

“EGEMEN BAGIS EVALUATES DEMIRKAN VISA CASE”

Minister for EU Affairs and Chief Negotiator Egemen Bagis made an evaluation regarding the judgement of the European Court of Justice in Demirkan Case.

Egemen Bagis indicated the following: European Court of Justice’s Demirkan judgment has been an unfair decision. Unfortunately, the decision is affected by political concerns rather than legal considerations. EU law has been sacrificed to prejudices and daily political calculations. This decision is also in contradiction with the idea of eliminating borders which is one of the fundamental values of the EU. By refusing to accept Turkish citizens’ visits to EU Member States for the purposes of receiving services within the scope of freedom to provide services, the Court of Justice has taken a decision that is not in compliance with the EU law and Turkey-EU association law. The provisions of the Ankara Agreement, which was drafted parallel to the Treaty of Rome and whose objective is full membership of Turkey to the EU, are quite clear. There is no doubt that free movement of persons is an indispensable component of this objective. It is not possible to interpret the concept of freedom to provide services in Turkey-EU association law differently from the same concept in EU law. Our citizens who wish to travel to EU Member States for medical treatment, education or business trips, and for tourism in particular, should be considered as recipients of services within the framework of freedom to provide services, and thereby, be allowed visa-free travel. This decision is also in contradiction with the visa liberalization process which we are currently carrying out with the EU. We have noted that the Member States, which reached a consensus to initiate the visa liberalization process and invited Turkey to conclude the Readmission Agreement accordingly, have participated as interveners in the case. This makes us question the sincerity of the Member States regarding the visa liberalization process. It should be understood that Turkey will take into account the positions of these Member States in the readmission agreement/visa liberalization process currently ongoing with the Commission. Furthermore, it is intriguing that EU law has been interpreted by the EU’s judicial body in a manner far from fairness and objectivity. This decision of the Court of Justice is also highly unfortunate with respect to the principle of the rule of law, one of the fundamental values of the EU. Law cannot be interpreted from the perspective of one’s own “interests”. Furthermore, law cannot be a platform for political calculations. The EU should reject approaches which favour the “law of rulers” over the “rule of law”. Turkey will carefully consider this approach and act accordingly. At the moment, our objective is to ensure visa free travel for Turkish citizens. Undermining, delaying or hindering this process through court rulings is unacceptable. Our citizens should be confident. Visa free travel is a right and Turkey will pursue its rights arising from Turkey-EU association law.