**DIFFERENTIATED INTEGRATION IN A CANDIDATE STATE: THE CASE OF TURKISH TRANSPORT**

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**Abstract**

The EU-Turkey relations are currently in an impasse where each side are tackling to survive the integration process in different ways. Although the optimism of the last decade is particularly gone, there are still hope for new measures to speed up the alignment of Turkey to the EU. In this sense, differentiated integration came out as a concept to offer new flexible arrangements for non-member and candidate states to opt-in selected EU acquis without engaging wider uniformity and threatening national sovereignty. EU-Turkey relations on transport stand out as a relatively successful alignment case during these turbulent times. The settled pattern of selective participation in transport policy could be considered as the result of the alternative approach taken by the parties based on transport programs, funding mechanisms and created institutional bodies. This study aims to analyze this selective participation pattern in the case of transport as an example of differentiated integration and the reasons behind Turkey’s decision to opt-in. Where selective participation leads to selective implementation, the alignment decisions of Turkish officials are strongly depending on domestic political preferences and the number of supporting non-state actors. In this regard, this study will also investigate the domestic and external factors that led Turkey to selective participation and implementation. The results of the case could institute an efficient example for other policy areas that are in need for a motivation on alignment.

Keywords: Transport, differentiated integration, selectivity, European Union, Turkey.

After nearly sixty years of close cooperation, it is now a fair argument to make that the EU-Turkey relations reached an impasse. Thirteen years passed since the start of the membership negotiations at 2005 and the optimistic tone of those days is now transformed into an uncertain future with many disagreements between the parties. Meanwhile, both EU and Turkey currently occupied with internal challenges. On one side, the EU is still searching an answer to the problem of rising nationalism and the issue of immigration. On the other, Turkey is facing a transition period to a new governance model. Although the economic interdependence is still high amongst the EU and Turkey, both parties are now more focused on bilateral agreements that could help common issues rather than full uniformity with the EU acquis. The refugee agreement is a prominent example for that approach.

These turbulent relations in the past years obviously affected Turkish alignment to the EU acquis in general. At the last years’ State of Union Address, the European Commission President Jean Claude Juncker criticized Turkey on the grounds of free speech and human rights, vowed that a possible Turkish membership is not on the horizon (European Commission, 2017a). Against these comments, President Erdogan also criticized the EU’s allegedly breaking promises and admitted that Turkey does not need the EU any more (DW, 2017). Inside of this cloudy picture, full alignment seems not feasible at the moment. However, against all odds, one particular policy area is signaling efficient rates in terms of the EU alignment. In such a tough period, the EU-Turkey relations reached relatively strong compliance with the EU acquis on transport.

Transport policy and alignment are important for the both parties for some obvious reasons. First is the enduring economic interdependence between the EU and Turkey. Transport is an indispensable part of the “free movement of goods” clause of the Customs Union and currently the EU is holding 51, 2 % of the Turkish exports (Turkish Statistical Institute, 2018). Another reason is geography. Besides Turkey is being a significant market for the EU members, it is also a transport gateway for members to reach Eastern markets. Finally, transport is nevertheless covering two significant negotiation chapters (Chapter 14 and 21) that Turkey should comply before a possible membership. Transport also represents a symbol of curious success in a highly tough period of relations and proved its worthiness for further research. This paved the way for this article to investigate the reasons behind this healthy relationship in a highly conflicted era and ask the question of “To what extent and how the Turkish transport is aligned to the European Union?” The aim for asking such a question is to understand the progress in this policy area and provide a possible alternative framework for other policy areas to thrive even in these turbulent years. In this regard, this article argues that this relatively strong compliance and continuity could be linked to the alternative approach created by the EU and Turkey depending on new dialogue and alignment instruments. This flexible rapprochement applied to the transport relations could be explained through the concept of differentiated integration.

Differentiated integration in EU-Turkey relations is not new. Within this nearly sixty years old cooperation, both sides created alternative instruments and communication channels in order to move forward on alignment and keep Turkey inside of the integration process by opting-in as a candidate state. According to Muftuler Bac and Luetgert (2016: 6-12) study, Turkey’s integration has already differed from other countries with the examples of Customs Union decision of 1995 and Turkey’s involvement to the community programs since 1999 to maximize the EU’s integration capacity in Turkey as an alternative to the uniform membership. The latest example for these optional channels could be the EU-Turkey deal on the refugees. This flexible approach came into life at the transport policy as well. Different from the EU model of “one-size-fits-all” (Muftuler-Bac and Luetgert, 2016: 6), the EU and Turkey continued over alignment through modification of new financial agreements, bilateral transport deals, institutions and EU investments to the domestic transport projects. This selective participation or the “opt-in” decision also brought the case of selective implementation. This article also argues that the Turkish participation and selective implementation of the transport acquis in Turkey is closely related to the domestic drivers such as the uniformity of domestic transport preferences with the EU acquis and supporting non-state institutions. The next few chapters of this article will give brief information about the definition of the differentiated integration, a short analysis on the differentiation of Turkish integration to the EU and last but not least, transport policy as a case of Turkey’s new flexible approach.

**Differentiated Integration**

The emergence of the concept for the EU studies dates back to the period of post-Maastricht 1990s and today, the development of “differentiated integration” is continuing as an attempt to explain the future of the integration process after many crises that the EU faced in the last decade (Leruth et al, 2017: 3). In short, differentiated integration explains the variations in the level and scope of state participation to the EU acquis (Wallace, 1998: 137). As the member and candidate states grew constantly over the years, the question of “how to deal with different national concerns and competences?” became very common. In this regard, differentiated integration became a useful instrument for the EU to get on track with integration by ensuring a flexible approach. The approach paved the way for the EU to construct flexible arrangements for a deeper trade-off with the willing states and opened up a possibility for unwilling states to join when they are ready (Zhelyazkova, 2014: 727). Therefore, as an alternative to the full accession, differentiated integration became a model of integration-maximization for the countries that are not yet ready for full accession (Muftuler Bac and Luetgert, 2016: 6-7). The European Neighborhood Policy is a significant example for the emergence of the approach (Muftuler Bac and Luetgert, 2016: 6-7). The European Union itself characterizes it as a differing arrangement concerning the member state participation to the various policy areas with an “a la carte Europe” fashion where non-member states could also have the possibility to re-join the EU on selected policy areas such as Euro and Schengen Area (European Parliament, 2016).

Schimmelfenning, Leuffen and Rittberger (2015) study claims that for any integration process, differentiation is an essential and likely outcome of the formation of supranational level policy. The demand for differentiation originates from the deepening responds to member state concerns about the protection of national causes (Schimmelfennig, 2018: 1157). In addition to that, Schimmelfennig (2018: 1157) argues that the demand for differentiated integration is particularly strong in the countries with exclusive national identities and more prone to selectivity based on national concerns (Schimmelfennig, 2018: 1157). Schimmelfennig et al (2015: 765) approach proposes two different models for differentiated integration. The first model of differentiation is the vertical differentiation where policy areas have been integrated but with different speed and level between the member states (Schimmelfennig et al, 2015: 765). On the other hand, horizontal differentiation assumes many integrated policies that are neither uniformly or exclusive for the member or non-member states (Schimmelfennig et al, 2015: 765). If a member state chooses to exclude itself from a particular policy, then the identified model becomes an internal horizontal differentiated but if a non-member state chooses to opt-in in a selected EU policy, then it signifies an external horizontal differentiation (Schimmelfennig et al, 2015: 765). The explanatory elements for these models to occur are the settled interdependence and politicization (Schimmelfennig et al, 2015: 765). Interdependence is the driving part of the integration process arising from the basic demand for alignment and politicization is creating an obstacle for the dynamism of the process (Schimmelfennig et al, 2015: 765).

About the applicability of the concept to non-member or candidate states, there are explanations available in the literature. Holzinger and Schimmelfennig (2012) study analyzes the emergence of differentiated integration in such states. In fact, the idea of external governance where a non-member state is selectively approving the EU’s acquis on a specific sector is an enduring part of the history of European integration process (Holzinger and Schimmelfennig, 2012). According to Holzinger and Schimmelfennig (2012), the differentiated structure of non-member integration is inevitable since different standards of different groups will endure and their loyalty against the acquis will always depend on the national preferences. However, these explanations also brought the question of the behavior and the response of the non-member states when they got the opportunity of selectively opting-in to a specific part of the EU acquis. Asya Zhelyazkova (2014) article about the relationship between selective integration and implementation explains how different levels of participation have an effect on the national policy outcomes. Zhelyazkova (2014: 727) believes that differentiated integration is a necessity for the EU and member states because of the constructed interdependence but it is also a phenomenon that increases the implementation gap between the member and non-member states. The article criticizes the general expectation that the states choosing to comply will perform as much as fully integrated members when it comes to alignment (Zhelyazkova, 2014: 727). Instead, Zhelyazkova (2014: 727) assumes that out of three types of states (full participants, selective participants and non-participants), selective participants are more likely to implement better than non-participants but not close to full participants due to the fact that selective participation leads to a selective implementation based on domestic preferences.

Yet another discussion point about the concept is the nature of differentiation. Along the literature, the observable fact is the serving of the concept as a crisis solution mechanism. The EU itself also evaluates the concept as rather an optional alternative to full alignment but not a naturally occurring phenomenon (European Parliament, 2016). However, scholars like Leruth, Ganzle and Trondal (2017) challenged this limited view by reviewing opting-out as a naturally developed instrument against the theories that acknowledge it as a mere solution to sovereignty challenges. Therefore, only few of the EU policy areas are exclusive and most of them regulated by the willingness of the member states and the concept should not be limited to a crisis response mechanism (Leruth et al, 2017). Moreover, Andersen and Sitter (2006) narrowed down the explanation of the concept as a simple choice of a member or non-member state participation depending on their will on active participation to a specific sector without tackling the above discussion.

Different conceptual explanations gave different meanings to the domestic national choices on the way through differentiated integration. National preferences assumed to shape a member state fortune for the choice of opting in or opting out. The evolution of these domestic preferences and actors appeared in two different studies. Mutfuler Bac and Luetgert (2016:8) implied the domestic preferences, political realities and preferences of existing member states as the forces driving the integration outcomes. The second article is focused on the domestic decision making mechanisms that drive a member or non-member state to selective participation. As Fumasoli, Gornitzka and Leruth (2015) puts it, the both varying interdependence and degree of politicization is depending on the calculating costs over integration but in a multi-level policy scheme where both member states, regions, cities, non-governmental organizations and private corporations could settle the interest for opting-in.

**Turkey’s path to Differentiated Integration**

For Turkey, the hopes for a possible uniform integration was high at the start of new millennium with the given official candidate status at 1999 Helsinki Summit and the start of the negotiations at 2005. Nevertheless, the prospect of full membership constantly faded at the post-2005 period. The past decade demonstrated a rather uncompromising behavior of both parties that resulted as the stall of the Turkish membership bid. This loss of momentum could be understood through the changing political dynamics inside the EU and Turkey. On domestic lines, the factor was the observable changes in the foreign policy stance of the AKP government (Onis, 2008:40). The EU responded this by questioning the Turkey’s credentials for an EU candidacy (Onis, 2008: 41). These political rambles paved the way for leaders like Merkel and Sarkozy to suggest the idea of “privileged partnership” as an alternative of loose cooperation against uniform integration. Although Turkey still considered as an important ally, EU members started to get vocal over the concerns such as the possible administrative costs of Turkish membership and the EU’s lacking absorption capacity (İcener, 2007: 422-23). Even at the year of 2018, French President Macron claimed that Turkey is still far away from being a member state and revived the idea of privileged partnership (BBC, 2018). However, Turkey rejected the proposal and stated that a second-class status is not acceptable (Sputnik News, 2018). Yet once again, high level interdependence met with different political problems to push the sides for searching alternative models of alignment.

In terms of alignment with the EU acquis, Turkey’s path was already differed from the other candidate states since the beginning of the accession process. The 1995 decision of forming a Customs Union started an alternative economic integration route for Turkey (Muftuler Bac and Luetgert, 2016: 12). This new route continued to create new alignment methods with more flexible arrangements such as the inclusion of Turkey to the community programs after candidacy (Muftuler Bac and Luetgert, 2016: 12). With the help of these multiple venues, Turkey and the EU tried to open the plugged veins of the alignment process. According to Muftuler Bac (2017: 424) study, Turkey is now aligned in many policy areas and complied the EU acquis communitaire in a selective manner as a result of the alternative methods. As an example for these selectivity, Muftuler Bac (2017: 424) put forward the instrumentality of Customs Union and Turkey’s inclusion to the selected lines of the foreign and defense, energy and justice and the home affairs policies. Increasing focus on the selected pattern survived until today, given the fact that the backsliding from full membership perspective has been accelerated over the years. To ease these continuing frustrations, another attempt for the new format of relations came into life with the EU-Turkey cooperation deal for the refugees on March 2016 (Turhan, 2017: 2). The agreement came out as an imperative to control the massive effects of Syrian conflict but at the same time, helped to expand the scope of external differentiated integration between the EU and Turkey (Turhan, 2017: 3). Similarly, the selective alignment on transport also born out of a necessity for escaping political crisis.

For the question of “what factors led Turkey to construct a selective approach but not uniformity on transport?”, Muftuler Bac and Luetgert (2016: 10) offers some explanatory variables that drive states to initiate flexible integration outcomes. Dynamics such as domestic politics, political realities, national sovereignty concerns and preferences of existing member states and their ability to become a veto player, triggers member and non-member states to selectively opt-in or out in a particular policy area (Muftuler Bac and Luetgert, 2016: 10). Out of these factors, one of them is significantly important for the story of Turkish transport. This is the veto power of the existing member states. The negative preferences of the existing member states forced Turkish transport officials to search for alternative channels. The decision to suspend the transport chapter of membership negotiations because of Turkey’s insistence to not recognize Cyprus and implement the Protocol as a benchmark (Turkey Directorate for

EU Affairs, 2018), dissolved any future perspective of uniform integration for the policy area. Consequently, there is no other possibility left available for Turkish officials but finding new channels to continue for alignment.

Turkey’s route for selective participation on transport could also be explained through Schimmelfennig et al (2015) hypothesis defining the external differentiated integration. When it comes to transport, Turkey and the EU is still dependent on each other’s markets and transport routes because of the reasons listed at the introduction. Therefore, economic rationality still supports the alignment process and works as a driver of integration. As an obstacle, high politicization came out from the EU’s political decision to suspend the negotiation chapter led the integration on transport into a deadlock. Where high interdependence and politicization meet, a non-member state selectively chooses to opt-in or out and this is what Turkey followed on transport. Turkey decided to opt-in and paved the way for alignment outside of box by creating alternative flexible instruments along with the EU such as: the TINA (Trans-European Network for Transport Study) program; Turkey’s inclusion to the pre-accession IPA funds, TRACECA and TWINNING programs and Single European Sky agreements; creation of Transport Operational Program to regulate IPA funds and increase competitiveness (European Commission, 2018); and finally, through EU investments to selected Turkish domestic transport projects. This study analyzes the reasons behind the creation of these instruments and the overall decision of Turkish opt-in by two factors: favorable domestic political preferences and the existence of supporting non-state institutions. Based on Zhelyazkova (2014) classification, Turkey could be counted as a selective participant on transport, however, selective participation does not necessarily mean full implementation of the EU acquis. Although the above instruments encouraged the sector to level up on the transformation, Turkey is still far away from a full engagement because of the same reasons that led the country to opt-in at the first place.

**Turkish Transport and EU Alignment**

*EU’s Transport Policy*

Whether an integration process includes uniformity or selectivity, the main themes of the EU Transport Policy is concerning the same expectancies from the member and non-member states. By opting-in, Turkey also made a decision to align with these certain provisions of the EU acquis. The EU’s transport policy is named as the “Common Transport Policy” and it its latest version settled by the Treaty on the functioning of the European Union signed in 2007 at Lisbon. The Articles 90 to 100 of the Treaty defines the desired measures to improve transport infrastructure, safety and remove the remaining bottlenecks on the way towards a single transport market (European Union, 2012). However, the transport policy of the EU has its roots back to the Treaty of Rome where the first members aimed to fulfill the four freedoms of the emerging common market (European Commission, 2014). The reforms continued with the Treaty of Maastricht where the member states decided to establish Trans-European Networks and expand the connections and modernizations of the transport infrastructure (European Commission, 2014). The decision making structure of the policy also moved to co-decision in Amsterdam (European Commission, 2014). The 2011 White Paper called the “Roadmap to a Single European Transport Area” gave the recent shape of the policy through intermodal and multimodal market approach (European Commission, 2014). All of these reforms aimed to promote an integrated transport policy for member states to contribute on growth, employment and sustainability (European Union, 2017).

For every single transport mode, the EU acquis prioritize and strategize similar themes defining efficiency, sustainability and accessibility. On aviation, the EU promotes the “Single European Skies” initiative in order to meet the future capacity and safety links between the air services and environment (Eurocontrol, 2017). The EU settles its external aviation policy by the “Open Skies” agreements to regulate air services and extend bilateral agreements (European Union, 2017). The EU’s aviation acquis includes more accessibility, less pollution, new technologies and safer skies (European Union, 2017). Similarly, an expanding liberal maritime market, protection of sea environment and safety are the common measures of the EU maritime policy. For ensuring a single maritime policy, the EU demands member states to align with the legislation and modernize their infrastructure (European Commission, 2014). Liberalization of the transport markets is indispensable for the well-functioning of the single market and free movement of goods. The neo-liberal market structure of the EU also makes it inevitable. Besides maritime, the EU also suggests a market liberalization on rail for the participants (European Union, 2017). Another important piece of the rail legislation concerns the modal shifts from road to rail in both freight and passenger transport. For both liberalization and modal shifts, the EU encourages establishment and modernization of technologically advanced high speed rail networks and these measures are explained in four different railway packages (European Union, 2017). The road transport policy of the EU settles common standards for road charges, driving times and car emissions. Traffic and environment protection are the other focus points for the European Commission. The common standards include safety and modernization of the roads, maximum driving times with tachometer usage and no discrimination on road charges (European Commission, 2014). The EU also put forward a 60 % cut on emissions and wants to abolish any remaining closed market until the end of the year 2050 (European Union, 2017). Trans-European Networks is also an EU initiative concerning transport policy. With the TEN-T (Trans-European Networks-Transport), the EU started an infrastructure initiative for assigning a transport corridor to physically connect the member states (European Commission, 2017b). Another purpose of the TEN-T is to overcome the problem of unequal distribution of transport infrastructure throughout the member and non-member participants (European Commission, 2014).

It is also important to remember that the EU’s transport acquis and TEN-T goals are separate negotiation chapters on the way towards Turkey’s full membership. However, this uniform integration approach is lost due to the reasons mentioned in the former part. Nevertheless, Turkey decided to opt-in to the policy area without being a full participant and through alternative instruments.

*Alternative Instruments of Turkey and the EU*

Turkey’s decision for selective participation to the policy area led the state and European officials and to come up with alternative and flexible instruments used for Turkish alignment. One of the most prominent one is the Turkey’s inclusion to the TINA (Transport Infrastructure Needs Assessment) program. The TINA program offered to Turkey with a financial assistance arranged by the IPA (Instrument for Pre-Accession Assistance) which is also financed through the European Commission (Turkey Directorate for EU Affairs, 2018). Out of the resources of TINA, Turkey and the EU designed the Transport Operational Program for the projects of alignment. These projects included the high speed railway constructions and modernization (Ankara-Istanbul, Irmak-Karabuk- Zonguldak, Samsun-Kalın) and planning of the Halkali-Kapikule line (Turkey Directorate for EU Affairs, 2018). The financial assistance also continued with the IPA II funds, which aimed to modernize the current railway infrastructure, encourage intermodal transport and accessibility to all modes (Turkey Ministry of Transport and Infrastructure, 2017a).

Turkey also became a part of the TRACECA (Transport Corridor: Europe-Caucasus-Asia) project. TRACECA’s aim was to establish a transport corridor between Asian markets and the Common Transport market to provide a balance between the modes, environment protection, social welfare and modern infrastructure with accessibility and wider choice on transport modes (Kuscu, 2011). To be specific on the transport modes, Turkey regulated its road alignment through a positive agenda settled between the KGM (Turkey General Directorate for Highways) and the EU. The KGM is currently working with the EU on joint projects on framework programs ensuring travel safety on road such as TINA for road (Gebze-Izmir and North Marmara Motorways) and Turkey’s inclusion to the EU’s environment friendly road projects such as ECOLABEL (KGM, 2017a). On aviation, Turkish Directorate General of Civil Aviation (DGCA) has joined to the TWINNING projects of the EU for strengthening the administrative capacity of the air transport institutions and provide support for the disposition of the EU legislation in Turkey (DGCA, 2017). Turkey also became an official part of the EASA (European Aviation Safety Agency) and obliged to apply common European rules on air travel safety (DGCA, 2017).

Last but not least, another alternative alignment instrument is created through the EU’s direct investments to the Turkish domestic transport projects outside of the alignment programs. One important example of this investment strategy is the construction of Marmaray. The project is a rail connection line, which are linking the Asia and Europe once more but under the Bosphorus. The finance of the project is partly assisted by the European Investment Bank (Togan, 2016). Since the European Investment Bank (EIB) only provides funds to the EU projects concerning alignment, the project could be counted as a part EU initiative. The EU is involved to the project due to its eligibility to make a balance between the modes (EU Delegation in Turkey, 2014).

Even though the negotiation chapter is currently suspended, these new instruments opened a new path for Turkey to move straight forward. In addition to that, the positive agenda established between the sides lead a way for the achievement of certain alignment results where most of them are highly linked with the created flexible instruments. As a result, the achievements on alignment is clearly visible on every transport mode. The created positive atmosphere automatically affected the domestic projects on the state level. The National Strategic Plan of 2014-18 prepared by the Ministry of Transport assumed the EU alignment as a state goal and considered the integration process a decisive factor for the domestic transport decisions (Turkey Ministry of Transport and Infrastructure, 2017b). Inside of the plan, the Ministry set railroads as a priority and proposed establishment of new high speed rail lines with ensuring maritime safety and more accessibility to air travel (Turkey Ministry of Transport and Infrastructure, 2017b). Linked to the EU’s modal shift approach, full liberalization of the rail market stated as a major part of the new Turkish transport vision (Turkey Ministry of Transport and Infrastructure, 2017b). In order to ensure these domestic aims, the Ministry authorized the Transport Operational Program along with the EU, which includes infrastructure, compatibility and combined transport projects. (Turkey Ministry of Transport and Infrastructure, 2017c). The Operational Program also included technical assistance projects for strengthening the administrative capacity of the emerging Turkish air industry (Turkey Ministry of Transport and Infrastructure, 2017c). Moreover, Turkish state also included the alignment process into other domestic transport initiatives such as National ITS strategies, National Plan on Climate Change and 10th National Development Plan.

In relation with TINA and its major purpose to establish a multimodal transport network in Turkey, 15 separate road building projects launched with the intention of providing a 15,200 km road network in the TEN-T road section of the EU (Isik, 2012). Correlatively, infrastructure developments such as highway constructions achieved substantial progress by reaching 2, 542km in the last sixteen years (KGM, 2017b). On the other hand, legislative alignment to the EU is also affected by the settled positive agenda, where Turkey started to use obligatory digital tachometer in 2011, became a part of the ADR Convention (International Carriage of Dangerous Goods) and the Convention on Road Traffic and harmonized the driver licenses with the EU standards (Turkey Directorate for EU Affairs, 2018). Additionally, the EU also invested to the 23 road inspection stations (Turkey Ministry of Transport and Infrastructure, 2017c). Linked with the Turkish progress, the European Commission (2016) evaluated the road transport sector as mostly aligned with the EU imperatives in the 2016 Progress Report. This could be considered as a huge success for a policy area where the EU and Turkey could only use alternative strategies. Turkey is now continuing to respect the EU acquis on technical inspections and safety policies of the EU (European Commission, 2016) and very close to an agreement on the long lasting road transport quotas problem.

Aviation could be considered as a separate success story. Turkish government took the accessibility clause of the EU acquis and used it as a domestic motto called “Air transport is the people’s transport” to make sure that the state level is serious about the modernization attempts of the national aviation market. The aim here was same with the EU goal of creating an access for citizens to reach the comfort of modern aviation. Through alternative instruments, a rapidly growing alignment process started. The first sign of this was the 2003 Market liberalization, which created a gradual economic boom in the sector (Gerede, 2015). The liberalization process marked a steady growth of 10% per year and contributed to form a modern and secured air transport in the country (Turkey General Directorate of State Airports Authority, 2014). The steady growth continued on airport infrastructure as well and the number of airports are doubled from 26 to 53 between the years of 2003 and 2014 (Servantie, 2015). Along with Turkey being a part of the market liberalization, other alternative alignment models also continued. The EU-Turkey Horizontal Aviation Agreement signed at 2010 as a part of the “Open Skies” deals (Turkey Directorate for EU Affairs, 2018). Turkey also became a part of the EU-funded projects such as institutional and administrative capacity building programs, supervision of civil aviation navigation services and trading schemes for emissions (Turkey Directorate for EU Affairs, 2018). Although Turkey is not a member state, the EU opened the way for Turkey to become a part of the EUROCONTROL and EASA rules (Turkey Ministry of Transport and Infrastructure, 2017d). Last but not least, TWINNING projects on aviation helped Turkey to complete the project goals of building emission evaluating facilities and administrative capacity building (Turkey Ministry of Transport and Infrastructure, 2017d).

A remarkable progress also achieved on maritime affairs where continuation on alignment strengthened regardless of the current state of relations. Especially for the areas where EU alignment proposes International convention rules as a precondition for compatibility. One of the results of the ongoing positive approach is the placement of Turkish flag carriers from the high risk (black list) to the low risk (white list) under the rules of Paris Memorandum on Port Control, which is an integral part of the EU integration (Turkey Directorate for EU Affairs, 2018). International Maritime Conventions such as “Protocol on Preparedness, Response and Cooperation on Pollution” and “Convention on the Prevention, Facilitation of International Maritime Traffic” harmonized with the national maritime legislation as a part of the EU alignment (Turkey Directorate for EU Affairs, 2018). On maritime surveillance, Turkey upgraded its legislative compatibility by adapting the International Maritime Organization (IMO) rules and International Mobile Satellite Organization (Turkey Directorate for EU Affairs, 2018).

After many decades, the positive agenda between the EU and Turkey and neo-liberal transport policies of the current Turkish government made Railways as an indispensable part of the state policies. Subidey Togan (2016) acknowledges the role of the EU and its current instruments upon the improvements in the Turkish railway sector. However, the signature EU project in this manner is the rail market liberalization. Despite the setbacks on the general relations, Turkey proposed the market liberalization law on 2013 with a 5-year transition period for necessary adjustments (Togan, 2016). Components of this liberalization has been filled by necessary by-laws concerning the access to the railway infrastructure, capacity allocation, transport of dangerous goods by rail, investigation of railway accidents and safety (Turkey Directorate for EU Affairs, 2018). With TINA participation and IPA funds, the Ankara-Istanbul high speed rail line is now completed, Irmak-Zonguldak line is recently opened and Samsun-Kalin is now at the final stage of its construction (Turkey Directorate for EU Affairs, 2018). As a result of this modernization, high speed railways in Turkey increased from 888 km to 1,213 km between the years of 2012 and 2016 (TCDD, 2016). From 2004 to 2016, 1, 805 km total new railway lines have been established (TCDD, 2016). By using the direct investment funds financed through the EIB, the domestic Marmaray project is now completed and fully functioning for passengers.

**Reasons behind Turkish accession on transport**

At the above, this research briefly analyzed the Turkish decision to opt-in at a such problematic era where both membership prospect and the transport chapter is far away from a uniform integration approach. The process was already bound to be differentiated after the EU suspended the transport chapter of negotiations but both the EU and Turkey continued over a positive agenda with created alternative flexible instruments for alignment. The current results stated at the last part. The selective participation of Turkey on the EU transport acquis has resulted in a gradual implementation. However, the reasons behind this participation have to be carefully analyzed in order to understand the implementation areas where Turkey perfectly aligned or failed to do so. This research proposes two different factors for Turkey’s decision to selectively participate to the EU agents on transport. One is the collaborative domestic political agenda and the other factor is the substantial amount of supporting non-state actors.

*Domestic Political Agenda*

The first reason of the Turkish selective alignment on transport could be the conformity of the AKP’s (Justice and Development Party) domestic transport agenda with the EU acquis on transport. The EU acquis also promotes a guideline and a push factor for domestic projects, which AKP could exhaust in the domestic political sphere. Therefore, a consensus settled between the AKP government and the EU in order to continue over the win-win structure of the alignment process regardless of the deterioration of the membership relations. It is also fair to admit that the incumbent AKP government is nearly reached its two decades of administration and the party agenda, goals, manifesto and even slogans are inevitably intertwined with the state policies. Today, official state documents such as the Ministry of Transport and Infrastructure’s (2017e) Action Plan considers the year 2003 (a year after AKP’s first election victory) as the turning point for Turkish transport and yet, the document openly criticizes old governments for their incapacity. This shows why the AKP agenda is such an important factor for the EU harmonization process to continue with alternative ways.

The rationality behind the AKP’s support on the EU transport acquis is based on the desirability of these common aims for domestic purposes such as election promises. AKP constantly chooses to use slogans that are underlining the EU accessibility and modernization projects- for example: “Railways will be liberalized”, “Marmaray is constructed” and “Air transport is the people’s transport” (AK Parti, 2018). All of these slogans were used in the local elections in order to get political support from the society. Yet, it does not change the instrumental value of the EU transport acquis for domestic gains. Overall, the party manifesto, new domestic projects, local transport strategies and official party comments over the transport policy indicates a strong commitment for the EU integration process. One of the most visible examples for this kind of behavior is visible in the party strategies. The transport strategies of the party are already aligned with the European aims. The latest strategy statement refers to party goals of preparing a master plan on transport, modernization on the railways, safety on roads and full liberalization of the ports and railway market (AK Parti, 2018).

The AKP Party Manifesto could also be counted as another indicator for Turkey’s decision to continue over alignment with selective purposes. The Manifesto openly supports and dignifies the importance of a European type balanced transport mode structure and a possible environmentalist agenda when it comes to the construction and modernization of different projects (AK Parti, 2018). AKP’s political vision on transport generally settles on the idea that persistence on the integration process as long as it fits with the universal approach that the Turkish citizens deserve (AK Parti, 2012). This paves the way for the creation of alternative instruments even though the uniform integration is lacking. Needless to say, domestic support is an important element for the alignment process and luckily, the AKP government is still on the same page with the European Commission. The AKP government also use the EU process constantly and defines its instrumental value while declaring their domestic accomplishments to the public. So far, the AKP promoted the usage of tachometer in the road transport, rail market liberalization, establishment of high speed railway lines and modernization of all transport infrastructure as domestically designed projects (AK Parti, 2018). However, the assistance of the created alternative instruments was not mentioned. But, this did not challenge the instrumental value of the alternative alignment instruments for the party.

For the future, the AKP government also envisaged a continuation on the alignment process. Besides a strong will to commit on the alignment process, the party ensured a compatible technological progress with intelligent transport systems, increasing security and safety to prevent accidents on every transport mode, full liberalization of the transport markets including the remaining parts of the railway market and new modernization projects (AK Parti, 2018). In the Turkish transport and AKP case, it could be considered as a fact that selective participation is highly related with a supporting domestic political agenda. Though, the inclusion of domestic politics could be both desirable and undesirable for the integration process even if it is a far from a uniform process. The survival of the positive relationship could depend on the domestic factor. But on the other side, since domestic preferences change rapidly due to the unstable national interests and priorities, consistency might be hard to achieve. Although AKP is still willing to cooperate with the EU over selective participation to the transport agenda, it is also a fact that selective participation could create a selective implementation.

*Supporting non-state actors*

The second factor behind Turkey’s decision to cooperate with the EU beyond traditional membership prospect, is the size and effectiveness of non-state actors who are contributing and supporting the process. There are plenty of groups that are working nationwide and giving counsel to the state officials and civil society in order to clinch a progress on alignment even in these turbulent times. These non-state actors are mainly national business organizations and civil society groups who are raising awareness over a specific transport mode issue. Some of these notable groups are: UND (International Freight Forwarders Association), UTIKAD (International Freight Forwarders and Logistics Service Providers Association), DTD (Railway Transport Association), Highway Traffic and Road Safety Association, TURKLIM (Port Operators Association of Turkey), IMEAK Turkish Chamber of Shipping and AUSDER (Association of Intelligent Transport Systems).

Inside of these actors, the UND constitutes a remarkable example. The business group worked as a locomotive of integration over the years and very influential on finding alternative channels to contribute to the alignment by solving bottlenecks. The UND played an important role during Turkey’s struggle for finding a solution to the long lasting road transport quotas problem. The issue was arising from an ambiguity inside the EU law and its different interpretation in member state legislations. After the Treaty of Lisbon, the EU member states started to use their status to negotiate transport agreements with non-members such as Turkey (Servantie, 2017:7). As a result of this, Turkey signed 25 bilateral agreements with the EU member states to strengthen alignment with the Common Transport Policy (Servantie, 2017:7). Although there are bilateral agreements and the clear rules of the established Customs Union relating to the free movement of goods and services, some member states granted transit permits to Turkish trucks but also issued a significant quota upon the drivers with other administrative difficulties (Servantie, 2017:7). After many years of silence over the issue, the issue has been brought to the ECJ for the first time by a Turkish logistics firm who also was a member of the UND and had been subjected to these quotas (Servantie, 2017:8). With the UND’s mediation and using the ECJ as an alternative instrument, an important integration bottleneck was openly discussed both at national and supranational levels (Servantie, 2017: 8). Since both the EU and Turkey currently lost a 3,5 million Euros of trade increase (Servantie, 2017:8) just because of the emergence of the problem, it is highly important that UND’s role should not be underestimated. Along with the quotas case, the UND also attends coordination meetings with the DG Move and DG Near in the European Commission, as well as to the European Parliament Trade Committee (UND, 2015).

As one can see from the above example, the supporting power of the non-state actors is helpful for integration process to move on with alternative channels. Besides UND, there are other distinct business and civil society groups that are seeking to contribute to the process and solve the bottlenecks. TURKLIM (2017) is a maritime sector group that has coordinative relations with the European Commission and recently contributed to the process by attending to the created instruments such as an ongoing EU project to establish offices for promoting professional qualification and information for the maritime freight forwarders. Another maritime group IMEAK Turkish Chamber of Shipping (2016) supported the process by joining to the Parliament negotiations with the Brussels based EUROCHAMBRES (Association of European Chambers of Commerce and Industry) to protect Turkish transport causes and provided assistance to the group members about the EU integration process. These efforts of the Chamber helped the national maritime industry to play a significant role while Turkey transferring from the black list to white of the Paris Memorandum (IMEAK Turkish Chamber of Shipping, 2016). On the road transport issues, road safety and security is also taking the attention of the civil society groups. A civil society initiative Highway Traffic and Road Safety Association (2017) has stated aims to cooperate with the EU institutions and support the acquis for preventing significant road safety problems in Turkey along with other state and non-state actors. As a result of all these multi-level initiatives and support from lower levels, a continuation on alignment became an inevitability for the Turkish transport sector.

**From selective participation to selective implementation**

Regardless of the sound effects of alternative instruments on alignment, selective participation does not necessarily lead to a full implementation and Turkish transport could be regarded as an example. Fitting suitably to the Zhelyazkova (2014) hypothesis on the domestic effects of differentiated integration, Turkish case does resemble the assumption that a certain level of alignment is possible with selective participation but this does not automatically upgrade the country to the level of full aligned member states. In that regard, there are areas for Turkish transport to improve. Still far from a complete harmonization, the Turkish transport case assumes a selective implementation coming out of a selective participation. Therefore, it is absolutely important to show that alternative instruments are useful for the continuation of the process but also limited due to the same reasons of Turkish opt-in at the first place. If the EU acquis fails to constitute a desirable political instrumentality for the domestic policy makers, Turkey tends to show a tendency to stall the implementation on some areas. In the same manner, when a supportive non-state actor does see a specific policy as a threat for their business interests, they also show this lack of enthusiasm.

With this perspective, it could be assumed that each integration actor in this process is highly selective based on their rational gains. In Turkey, transport policy is never regarded as a mere technical issue and a simple part of the free movement of goods but as a useful instrument in the domestic political arena. So, the EU integration process on transport is not also out of that circle. This instrumentality leads to a wider micro-level management and selectivity. As an example for this, the establishment of the high speed railway lines could be given. Even though the construction of these lines is an EU supported project and alternative instruments are ready, the prioritization of the lines is still due to the policy shifts. While the European connection (Halkali-Kapikule section) of the Ankara-Istanbul railway is still on the planning phase, the completed construction of Baku-Tbilisi-Kars took attention. Altun (2017) defined the latter as a historic turn in transport politics where Turkey is finally against the West and depicted the project as a strong answer against Western hypocrisy over Turkey. Yet, the effect of this foreign policy shift on transport, showed that implementation decisions are still heavily bound to domestic politics.

Another example of this micro-management on implementation happened in the Marmaray case. Marmaray line supposed to connect Asia and Europe for both passenger travels and freight forwarding. This is the reason that the EIB financed the project for two times (EU Delegation in Turkey, 2014). Passenger side of the line established very quickly and as stated at the above, depicted as a domestic victory for the AKP government and found a place in election manifestos. Nevertheless, the less instrumental part, freight forwarding is still waiting at the queue for construction. These type of micro-selective implementation method based on political desirability is emerging at the railway sector too. Although railways are the prize projects of the government, modernization of the current lines are still in question. The latest accident at the Tekirdag sector of the Kapikule railway once again brought the question of railway modernization. Allegations were severe against the government concerning their lack of coordination of the EU funds reserved for modernization (Birgun, 2018). In addition to that, domestic politicians are also contributing to this debate concerning political selectivity. The President of the Istanbul Metropolitan Municipality, Mevlut Uysal told the local voters that transport projects will be prioritized on the basis of AKP votes in the specific area (Hurriyet, 2018).

Erel (2002) explains this problem of micro management as a result of irregular policy making with unplanned implementation. Erel (2002) study discovers that unplanned and selective implementation combined with Turkey’s ongoing capacity problems, unfortunately opens a ground for domestic decision making to regulate their decisions rests on political interests and pressures. Another example of this unplanned implementation appeared on the highly regarded rail market liberalization. Turkey selectively choose to liberalize its market but also selected to forget the importance of other integration areas regarding the sector such as employment rights and safety after liberalization. Even though the officials warned for the possible jeopardizing effects of liberalization on working conditions and railway safety (Milliyet, 2013), no action taken yet to appease these concerns. Meanwhile, the railway sector continued to report financial losses close to 60M Euros regardless of the market opening (Fortune, 2015).

For the other transport areas where domestic political instrumentality is low, the results are more or less the same. Although intelligent transport systems (ITS) is getting more attention in the recent years, still no significant achievement has been made for the alignment in the ITS acquis of the EU (AUSDER, 2016). On road safety where it costs Turkey more human lives every year, the rates are still increasing and alternative instruments are lacking in this area. According to the KGM (2016) report, road accidents increased into 1, 182, 496 in 2016 compared to the 2008 number remarking 950, 120. The Highway Traffic and Road Safety Association (2017) criticizes the state level for these rates and underline the fact that the financial assistance and alternative support to the road safety is simply not enough. The reason for this is the political measures behind the state support (Fortune, 2014). The Highway Traffic and Road Safety Association (2017) presumes a double standard picture where safety problems are undermined by the politically motivated policy making (Fortune, 2014). The civil society group also defines the reluctance of the state level because of the subject’s political undesirability (Fortune, 2014).

Finally, non-state actors are not also excluded from selective implementation. The support of non-state actors is decreasing if an EU acquis conflicts with their sectoral interest. A good example for that is the struggle between rail and road sectors when it comes to EU integration. Turkish transport sector is heavily and essentially depended on the road transport (Togan, 2016: 38). Compared to other transport modes, the road transport currently handles the 89,9 % of the freight haulage in Turkey (TCDD, 2016). However, the EU urges the member and non-member states to balance the modes by shifting the burden on the road to the rail for efficiency and sustainability. Road transport and freighter lobbies in Turkey are highly effective and substantial on preventing this anticipated shift since their concerns over the possible loss of shares. So far, no visible shift is recorded between the modes. State level also remained silent over the issue due to the fact that road building is a far cheaper option. Yet, the group is still resilient to demand Turkey to develop a transport regime outside of Europe just because the EU is particularly claiming this shift and the lobby also evaluates the balancing scheme as a trap for Turkish freight sector (Dunya, 2013).

**Concluding Remarks**

Beyond the current stalemate in the EU-Turkey relations, there are other options still available for them to exploit. Differentiated integration was never a stranger to the bilateral relations. Starting with the Customs Union, Turkey’s integration to the EU and the used instruments were diversified from other candidates and moved away from a uniform process. As a result, a selective and flexible opt-in process introduced to Turkey for the continuation of the integration as an alternative model. This brief research aimed to analyze a case directly related with the above statements. Transport policy of Turkey strengthened its bonds with the EU at a very unusual period. While relations in general was losing its pace day by day, transport alignment showed progress. This research found that the created alternative integration instruments are the locomotive of this success and Turkish selective opt-in to a specific EU policy area. Of course, several reasons are available to understand Turkey’s selective participation. Even though the transport chapter is suspended at the time being, supportive domestic policy structures and the push factor of the non-state organizations are stated as the main reasons of the opt-in behavior. However, this research once again showed that selective participation does not necessarily lead to a full alignment and Turkey still has a long way to go by eliminating the politically motivated micro-level selectivity for implementation.

In this regard, the definition of the concept of differentiated integration, differentiated integration in Turkey-EU relations, Turkish transport as a case, reasons behind the Turkish selective participation and implementation are defined and analyzed in this short research. Even though the relations are in a rough patch, the case of Turkish transport is still showing a sound direction through alignment. Surely Turkey is still far away from a full alignment in transport, but the case also demonstrated that there is a chance for EU and Turkey to continue for harmonization with selective, flexible and alternative instruments and inclusion of Turkey to the current EU projects outside of the “one size fits all” approach. In fact, this model could be applied to the other related areas such as energy and environment to show that alignment without membership is possible and realistic. At a time when no future projection is easy and political decisions are highly unstable, this research believes that the Turkish transport and many other likely cases might constitute a new hope for the direction of relations.

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