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A VISA-FREE TURKEY FOR ALL EU CITIZENS

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Summary of Key Findings

- At the moment, Turkey provides visa-free access to nationals of 19 EU Member States out of 28. The remaining 9 Member States nationals are required a visa entering Turkey;
- In December 2013, Turkey and the EU signed the Readmission Agreement and subsequently started the visa liberalisation dialogue;
- Block 2 of the Visa Liberalisation Dialogue requires that all EU citizens are granted visa-free access while entering Turkey without any “discrimination”;
- In 2013, approximately 17 million EU citizens visited Turkey and 5 million of them were granted a visa at customs, the remaining 12 million entered Turkey visa-free;
- In 2013, as Turkey has not required a visa to citizens of 19 EU Member States has not been provided a total income of € 180 million;
- Turkey’s current visa regime’s legal basis is governed by the 14th Article of the Association Agreement and the 1st Paragraph of the 41st Article of the Additional Protocol.

Lately, the visa policy of EU Member States imposed upon Turkish citizens has been a major issue of discussion within the framework of Turkey-EU relations. In that context, Turkey has submitted Brussels and some EU Member States to heavy criticism and there have been numerous complaints in that respect, included in important legal arenas such as the European Court of Human Rights (ECHR) in Strasbourg. In comparison, Turkey’s visa policy towards citizens of EU Member States can be deemed as being much more liberal in comparison to the Schengen visa regime and has thus not been submitted to the same level of criticism as the latter. In that respect, one may ask oneself the following question: Is the Turkish visa regime which is imposed upon certain citizens of EU Member States showing an integrated picture? There is only one simple and fast response that one may give to this question and it is “no”.

TURKEY’S VISA REGIME FOR EU CITIZENS

Since the beginning of the visa liberalisation dialogue between Turkey and the EU in December 2013, both parties have been pursuing intensive negotiations with the objective of lifting visas for all citizens. In that respect, within the framework of the roadmap, the European Commission requests Turkey to lift its visa regime to all EU citizens (with no discrimination) as stipulated in Block 2 of the roadmap. In its first

evaluation report of the roadmap which was published in October 2014, the Commission noted that citizens of only 19 Member States could enter Turkey visa-free and that thus, Turkey has “not fulfilled” this benchmark. Furthermore, the Commission noted that there were remaining concerns vis-a-vis the ongoing de facto discrimination regarding applicants of the Republic of Cyprus which as of yet, has not been granted an official recognition by the government of Turkey and continues to be referred to as the “Greek Cypriot Administration of Southern Cyprus¹”.

TURKEY'S VISA REGIME FOR EU CITIZENS		
VISA REQUIRED	VISA-FREE ACCESS	
Austria	Germany	Lithuania
Belgium	Bulgaria	Luxembourg
UK	Czech Republic	Hungary
GCASC	Denmark	Malta
Croatia	Estonia	Poland
Netherlands	Finland	Romania
Ireland	France	Slovakia
Spain	Sweden	Slovenia
Portugal	Italy	Greece
	Latvia	

Source: Ministry of Foreign Affairs of the Republic of Turkey, January 2015.

Therefore, Turkey grants visa-free access to citizens of 19 Member States. In contrast, whilst it requires a visa from 9 Member States' citizens holding a regular passport, the process is smooth thanks to modern customs facilities where they may apply for visa for duration of 90 days with multiple entries (except Greek Cypriot citizens). Furthermore, with the launch of the e-visa website in April 2013, they may proceed to get their visa online just in a few simple steps.

EU CITIZENS THAT ARE REQUIRED A VISA FOR TURKEY			
Country	Duration	Entries	Fee (€)
Austria	90	Multiple	15
Belgium	90	Multiple	15
GCASC	30	Single	15
Croatia	90	Multiple	15
Netherlands	90	Multiple	15
UK	90	Multiple	15
Ireland	90	Multiple	15
Spain	90	Multiple	15
Portugal	90	Multiple	15

Source: Ministry of Foreign Affairs of the Republic of Turkey, January 2015.

¹ European Commission, *Report from the Commission to the European Parliament and the Council on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap*, COM (2014) 646 final, Brussels, 20/10/2014, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/turkey_first_progress_report_en.pdf

WHY SOME EU NATIONALS NEED A VISA FOR TURKEY?

When one analyses thoroughly Turkey's current visa regime for EU Member States where citizens of 9 Member States are required a visa, one may find political reasons. Furthermore, it is of utmost importance to recollect that in the past Turkey has signed bilateral agreements with some Member States in that respect. Moreover when one further keeps in mind the ongoing Cyprus issue and political discussions vis-a-vis Turkey's membership process, the current situation is even more complicated. In addition, since the 1980s, within the framework of the principle of reciprocity, one may underline that the visa obligation that Turkish citizens are required while entering EU countries can be compared to the visa requirement imposed upon citizens of some Member States whilst the latter are entering Turkey.

On the side of the economic perspective, it is further possible to add that the hypothetical lifting by Turkey of visa obligation to all Member States nationals will not lead to a significant economic loss. According to TÜRSAB statistics, in 2013, out of the 17 million EU citizens that have entered Turkey, 5 million have obtained a visa while entering Turkey and the remaining 12 million entered Turkey visa-free.

EU CITIZENS VISITING TURKEY IN 2013					
VISA OBLIGATION		NO VISA OBLIGATION			
Austria	518,273	Bulgaria	1,582,912	Latvia	55,058
Belgium	651,596	Czech Republic	217,254	Lithuania	90,180
Croatia	44,058	Denmark	402,818	Luxembourg	15,733
GCASC	14,265	Estonia	48,537	Malta	97,074
Ireland	112,665	Finland	219,044	Poland	6,769
Netherlands	1,312,466	France	1,046,010	Portugal	423,129
Portugal	45,928	Germany	5,041,323	Romania	395,214
Spain	290,422	Greece	703,168	Slovakia	127,455
UK	2,509,357	Hungary	97,074	Slovenia	37,692
		Italy	731,784		
Total	5,499,030			Total	11,933,340

Source: TÜRSAB, 2013, Visa procedure upon holders of regular passports

Hypothetically speaking, a scenario that envisages that Turkey would have imposed visa obligation upon all citizens of Member States, and when one further acknowledges that the latter are required a € 15 visa fee upon entry, it is possible to say that Turkey would have been granted an additional € 82 million from such a policy in 2013 (although one may further remember that holders of official passports of the 9 Member States upon which there is a visa requirement are exempt from such a requirement). On the other hand, as Turkey is not imposing a visa requirement upon the citizens of the remaining 19 Member States, it has not been granted a total income of approximately € 180 million. In other words, as Turkey is providing visa-free access to the citizens of 19 Member States, it is losing twice the income that it is actually gaining from its visa regime. Therefore, the economic effect of Turkey's visa regime to some nationals of EU Member States is rather limited.

A SCENARIO WITH A VISA-FREE TURKEY FOR ALL EU NATIONALS

Apart from the political and economic dimensions, what benefits Turkey would actually gain from granting visa-free access to all EU citizens? Here are a few answers that may be given to this question:

- Turkey would thus abide by all the visa liberalisation roadmap criteria;
- Turkey's image as a hospitable country would be strengthened and a positive signal would be sent to the EU public, thus strengthening Turkey's leverage in the negotiations envisaging visa-free access for Turkish citizens upon entering the EU;
- Such a uniform policy of Turkey for all EU citizens would provide a comprehensive example regarding Turkey's visa regime vis-a-vis third country nationals;
- Turkey's determination in the visa issue would further have a positive impact in the visa liberalisation dialogue negotiations.

LEGAL IMPLICATIONS

When one examines carefully Turkey's current visa regime, one may see that it is governed by the 14th Article of the Association Agreement and the First Paragraph of the 41st Article of the Additional Protocol. Moreover, it is being arranged in conformity with the principle of reciprocity. As such, according to the 14th Article of the Association Agreement, "the contracting parties agree to be guided by Articles 55, 56 and 58 to 65 of the Treaty Establishing the Community for the purpose of abolishing restrictions on freedom to provide services between them²". Moreover, according to the First Paragraph of the 41st Article of the Additional Protocol, "the contracting parties shall refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services³". Therefore, both Turkey and the EU are engaged not to hinder or bring new restrictions upon the free circulation of services between the parties (standstill clause). Thus, when one further analyses the situation from a legal perspective, Turkey's current visa regime vis-a-vis EU nationals could not be deemed as being in conformity with the provisions of the Association Agreement and the Additional Protocol. Therefore, one may further point out that, as Turkey continues to impose a visa obligation upon some EU nationals, it is also rendered partly responsible for the unfairness it has relentlessly pointed out regarding the visa regime imposed upon Turkish nationals entering the EU.

² Official Journal of the European Communities, *Agreement establishing an Association between the European Economic Community and Turkey (signed at Ankara, 12 September 1963)*, 24 December 1973, http://ec.europa.eu/enlargement/pdf/turkey/association_agreement_1964_en.pdf

³ Official Journal of the European Communities, *Additional Protocol (signed at Brussels, 23 November 1970)*, 24 December 1973, http://ec.europa.eu/enlargement/pdf/turkey/association_agreement_1964_en.pdf

CONCLUSIVE REMARKS

With the beginning of the visa liberalisation dialogue between both parties, the prospect of a visa-free access for all EU nationals entering Turkey has gained significant momentum. Indeed, as Turkish authorities continue to abide by the criteria included in the visa liberalisation roadmap, it will have to, at a certain point, provide visa-free access for all EU nationals, which would undoubtedly have a positive impact upon Turkey's own perspective of seeing its nationals enter the EU visa-free. Furthermore, one may say that if Turkey amends its legislation in that respect, it would further strengthen its own hand vis-a-vis membership negotiations. Thus, one may say that the perspective of a visa-free Turkey for all EU citizens would be a win-win situation for both parties.