new term for the TRNC. This directive is necessary for sustainable

development projects. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) The TRNC's domestic policy reviewed their EIA directives and created an Advisory Committee for the SEA directive. However, the decisions of this Committee are not obligatory and the participants may disobey their decisions if they can justify their opinion. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) Lastly, the TRNC started to transpose the Aarhus Convention within its domestic policy. This convention states that "to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters, and acknowledging in this regard that citizens may need assistance in order to exercise their rights". (1998, s. 2) The TRNC's assembly adopted this international law to improve its information strategy about the environmental sector.

### **2.3.5 Remediation of Air Quality**

Air quality is another substantial sector for the island. According to the evaluation of the United Nations Office for Project Services (UNOPS), most of the pollution comes from cars, electrical power stations, mineral deposits or desert wild during the period of 2002 and 2003. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) Especially exhaust fumes are damaging the air quality and are exceeding the limitation levels of the EU. For this reason, the primary objective is to implement the EU Air Quality Directive (2008/50/EC). For example, the administration started to apply the exhaust emission measurement in 2007 under the approval from the Ministry of Natural Resources and Environment.

Secondly, the TRNC has to review fuel oil quality requirements. Therefore, the TRNC's administration adapted "Organizing Pricing Principles for Petroleum

Products regulation, regulations on inspection, testing and approval and determination regulation for Analyzing Cost of Fuel Oil (Amendment), Regulation on the Sales and Handling (Inspection and Regulation) Fuel Oil (Amendment) and Regulation of 1978 on Determination of the Material Used for Storage of the Fuel Oil and Regulating Certification and Management of the fuel oil storage areas (Amendment)”. (European Coordination , 2009, pp. 408-409) In order to be successful, the workers of the Ministry of Environment are informed by the EU services, especially about the quality of air and how to evaluate it.

### **2.3.6 Management of the Use of Chemicals and Genetically Modified Organisms (GMO's)**

The chemical waste needed a comprehensive program in the TRNC so the TRNC's government is downloading the REACH (Registration, Evaluation, Authorization and Restriction of Chemicals) Regulation. (Official Journal of the European Union, 2007) This regulation came into force in 2007. Therefore, it is a newly founded regulation, the main purpose of which is to collect all the directives about chemicals and their management. In addition to this purpose, the EU states that every industry or the exporters/importers who are producing or selling these chemical products have to register their brand and provide basic information about their products to the European Chemical Agency (ECHA). (European Chemicals Agency, 2007) In the case of the TRNC, the REACH regulation is translated into Turkish and it is required to await the responses of member states. Therefore, the REACH regulation is not transposed in the TRNC's domestic policy. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) On the other hand, directives that are transposed into the TRNC's national policy are 67/548/EEC, 99/45/EC, 93/67/EC, and 304/2003/EC, which concern

“organizing basic issues such as classification packing, labeling, export and import of chemicals in accordance with EU directive”. (European Coordination , 2009, p. 417)

In the 1997 Environment law, there were some points that explained how to prevent air pollution and establish treatment plants, but this did not cover the chemical industry and its waste. For this purpose, the Chemical Safety Commission was created in the TRNC. (European Coordination , 2009, p. 416) Then, the TRNC’s government had to solve the problem of asbestos because nearly all buildings, such as schools and public offices, contain the asbestos product. For this purpose, the TRNC transposed the Council Directive 87/217/EC of 19 March 1987 on the prevention and reduction of environmental pollution caused by asbestos (European Coordination , 2009, p. 418). Moreover, they established a committee about the use of asbestos in 2007. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008)

There is no tangible information about the usage of GDO products in the TRNC. However, we need to raise awareness about these products in the public area, so the 2001/18/EC directive was transposed by the TRNC’s assembly. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) Moreover, the 90/219/EC directive was transposed for the limitation standards about the usage of GDO products. Lastly, the TRNC made some legal amendments such as transposing the 2037/2000/EC directive about ozone-depleting chemicals. (European Coordination , 2009, p. 418).

### **2.3.7 Ensuring Industrial Pollution Control (IPC)**

There are two substantial directives: Integrated Pollution Prevention and Control Directive 96/81/EC (IPPC) and Large Combustion Plant Directive 2001/80/EC (LCP). These directives are being transposed by the TRNC’s government. In addition

to these two directives, there are supplementary directives. For instance, the TRNC does not have any laws about the Environmental Management System (EMAS) and Eco-Labeling. Also, the Seveso II Directive is transposed by TRNC and signifies “a revision and extension of the scope; the introduction of new requirements relating to safety management systems; emergency planning and land-use planning; and a reinforcement of the provisions on inspections to be carried out by Member States.” (ec.europa.eu is the official website of the European Commission and part of Europa, 2007)

Lastly, it is necessary to control the pollution that comes from industrial sectors. Especially, the TRNC’s government made some legal changes about controlling any accident in major industrial areas, such as preparing an emergency plan in the case of an industrial accident. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008)

### **2.3.8 Establishment of Environmental Noise Management**

Noise management issues are inefficient in the TRNC’s environmental laws, because the requirements are not enough to evaluate the noise. There is a lack of educated persons in terms of noise management in the Environmental Protection Office and punishments are not deterrent. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) Therefore, the “Noise Working Group” (European Coordination , 2009, p. 435) was created and this group prepared strategic programs for managing noise equipment.

Firstly, there are two draft laws that aim at harmonization with the EU directives: “draft environmental law and draft civil aviation law”. Directive 2002/49/EC concerns environmental noise evaluation and management. Moreover, the primary objective is to prepare a strategic road map and an action plan for noise management

within this directive. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) The “Draft Municipalities” law (European Coordination , 2009, p. 438) is transposed within the 2002/49/EC directive. For this reason, the municipalities are the responsible unit for noise management and they have a right to implement sanctions. In the TRNC’s previous environmental law, the district government was the responsible office for noise management. (Kuzey Kıbrıs Türk Cumhuriyeti Çevre Yasası, 1997, p. 11)

Secondly, “80/51 EEC Noise Measure for Subsonic Aircrafts, 89/629 EEC Noise Emission for Civil Subsonic Aircrafts, 92/14 EEC Limiting the Operation of Certain Airplanes and 2002/30/EC Noise Measurements Limits for Airports” (European Coordination , 2009, p. 438) are transposing directives into the TRNC’s noise management policies. The last sector is the climate change about the transposing of the EU environmental directives within the TRNC’s national policy.

### **2.3.9 Drafting Required Legislation and Establishing the System on Climate**

#### **Change**

Climate change is the most crucial problem that creates economical and social threats to the whole world. The EU makes special efforts to reduce it, such as the establishment of the Kyoto Protocol. However, the case of climate change is different for the TRNC. There are no regulations about climate change in the TRNC’s environmental legislation. Specifically, there is no legislation or action plan for the reduction of greenhouse gas emission (GHG). Basically, the reason is that there are few industrial sectors that cause greenhouse gas emissions in the TRNC. (Çevre ve Doğal Kaynaklar Bakanlığı, 2008) The TRNC’s administration has transposed four draft legislations: “2002/91 EC Energy Performance Framework, Streets and Buildings regulation, 95/75 EEC Energy Labeling of Household



Appliances and 1999/94 EC energy Efficiency Labeling of Passenger Cars”.  
(European Coordination , 2009, p. 446)

In the long term, renewable energy systems will be developed and the responsible department is part of the Protection of Environment Office by the TRNC administration. General awareness of this topic will be increased through seminars.  
(Çevre ve Doğal Kaynaklar Bakanlığı, 2008)

## **Chapter 3**

### **CONCLUSION**

Generally, this thesis concludes that Europeanization has an impact on non-member states. Also, Europeanization has different subtitles and mechanisms (vertical, horizontal, positive, negative, framing) for non-member states. This dissertation claims that the impact of Europeanization varies from state to state. This impact has two directions, uploading and downloading. It is not required that every member state is affected by Europeanization, so “misfits” can occur within the member states. For instance, the case of making the banks independent in France is an example of the “misfit” concept. Another example is the Swiss case, since Switzerland rejected to join the EU, but they did want to integrate in the EU in order to reduce the discrimination of Swiss economy. This thesis argues that Europeanization has an impact on non-member states, but the type of impact depends on its reasons.

The environment is another fundamental topic of this thesis in terms of the impact of Europeanization. Actually, environmental issues were discussed at the Paris Summit in 1972. Many action plans have been established by the EU, and the EU is still working on the establishment of new action plans, as it is now preparing the 7<sup>th</sup> Action Plan. Each action plan incorporates the physical and cultural environment, but this thesis focused on the physical environment in the case of the TRNC.

According to the limitations of this thesis, the findings point out that the EU environmental law has an influence on the TRNC's domestic environmental policies. Moreover, this study considers two important periods of TRNC's environmental legislations, 1993 and 2012. The practices or implementation procedures are not included in this thesis, because the nine sectors have four time periods and time is an essential element for these sectors. This is the limitation of this research. For instance, drafting the EIA directives gained significance in the 2012 environment legislation. The construction cannot start without getting the approval of the EIA. Nevertheless, according to the EU Coordination Centre report, some buildings are constructed without the permission of this EIA report. Another amendment is that the issue of water resources and water management became a comprehensive issue by means of the EU Water Framework Directives. The most important development is the closure of the Dikmen dumping site in this sector. In 1997 environment legislation, the waste was not categorized in accordance with its importance. This is a significant issue because not all types of waste decompose at the same time or in the same way. Therefore, 2012 environmental legislation separated the waste in accordance with their importance and dangerous impact on the nature. Furthermore, climate change is a new issue for the EU environmental policy, but it is included in the new environment regulation, such as the protection of greenhouse and renewable energy systems, such as solar energy. Municipalities became the responsible unit for the noise management problem, but in the 1997 environment law it was still under the control of the district government. These developments represent the effects of Europeanization on the new environmental legislation. It is necessary to know which type of mechanism and integration is compatible with the situation of the TRNC.

Another outcome of this thesis is that the TRNC is an example of horizontal mechanisms and negative integration. Also, it is an example of framing integration. The reason is that the TRNC is not an official member state and the TRNC administration takes the EU environmental legislation as an example for its domestic policies. Specifically, the reason is to improve the life standards and come close to a similar position in the case of a peace agreement with the ROC. There is no obligatory procedure like in the vertical mechanism. The TRNC is downloading the EU rules and regulations voluntarily. Therefore, the TRNC is not a vertical mechanism, as it does not have any obligations to obey or implement these EU rules. On the other hand, it is an example of the framing integration model, because framing integration considers the preferences of domestic policies. The Europeanization issue is determined by different variables instead of some examples. According to Markus Haverland, (2005) selecting “dissimilar states” helps to examine the other crucial trigger factors of Europeanization in academic literature. (Haverland, Markus, 2005, pp. 1-10)

This thesis accepts the position of the TRNC as a non-member state, but considers it more different than the other non-member states. The reason is that the ROC is an official member state of the EU, but the EU does not recognize the TRNC as a “state”. Moreover, the EU membership of the ROC makes the situation of the TRNC unique. Furthermore, this dissertation points towards the unusual situation of the TRNC under the Protocol 10 Treaty of Accession. For that purpose, this paper argues that the impact of Europeanization exists under the suspension of EU laws and regulations in the TRNC. Obviously, the TRNC’s new environmental legislation indicates that the TRNC takes advantage of the horizontal mechanism of

Europeanization in the administrative procedure of 2012. The practices of these new environmental regulations have not achieved yet but managing structure for new laws are practiced effectively. We need to remember that the nine sectors are divided into four time periods, and the effective and beneficial results will appear at the end of these periods. Therefore, the implementation process can be another issue. Lastly, I would like to stress that the financial assistance has played a major role in the TRNC's domestic policy, because the TRNC cannot amend these directives with its own means. The TRNC's administration changed the structure of the Department of Environment and is improving the protection of environmental policies. Directives are not the only measurement of the Europeanization of the TRNC's environmental policy but the TRNC's (non-EU) government transposed these EU environmental directives within their national policies. The TRNC is not member state of the EU and it is not recognized by the EU, but its government has transposed and adapted EU directives regardless of the perspective of the EU.

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