

WRITTEN QUESTION P-2413/09
by Joost Lagendijk (Verts/ALE)
to the Commission

Subject: Judgment of the European Court of Justice (ECJ) in Case C-228/06: 'EEC-Turkey Association Agreement - visa requirement for Turkish nationals entering the territory of a Member State'

The ECJ has handed down a judgment in the case referred to it by the Higher Administrative Court of Berlin-Brandenburg (Case C-228/06, Soysal, interpretation of Article 41 of the Additional Protocol to the Association Agreement).

On the basis of the relevant ECJ case law – C-274/96 (Bickel and Franz), Case C-186/87 (Cowan), etc. – the literature concludes that the free movement of services also encompasses the exercise of the right to receive services. On that basis, the visa requirement imposed by some Member States on Turkish nationals seeking to receive services (e.g. by making business or study trips, obtaining medical treatment or engaging in tourism) in the EU would be unlawful.

In the light of Regulation (EC) No 539/2001¹, and given that accession negotiations with Turkey have been under way since 3 October 2005:

1. What action does the Commission, as the guardian of the Treaties, plan to take in response to the ECJ judgment cited above?
2. Does the Commission share the view that the arguments underpinning Regulation (EC) No 539/2001, which includes Turkey on the list of States whose nationals require a visa to enter the EU, are no longer tenable in de facto terms and that it must now take steps to revise the regulation, since the visa requirement for short-term visits to many Member States is in any case no longer applicable to the main groups covered, by virtue of obligations under the association agreement which take precedence?
3. Setting aside the specific legal issue dealt with in the ECJ judgment, does the Commission share the view that the practice of imposing a visa requirement on the nationals of a country with which accession negotiations are being conducted is politically incomprehensible and an obstacle to the economic and political integration of that country into the EU, and is thus at odds with the goals the Union has set for itself?

¹ OJ L 81, 21.3.2001, p. 1.