

**Question for written answer E-011621/2012
to the Commission**

Rule 117

Emine Bozkurt (S&D) and Alejandro Cercas (S&D)

Subject: Social security rights of Turkish workers in the EU following the Council Decision of 6 December 2012

The European Court of Justice decided in Case C 485/07 that the first subparagraph of Article 6(1) of Decision No 3/80 has direct effect, and that special, non-contributory cash benefits cannot therefore be withdrawn in the case of Turkish workers who have returned to Turkey after losing their right to remain (residence and work permit) in the host Member State because they became incapacitated in that Member State. The Court decided that, in the case of Turkish workers, the ruling does not violate the principle of equal treatment since Turkish workers do not have the same legal standing as EU nationals owing to the fact that they do not enjoy free movement.

The Council decided on 6 December 2012, however, to adopt – in place of EU-Turkey Association Council Decision 3/80 – COM(2012)0152¹ as the European position, to be negotiated with Turkey.

Although it is not possible in legal terms, there is great concern that some Member States will use this opportunity to implement national law and/or pass new laws in accordance with the new position before the negotiations with Turkey are completed.

1. What will the Commission do to prevent this from happening?
2. What will the Commission do to improve the unequal situation of Turkish workers?

¹ Proposal for a Council Decision on the position to be taken on behalf of the European Union within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey with regard to the provisions on the coordination of social security systems.