

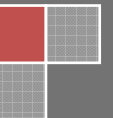
İKV BRIEF

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OF EU MEMBER STATES*

*A SCENARIO OF VISA-FREE TRAVEL FOR ALL
EU NATIONALS TO TURKEY*

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Visa policy of the EU Member States towards Turkish nationals has been a long-debated issue in Turkey-EU relations. Turkey has been heavily criticizing Brussels and the EU Member States for their visa policies towards Turkish nationals. Problems cover a wide spectrum; ranging from the fact that visa requirement is in contravention of Turkey-EU Association Law to the cumbersome and humiliating procedures associated with the visa procedure such as the amount of fee requested, number and nature of documents that need to be submitted, lack of facilities to host applicants at the consulates, and disrespectful treatment by consular staff. On this complex issue, Turkey's visa policy towards nationals of EU Member States has not been ignored but lightly discussed, mainly due to the fact that, compared to the visa application process to obtain a Schengen visa, Turkey's visa policy, even though complex and not unified, is rather a liberal and easier one for nationals of the EU Member States.

Looking at the other side of the coin and observing the issue from the Turkish side of the relationship, the question that needs to be asked is: **whether the Turkish visa policy towards nationals of EU Member States is a unified one?**

A quick answer to this question would be: **negative**.



Starting from the current practice of Turkey's visa policy towards the nationals of the EU Member States; data taken from the official website of the Turkish Ministry of Foreign Affairs suggests that (www.mfa.gov.tr; on February 2013), nationals of EU Member States holding ordinary and official passports are subject to **two different types of procedures**: the ones who are exempted from the visa requirement and the ones who require to have visa to enter Turkey (with visa stickers called "*bandrol*" in Turkish obtained on the Turkish borders).

With regards to ordinary passport holders (see Figure 1):

- 1- Ordinary passport holders of **14 Member States** (Germany, Italy, Czech Republic, Denmark, Estonia, Greece, Finland, France, Lithuania, Luxemburg, Slovenia, Sweden, Romania and Bulgaria) **are exempted from visa requirement for their travels to Turkey up to 90 days within 180 days.**
- 2- Nationals of **Latvia** **are exempted from visa requirement for their travels to Turkey up to 30 days.**
- 3- Ordinary passport holders of **Malta** **are required to have visa to enter Turkey.** The nationals of Malta can obtain **three-months multiple entry visas (90 days) valid for 180 days, free from visa fee.**
- 4- Ordinary passport holders of **9 Member States** (Austria, Belgium, Hungary, the Netherlands, Poland, Portugal, Spain, the United Kingdom and Ireland) **are required to have visa to enter Turkey.** The nationals of those Member States can obtain **three-months multiple entry visas (90 days) valid for 180 days at the Turkish border gates for 15 Euros.**
- 5- For nationals of **Slovakia**, ordinary passport holders **are required to have visa to enter Turkey.** The nationals of Slovakia can obtain **one month multiple entry visas (30 days) valid for 90 days at the Turkish border gates for 15 Euros.**
- 6- For nationals of **Greek Cypriot Administration**, ordinary passport holders **are required to have visa to enter Turkey.** These nationals can obtain **one month single entry visas (30 days) at the Turkish border gates for 15 Euros.**

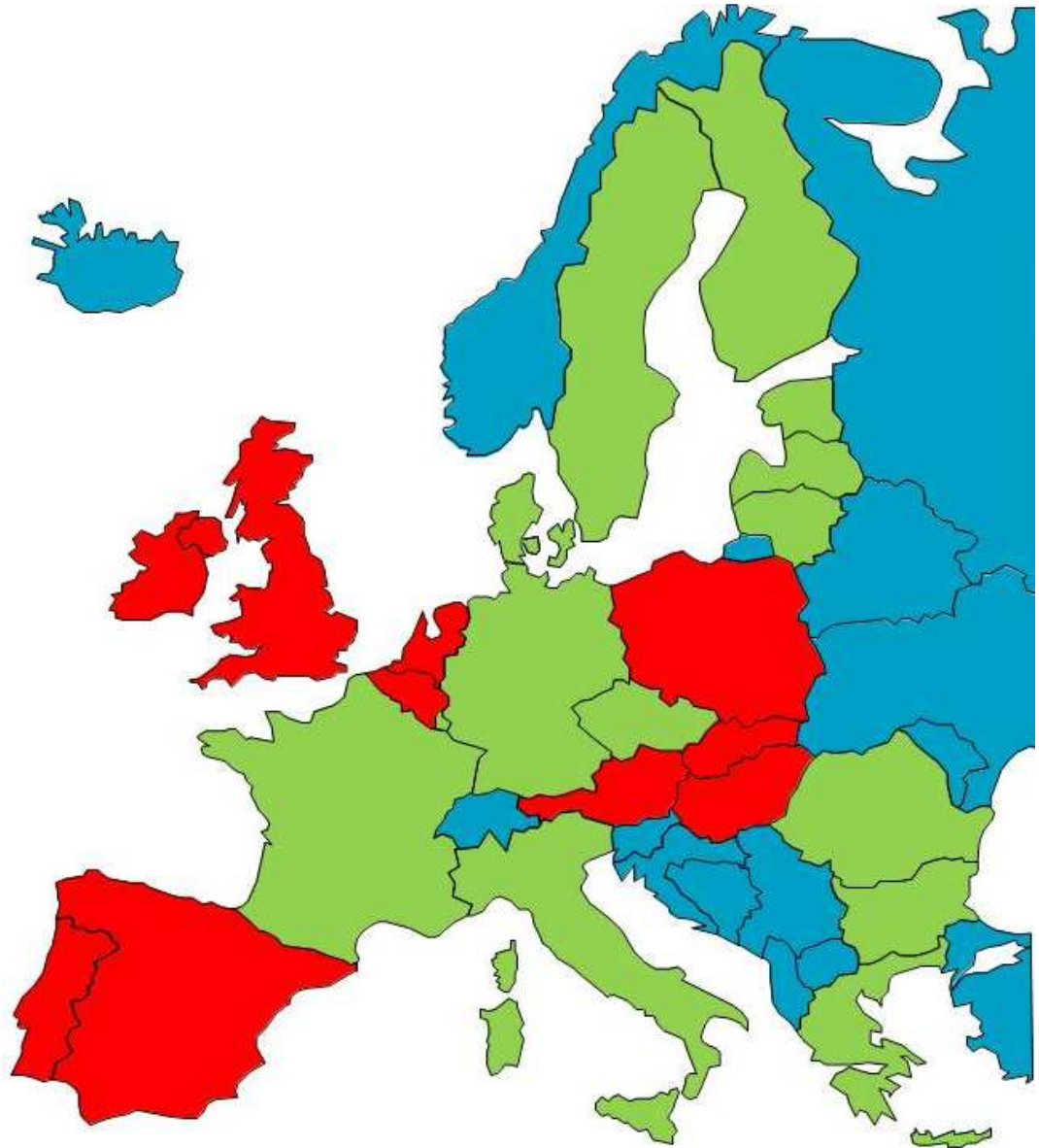
For the sake of simplification, it is possible to say that:

- 1- Nationals of **16 Member States** (ordinary passport holders) are exempted from visa requirement for their travels to Turkey up to 30 days or 90 days within a period of 3 months or 6 months (except Malta nationals who are required to get a visa but exempted from visa fee);



- 2- Nationals of **11 Member States** (ordinary passport holders) are required to have visa to enter Turkey; a multiple visa obtained at the Turkish border gates for 15 Euros and allows these nationals to stay in Turkish territory up to 30 days or 90 days within a period of one 3 months or 6 months;

Figure 1: Turkey's visa policy towards nationals of EU Member States (ordinary passport holders)



With regards to official passport holders (see Figure 2):

- 1- Official passport holders of 25 Member States are exempted from visa requirement for their travels to Turkey up to 90 days within 180 days.
- 2- Official passport holders of Hungary are exempted from visa requirement for their travels to Turkey up to 30 days within 90 days.
- 3- Official passport holders of Greek Cypriot Administration are required to have visa to enter Turkey.

Figure 2: Turkey's visa policy towards nationals of EU Member States (official passport holders)



As it can easily be seen, Turkey's visa policy towards the nationals of EU Member States is "not a unique and harmonized" one. Different procedures apply for different nationalities; and Turkey grants visas with divergent "maximum duration of stays" or "type of visa" (single entry or multiple entry) for EU nationals.

Actually the EU side has been trying to bring the issue to the agenda on Turkey-EU relations in the last couple of years, in different ways.

In its **2011 Progress Report**, the European Commission criticized Turkey for not *"applying a uniform visa policy towards all EU citizens as regards to the visa obligation"*^{*}. Likewise in **2012 Progress Report**, the Commission states: *"Turkey continue discriminating between Member States as regards visa policy: the citizens of 11 EU Member States continue to be required to hold a visa before entering Turkey, while the citizens of 16 Member States are exempted from this obligation"*[†].

In its **Roadmap towards a visa-free regime with Turkey** document, the European Commission also requires from Turkey to *"allow non discriminatory visa-free access to the Turkish territory for the citizens of all the EU Member States"*[‡]. This provision is one of the benchmarks that the European Commission asks from Turkey for visa-free travel to Turkish citizens in the Schengen Area.

With the current practice, the European Commission's request from Turkey to eliminate all sorts of *discriminatory visa-free access to Turkey for the citizens of all the EU Member States* is valid, as there are different types of procedures that apply for EU Member States' nationals. However, it is also clear that compared with the heavy visa procedures that Turkish citizens' face whilst travelling to EU Member States, the term *"discriminatory"* used by the Commission in the *Roadmap* loses its substance.

As previously mentioned, today Turkey is the only EU candidate country whose nationals are obliged to obtain a Schengen visa before being allowed to enter the EU. Problems related with the visa requirements imposed on the Turkish citizens in their visits to the EU Member States since the first inception of visas by EU Member States is **a source of intense frustration for Turkish citizens**. While the problem remains on

^{*} Turkey 2011 Progress Report, European Commission, page: 92,
http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf

[†] Turkey 2012 Progress Report, European Commission, page: 76,
http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf

[‡] Roadmap towards a visa-free regime with Turkey, European Commission, page: 9.



the ground since 1980s, the EU has been reluctant to propose Turkey a visa liberalization process like the one that it conducted with Western Balkan countries, and which is still negotiating with Ukraine, Moldova and Russia.

The so-called visa problem that the Turkish citizens have been experiencing since the year 1980 covers a wide range of issues including legal, social, diplomatic, bureaucratic, administrative, technical, international and human aspects; and each of these aspects have diverse reflections. Turkish citizens (common citizens, business people, students, academics, etc.) who have to experience the visa comedy to the greatest extent and with all accompanying difficulties shape a common understanding of discrimination and unjust treatment, especially when compared to the citizens of other countries that do not even have as close relations with the EU (*for more information on the issue please refer to "Visa Hotline Project" run by IKV together with TOBB and ECAS*).

While the problems faced by Turkish citizens on their requests for Schengen visa remain on the ground, in the last years most of the attention was canalized on EU-Turkey Readmission Agreement. Signing the EU-Turkey Readmission Agreement is being seen as the major obstacle towards a visa-freedom roadmap for Turkey. The readmission agreement negotiations, which started in 2003, have been into a stalemate for a long time because of major disagreements between the two sides. The Readmission Agreement, because of its asymmetrical nature, is clearly and disproportionately to the disadvantage of Turkey since it will have to carry most of the burdens associated with the readmission. However, since the reset of the negotiations, Turkish officials have worked in close cooperation and in a constructive manner with their European counterparts based on the principle of the "fair burden sharing". After long negotiations which were held behind closed doors, the text was approved in the Justice and Home Affairs meeting of 24 February 2011. However, a vague mention of the "*visa dialogue and mobility for Turkish citizens*" was far from meeting Turkey's expectations. Additionally, a last minute insertion of a new paragraph, which explicitly stated that this dialogue does not constitute a negotiating mandate, made valid the Turkish fears[§]. Since then, Turkey's official position was to sign the readmission agreement only when the EU explicitly commits itself to

[§] Justice and Home Affairs Council Meeting Conclusions, 24-25 February 2011, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/119501.pdf.



offering “visa liberalization” to Turkish nationals (Turkey only initiated the Agreement on the last days of the year 2012).

Turkish declaration is almost “*breaking the routine*” for the EU, which had established the pattern of granting visa facilitation to the Western Balkan countries in return for, among other criteria, readmission agreements. **For Turkey, visa facilitation by the EU is not a sufficient incentive.** In fact, it is a step backwards because Turkish citizens already have the legal right to travel without a visa, even though Member States’ resist the practice of this right. Moreover looking at the link between visa facilitation and readmission, in order the EU to be able to effectively “promote” the readmission agreement to Turkey, it has to offer a set of well-defined rules leading to visa liberalization; rather than new guidelines on visa facilitation.

Going back to the Turkish visa policy; **the Commission’s request to align Turkish visa policy towards all nationals of EU Member States is a valid one; however calling different procedures as “discriminatory” is an act of avoiding the big picture and ignoring the discriminatory acts in practice that the EU applies to Turkish citizens.**

In addition, the visa procedure in question that Turkey applies for some EU Member States is **not even a “proper visa procedure”** where those nationals need to pay 15 Euros upon their arrival at Turkish border, with no question being asked, no additional documentation except for a valid return ticket being requested by the Turkish border guards. All EU nationals, without being subject to visa requirement, don’t have to report to the Turkish Consulates in their home countries and go through the lengthy visa application process.

However, **it is also difficult to understand the logic behind these divergent procedures.** It is clear that the current visa policy of Turkey is a very flexible but also complex system; not only for EU nationals, for all individuals who wish to travel to Turkey. In general, it is possible to identify three categories of entry into Turkey:

- 1- countries whose nationals can enter and remain in the country for a pre-determined length of time, usually three months, without visas;
- 2- countries whose nationals must obtain visas prior to arriving in Turkey;
- 3- countries whose nationals are subject to issuance of visas at the Turkish frontier in return for a fee that varies from country to country.



This last category is the one that the EU particularly objects to, especially with regards to its nationals. It is possible to say that Turkey's current visa policy towards the nationals of the EU Member States is motivated by **cost-effective factors**. In other words, bearing in mind the importance of tourism in Turkey's economy and the high number of European visitors coming to Turkey, it can be argued that EU citizens do not face with any significant **technical obstacles/barriers** when travelling to Turkey; compared with Turkish citizens.

Trying to understand the logic behind, the following question comes in: is it only a matter of tourism/economy or is it more related with legal matters?

To start with, let's try to come up with a scenario where Turkey applies no visa to any EU Member States' nationals and try to see if non application of visa for any EU Member States' citizens might create a "change" in economic terms.

At this point it needs to be noted that such a scenario is not easy to conduct in practice based on the fact that the available statistics do not identify the different types of passport holders. Therefore it is a speculative calculation, and it does not claim a precise estimate given to the complexity of restrictions and the limitations of data in hand.

Although 2012 data taken from the official website of the Turkish Ministry of Culture and Tourism refers to whole passport holders in one category; therefore fails to differentiate between different categories of passports (ordinary, official or others)**. Given that this scenario will assume as if all the visitors from the EU Member States are holders of ordinary passports; in other words, they are exempted or required to have visa to enter Turkey.

** Turkish Ministry of Culture and Tourism, 2012 Statistics,
<http://www.ktbayatirimisletmeler.gov.tr/TR,9851/turizm-istatistikleri.html>



In 2012, Turkey hosted over 31 million foreign tourists (see Table 1):

Table 1: Number of tourists visiting Turkey in 2012

MONTHS	Number of Tourists
JANUARY	981.611
FEBRUARY	997.571
MARCH	1.460.563
APRIL	2.168.715
MAY	3.232.926
JUNE	3.882.592
JULY	4.571.389
AUGUST	4.470.202
SEPTEMBER	3.991.415
OCTOBER	3.050.981
NOVEMBER	1.631.647
DECEMBER	1.343.220
TOTAL	31.782.832

Source: Turkish Ministry of Culture and Tourism

In 2012, top-10 nationalities visiting Turkey are shown in Table 2. As can be seen, among top-10 nationalities visiting Turkey in 2012, five of them are EU Member States' nationals. Among these five, Turkey applies visa only for two of them (the UK and the Netherlands); the nationals of other three Member States are already exempted from visa requirement.

Table 2: Top-10 nationalities visiting Turkey in the year 2012

	Number of Tourists
GERMANY	5.028.745
RUSSIA	3.599.925
THE UK	2.456.519
BULGARIA	1.492.073
GEORGIA	1.404.882
THE NETHERLANDS	1.273.593
IRAN	1.186.343
FRANCE	1.032.565
USA	771.837
SYRIA	730.039
OTHERS	12.806.311
TOTAL	31.782.832

Source: Turkish Ministry of Culture and Tourism



Looking at the statistics from the EU Member States, the number of EU nationals who visited Turkey in 2012 are shown in *Table 3*.

Table 3: Nationals of EU Member States visited Turkey in 2012

	Number of Tourists
AUSTRIA	505.560
BELGIUM	608.071
BULGARIA	1.492.073
CZECH REPUBLIC	223.986
DENMARK	391.312
ESTONIA	35.459
FINLAND	195.083
FRANCE	1.032.565
GERMANY	5.028.745
GREECE	669.823
GREEK CYPRIOT ADMINISTRATION	18.924
HUNGARY	94.409
IRELAND	110.863
ITALY	714.041
LATVIA	45.725
LITHUANIA	69.520
LUXEMBOURG	14.034
MALTA	6.397
POLAND	428.440
PORTUGAL	46.606
ROMANIA	385.055
SLOVAKIA	126.974
SLOVENIA	39.899
SPAIN	278.164
SWEDEN	617.811
THE NETHERLANDS	1.273.593
THE UK	2.456.519
TOTAL	16.909.651

Source: Turkish Ministry of Culture and Tourism

Table 4 divides 27 EU Member States' nationals into two categories: the ones who are exempted from visa requirement and the ones who need to obtain a visa getting into Turkey.



Table 4: Distribution of EU Member States' nationals on their requirements for visa to visit Turkey

EU NATIONALS WHO NEED VISA TO GET INTO TURKEY <i>(Turkish Border for 15 Euros)</i>		EU NATIONALS WHO ARE EXPEMPTED FROM VISA REQUIREMENT	
AUSTRIA	505.560	BULGARIA	1.492.073
BELGIUM	608.071	CZECH REPUBLIC	223.986
GREEK CYPRIOT ADM.	18.924	DENMARK	391.312
HUNGARY	94.409	ESTONIA	35.459
IRELAND	110.863	FINLAND	195.083
POLAND	428.440	FRANCE	1.032.565
PORTUGAL	46.606	GERMANY	5.028.745
SLOVAKIA	126.974	GREECE	669.823
SPAIN	278.164	ITALY	714.041
The NETHERLANDS	1.273.593	LATVIA	45.725
The UK	2.456.519	LITHUANIA	69.520
		LUXEMBOURG	14.034
		ROMANIA	385.055
		SLOVENIA	39.899
		SWEDEN	617.811
		MALTA <i>(no visa fee)</i>	6.397
TOTAL	5.948.123	TOTAL	10.961.528

This table shows that; in 2012, 2/3 of tourists visited Turkey from EU Member States (around 11 million) are already exempted from visa requirement. Only 1/3 (around 6 million) are subject to obtain a visa when visiting Turkey.

Let's see the economic implication of this divergence: If an EU Member State's national is required to get a visa to enter Turkey (in the year 2012, around 6 million visitors), s/he has to pay 15 Euros on Turkish border. For 6 million European tourists who visited Turkey in 2012, the amount paid is (approximately) 90 million Euros: this is equal to the cost of *Türk Telekom Arena*, the newest high-tech stadium in Turkey, opened in 2011. However, by granting visa-free travel to nationals of 16 Member States, Turkey already misses an opportunity 165 million Euros: double amount of the fees that was received.



Therefore, from a financial point of view, abolishing visa requirement for all EU nationals will not make a huge difference in terms of economy. By granting visa-free access to nationals of 16 EU Member States' nationals, Turkey already abandons a double gain. Thus, trying to find a financial logic behind divergent visa procedure for EU Members' nationals is not a valid one.

So how one can explain this complex system? Is it possible to bring a legal point to the discussion? Is Turkish visa policy in compliance with its obligations under the Association Agreement and the Additional Protocol?

The two relevant provisions, Article 14 Association Agreement and Article 41(1) of the Additional Protocol, both are formulated in **a reciprocal way**. According to Article 14 the contracting parties agree to abolish “restrictions on freedom to provide services between them”. In a similar vein, in Article 41(1) Protocol, the parties agree to “refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services” (famous standstill clause). **Not only the EU Member States but also Turkey is obliged not to introduce new restrictions on the provision and receipt of services by EU nationals.** According to the standstill clause, if Turkey did not required a visa for nationals of that Member State coming to provide or receive services at the time the Additional Protocol entered into force, then Turkey should not introduce or require visa for the involved Member State' nationals. This will apply with regard to nationals of EU Member States with which Turkey had concluded a bilateral visa agreement or that, like Turkey, was party to the 1957 Council of Europe agreement on the date the Protocol entered into force for that Member State.

Turkey had concluded bilateral visa agreements with *Belgium* in 1956, *France* in 1954, *Germany* in 1953, *Ireland* in 1955, *the Netherlands* in 1953 and *the UK* in 1960. All six agreements were in force in 1973 (all agreements except the one with *the UK*, however, have a clause that exempts nationals traveling for the purpose to exercise professional activities). Although Turkey did not sign bilateral agreements with *Luxembourg* and *Italy*, with the 1957 Council of Europe Convention these three parties are legally aligned on visa exemption. Thus at the time the Additional Protocol entered into force, Turkey was bound by bilateral or multilateral agreement (Council of Europe Convention) with eight of the nine EEC Member States (*see Table 5*). Only with *Denmark* no agreement was in force on this issue at that time.



Table 5: Legal agreements with EEC Member States at the time the Additional Protocol entered into force

Country	Date	Type of legal agreement
Germany	1953	Bilateral agreement
The Netherlands	1953	Bilateral agreement
France	1954	Bilateral agreement
Ireland	1955	Bilateral agreement
Belgium	1956	Bilateral agreement
Luxembourg	1957	Council of Europe Convention
Italy	1957	Council of Europe Convention
The UK	1960	Bilateral agreement
Denmark	-	No agreement was in force

It is clear that, currently nationals of five of these nine EU Member States, who were EEC Member States in 1973 are exempted from visa for travels up to 90 days. Holders of ordinary passports from *Denmark, France, Germany, Italy* and *Luxembourg* are exempted from visa.

Nationals of the other four Member States, *Belgium, Ireland, the Netherlands* and *the UK* are required to have visa (three month, multiple entry) to enter Turkey which can be obtained at the Turkish border for 15 Euros. The Turkish Council of Ministers, as a reaction to the suspension of the bilateral agreements by *Belgium* and *the Netherlands* in 1980, abolished the exemption of visa and visa fees for Belgium and the Dutch citizens on 27 October 1980 (Council of Ministers Decision No. 96/7925, 28.03.1996, *Resmi Gazete*, 12.06.1996, no. 22664).

Therefore, the abolishment of the visa exemption by Turkey for four of the nine EEC members poses a similar problem that Turkey is itself experiencing with regards to the standstill clause. This type of selective visa requirement of Turkey raises the question marks on the logic behind this complexity: why nationals of some EEC members (such as Germany, France, Denmark, Italy and Luxembourg) are exempted from visa; but not nationals of some others (Belgium, the Netherlands, Ireland and the UK)?



What about countries acceded to the EEC after 1973? Three countries acceded to the EEC in the 1980s (*Greece* in 1981, *Portugal* and *Spain* in 1986). Although there were no bilateral agreements between these countries and Turkey at the time of their accession, all three parties were bound by the 1957 Council of Europe Convention.

Portugal and Turkey signed an agreement in 2000, only exempting nationals holding a diplomatic passport. In 1984 Turkey exempted nationals of *Greece* holding an ordinary or official passport from visa for their travels up to 90 days (Council of Ministers Decision 03.04.1984, *Resmi Gazete*, 06.04.1984, no. 18364). That exemption still applies today. Currently, nationals of *Portugal* and *Spain* are required to have a visa to enter Turkey. These visas (three months, multiple entry) can be obtained at the Turkish border for 15 Euros.

Now let's look at the 2004 enlargement of the EU. Nine of the ten countries that joined the EU in 2004 had already concluded bilateral visa agreements with Turkey prior to their EU accession (*see Table 6*). Although there is not clear indication whether all nine agreements were suspended or denounced before the accession date; it is known that *Malta* and *Slovenia* suspended the application of the 1957 Council of Europe Agreement on movement of persons with regard to Turkish nationals, well before their accession to the EU.

- Turkey and *the Czech Republic* on 18 February 1991 signed a visa agreement allowing visa free travel for both countries' citizens for visits up to 90 days for a period of six months (*Resmi Gazete*, 10.04.1991, no. 20841). Currently nationals of the Czech Republic are exempt from visa for their travels up to 90 days.
- Turkey and *Hungary* in 1992 signed a visa agreement allowing visa free travel for both countries' citizens for visits up to 90 days within a period of six months (*Resmi Gazete*, 14.08.1992, no. 21315). With an agreement signed in 1995 the scope extended for Turkish citizens' transit to Hungary (*Resmi Gazete*, 21.07.1995, no. 22350). Currently nationals of Hungary are required to have visa (one month, multiple entry) to enter Turkey which can be obtained at the Turkish border for 15 Euros.
- Turkey and *Lithuania* on 11 June 1994 signed a visa agreement allowing visa free travel for both countries' citizens for visits up to 90 days for a period of six months (*Resmi Gazete*, 05.10.1994, no. 22072). Currently nationals of Lithuania are exempt from visa for their travels up to 90 days within 180 days starting



from the first entry date.

- Turkey and *Malta* on 6 May 1966 signed a visa agreement allowing visa free travel for both countries' citizens for visits up to 90 days within a period of six months (*Resmi Gazete*, 29.09.1966, no. 12413). Currently for nationals of Malta; ordinary passport holders are required to have visa (three month-multiple entry) to enter Turkey which can be obtained without payment at the Turkish border.
- Turkey and *Poland* signed a visa agreement allowing visa free travel for both countries' citizens for visits up to 90 days within a period of six months. With an additional agreement signed on 02 May 1989 the scope of the visa free travel was extended to "people who are appointed on temporary and permanent basis" (*Resmi Gazete*, 14.04.1996, no. 22611). Currently, nationals of Poland are required to have visa (one month-multiple entry) to enter Turkey which can be obtained visas at the Turkish border for 15 Euros.
- Turkey and *Slovakia* on 18 February 1991 signed a visa agreement allowing visa free travel for citizens of both countries for visits up to 90 days for a period of six months (*Resmi Gazete*, 10.04.1991, no. 20841). Currently, nationals of Slovakia are required to have visa (one month-multiple entry) to enter Turkey which can be obtained at the Turkish border for 15 Euros.
- Turkey and *Slovenia* on 29 November 1999 signed a visa agreement allowing visa free travel for both countries' citizens for visits up to 90 days within a period of six months (*Resmi Gazete*, 13.01.2000, no. 23932). Currently, nationals of Slovenia are required to have visa (three month-multiple entry) to enter Turkey which can be obtained at the Turkish border for 15 Euros.
- Turkey signed bilateral visa agreements with *Latvia* and *Estonia* in 1996. But these agreements only provide visa free travel for the holders of diplomatic passport. Currently nationals of Latvia and Estonia are exempt from visa for their travels up to 90 days.



Table 6: Legal agreements with nine Member States joined the EU in 2004

Country	Date	Type of legal agreement
The Czech Republic	1991	Bilateral agreement
Hungary	1992	Bilateral agreement
Lithuania	1994	Bilateral agreement
Malta	1966	Bilateral agreement
Poland	1989	Bilateral agreement
Slovakia	1991	Bilateral agreement
Slovenia	1999	Bilateral agreement
Latvia	1996	Bilateral agreement-only for diplomatic passport holders
Estonia	1996	Bilateral agreement-only for diplomatic passport holders

As in the case of previous EEC Member States, Turkey currently applies visa requirements in a selective manner; which makes it difficult to understand the logic behind the diverging practices. For instance; it is difficult to justify why the nationals of Estonia and Latvia are exempted from Turkish visa, although there was no bilateral agreement with those two countries? Why the nationals of Hungary, Poland and Slovenia are issued with multiple entry visas valid for three months and the nationals of Slovakia with a visa valid for one month? And also why the nationals of Malta are exempted from visa fees altogether, whilst the other not-exempted EU nationals have to pay 15 Euros?

The primary conclusion drawn from the legal perspective is that, Turkey's visa policy towards the nationals of EU Member States is not in compliance with its obligations under the Association Agreement and the Additional Protocol for some EU Member States. Although Turkey highly criticizes Brussels and the EU capitals on the application of the standstill clause towards its nationals, Turkey itself fails to obey the obligations of the Association Agreement and the Additional Protocol by applying visa requirements for some EU nationals who were not subject to visa prior to the entry into force of the Additional Protocol.

Last but not least, reciprocity may be considered as a factor behind this complex system. If reciprocity is a factor, Turkey should equally require visas from nationals of any country which require a visa for Turkish citizens. However, based on the current practices, it would be illogical to utilize reciprocity for EU Member States; because this would imply the visa requirement applicable to all nationals of the EU Member States. More to that it might even become possible for those nationals to go



through the same visa procedures that Turkish citizens are currently experiencing. This might involve appointments at the consulates, submission of detailed documents, etc.



Conclusion: We don't need paper walls!

The above discussion reveals that Turkey urgently needs to take a step further for her visa policy towards nationals of EU Member States. The complex and diverse nature of the procedures applied to different Member States' nationals necessitates a new system providing full alignment of Turkey's obligations under the Association Agreement and the Additional Protocol. Moreover, the overall visa policy of Turkey towards third country nationals should be revised in order to harmonize the existing system with the EU *acquis* and to make it more effective, simple, reducing the ambiguities.

With regards to nationals of the EU Member States;

- *From a financial perspective:* non-application of visa for nationals of 11 Member States will not result in a severe financial loss for Turkey;
- *From a legal perspective:* the current practice of visa for certain Member States' nationals are already in breach with Turkey's obligation arising from the legal basis of the EU-Turkey relations;
- *From a political perspective:* it would be illogical to utilize the argument of reciprocity in the case of EU Member States.

Thus, a clever move from Turkey would be the abolishment of visa requirement for nationals of all EU Member States. Such a move will:

- Strengthen Turkey's hand and her bargaining power in her negotiations with Brussels and the Member States on visa-free travel for Turkish nationals;
- Result in Turkey's full compliance with the obligations under the Association Agreement and the Additional Protocol; which ultimately will have positive impact on Turkey's fulfilment of the EU *acquis* in this area;
- Give a promising signal not only to political decision-makers, but also to general public at large; and strengthen Turkey's popular image as a "welcoming host country";
- Above all, such an abolishment and revision of the whole Turkish visa system will create a more harmonized and systematic policy in this field.

Nonetheless; the EU should also be aware of this courageous step and should mutually contribute to the evolving process wholeheartedly. Therefore the EU is expected to:



- Act in accordance with the provisions of the legal agreements;
- Comply with the decisions given by the courts at the national and European level;
- Acknowledge that the benefits of visa-free travel exceeds the costs of visa application for Turkish nationals;
- Accept that such a revision on visa policy would result in a more comprehensive communication with Turkey, implying increased popularity of the Union and support of Turkish citizens for the country's potential membership.

As a final remark; one should never forget that visas are no more than paper walls erected among communities, limiting communication among people. Communication cannot be assured unless those walls are de-erected.

