

DECISION No 1/80 OF THE ASSOCIATION COUNCIL OF 19 SEPTEMBER 1980 ON THE DEVELOPMENT OF THE ASSOCIATION

THE ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an Association between the European Economic Community and Turkey,

WHEREAS the revitalization and development of the Association must, as agreed on 5 February 1980, cover the entire range of current Association problems; whereas the search for solutions to these problems must take account of the specific nature of the Association links between the Community and Turkey;

WHEREAS in the agricultural sector, the elimination of customs duties applicable to Turkish products imported into the Community will make for the achievement of the desired result and for the alleviation of Turkey's concern as to the effects of the enlargement of the Community; whereas, moreover, Article 33 of the Additional Protocol should be implemented as a prior condition for the introduction of free movement of agricultural products; whereas the arrangements provided for must be implemented with due regard for the principles and mechanisms of the common agricultural policy;

WHEREAS, in the social field, and within the framework of the international commitments of each of the Parties, the above considerations make it necessary to improve the treatment accorded workers and members of their families in relation to the arrangements introduced by Decision No 2/76 of the Association Council; whereas, furthermore, the provisions relating to social security should be implemented as should those relating to the exchange of young workers;

WHEREAS development of the Association justifies the establishment of such economic, technical and financial co-operation as will help to attain the objectives of the Association Agreement, in particular by means of a Community contribution to the economic development of Turkey in various sectors,

HAS DECIDED AS FOLLOWS:

Article 1

The measures for the revitalization and development of the Association between the Community and Turkey in each of the areas referred to by the Association Council on 5 February 1980 are specified in the following Chapters.

CHAPTER I: Agriculture

Article 2

1. The Community shall adopt the necessary measures to eliminate gradually over a period of six years the customs duties applicable to imports into its territory of products covered by the common agricultural policy.
2. The timetable, arrangements and conditions for the elimination of the said duties are laid down in Articles 3 and 4.

Article 3

1. For products on which the duties applicable:
 - a. are 2 % or less, the said duties shall be eliminated on 1 January 1981;
 - b. are greater than 2 %, elimination shall be effected in four stages in accordance with the following timetable:

Timetable	Rate of reduction
As from 1 January 1981	30 %
As from 1 January 1983	60 %
As from 1 January 1985	80 %
As from 1 January 1987	100 %
 - c. reach a level of 2 % or less at any stage during the process of tariff dismantling, such duties shall be eliminated.
2. For products in respect of which the Community rules provide for observance of an import price, application of the preferential tariff shall be subject to observance of the price in question.
3. For the products listed in the Annex, the reduction of customs duties shall be accompanied by conditions concerning quantities or seasonal timetables established with due regard to the interests of both Parties. The arrangements for the application of this paragraph shall be fixed by exchange of letters between the Community and Turkey. Consultations on the functioning of these provisions shall be held at the request of either Contracting Party within the Association Council.
4. The gradual elimination of the customs duties actually applied by the Community to imports from Turkey shall not prejudice the principles and machinery of the common agricultural policy.

Article 4

1. The elimination by the Community of customs duties as provided for in Articles 2 and 3 shall be subject to Turkey's observance of normal conditions of competition, as specified in Articles 43 to 47 of the Additional Protocol; where dumping, aids or measures incompatible with the principles set out in the above Articles are found to exist in respect of a given product, the Community may, without prejudice to the other measures provided for in the said Articles, re-establish the full duty on the importation into its territory of the product in question until such dumping, aids or other measures cease.
2. In the event of actual or threatened disturbance of the Community market as a result of either the quantities or the prices of Turkish exports of products on which customs duties are being eliminated, consultations shall be held as soon as possible within the Association Council, this shall not preclude the application, in an emergency, of measures provided for under Community rules.

Article 5

1. In order to facilitate the implementation of Article 33 of the Additional Protocol, the Community and Turkey shall:
 - a. jointly draw up a programme for the examination of Community agricultural rules;
 - b. undertake a through analysis of Turkey's agricultural economy and legislation and its market and price system and compare these with the Community system in operation.
 - c. Pinpoint those agricultural sectors in which Turkey considers it is ready to bring its system into line with the Community system so as to arrive progressively at the application of the latter;
 - d. Take note, as adjustment progresses, of the conditions – notably application of the Community system and price equality – which would permit free movement of agricultural products in the sector concerned.
1. During the establishment or subsequent development of its agricultural policy, the Community shall take account of Turkey's agricultural interests. Appropriate consultations may be established between both Parties, which shall communicate to each other any information which may be useful for this purpose.
2. The Association committee shall be authorized to call on the assistance of an ad hoc working party in order to implement paragraph 1.

CHAPTER II: Social Provisions

SECTION 1: Questions relating to employment and the free movement of workers

Article 6

1. Subject to Article 7 on free access to employment for members of his family, a Turkish worker duly registered as belonging to the labour force of a Member State:
 - shall be entitled in that Member State, after one year's legal employment, to the renewal of his permit to work for the same employer, if a job is available;
 - shall be entitled in that Member State, after one year's legal employment, to the renewal of his permit to work for the same employer, if a job is available;
 - shall be entitled in that Member State, after three years of legal employment and subject to the priority to be given to workers of Member States of the Community, to respond to another offer of employment, with an employer of his choice, made under normal conditions and registered with the employment services of that State, for the same occupation;
 - shall enjoy free access in that Member State to any paid employment of his choice, after four years of legal employment.
1. Annual holidays and absences for reasons of maternity or an accident at work or short periods of sickness shall be treated as periods of legal employment. Periods of involuntary unemployment duly certified by the relevant authorities and long absences on account of sickness shall not be treated as periods of legal employment, but shall not affect rights acquired as the result of the preceding period of employment.
2. The procedures for applying paragraphs 1 and 2 shall be those established under national rules.

Article 7

The members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State, who have been authorized to join him:

- shall be entitled-subject to the priority to be given to workers of Member States of the Community – to respond to any offer of employment after they have been legally resident for at least three years in that Member State;
- shall enjoy free access to any paid employment of their choice provided they have been legally resident there for at least five years.

Children of Turkish workers who have completed a course of vocational training in the host country may respond to any offer of employment there, irrespective of the length of time they have been resident in that Member State, provided one of their parents has been legally employed in the Member State concerned for at least three years.

Article 8

1. Should it not be possible in the Community to meet an offer of employment by calling on the labour available on the employment market of the Member States and should the Member States, within the framework of their provisions laid down by law, regulation or administrative action, decide to authorize a

call on workers who are not nationals of a Member State of the Community in order to meet the offer of employment, they shall endeavour in so doing to accord priority to Turkish workers.

2. The employment services of the Member State shall endeavour to fill vacant positions which they have registered and which the duly registered Community labour force has not been able to fill with Turkish workers who are registered as unemployed and legally resident in the territory of that Member State.

Article 9

Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that Member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that Member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area.

Article 10

1. The Member States of the Community shall as regards remuneration and other conditions of work grant Turkish workers duly registered as belonging to their labour forces treatment involving no discrimination on the basis of nationality between them and Community workers.
2. Subject to the application of Articles 6 and 7, the Turkish workers referred to in paragraph 1 and members of their families shall be entitled, on the same footing as Community workers, to assistance from the employment services in their search for employment.

Article 11

Nationals of the Member States duly registered as belonging to the labour force in Turkey, and members of their families who have been authorized to join them, shall enjoy in that country the rights and advantages referred to in Articles 6, 7, 9 and 10 if they meet the conditions laid down in those Articles.

Article 12

Where a Member State of the Community of Turkey experiences or is threatened with disturbances on its employment market which might seriously jeopardize the standard of living or level of employment in a particular region, branch of activity or occupation, the State concerned may refrain from automatically applying Articles 6 and 7. The State concerned shall inform the Association Council of any such temporary restriction.

Article 13

The Member States of the Community and Turkey may not introduce new restrictions on the conditions of access to employment applicable to workers and members of their families legally resident and employed in their respective territories.

Article 14

1. the provisions of this section shall be applied subject to limitations justified on grounds of public policy, public security or public health.
2. They shall not prejudice the rights and obligations arising from national legislation or bilateral agreements between Turkey and the Member States of the Community where such legislation or agreements provide for more favourable treatment for their nationals.

Article 15

1. So as to be in a position to ensure the harmonious application of the provisions of this section and determine that they are applied in such a way as to exclude the danger of disturbance of the employment markets, the Association Committee shall periodically exchange information in order to improve mutual knowledge of the economic and social situation, including the state of and outlook for the labour market in the Community and in Turkey.

It shall each year present a report on its activities to the Association Council.

2. The Association Committee shall be authorized to enlist the assistance of an ad hoc Working Party in order to implement paragraph 1.

Article 16

1. The provisions of this section shall apply from 1 December 1980.
2. From 1 June 1983, the Association Council shall, particularly in the light of the reports on activities referred to in Article 15 examine the results of application of the provisions of this section with a view to preparing solutions which might apply as from 1 December 1983.

SECTION 2: Social and cultural advancement and the exchange of young workers

Article 17

The Member States and Turkey shall co-operate, in accordance with their domestic situations and their legal systems, in appropriate schemes to promote the social and cultural advancement of Turkish workers and the members of their family, in particular literacy campaigns and courses in the language of the host country, activities to maintain links with Turkish culture and access to vocational training.

Article 18

The Association Committee shall prepare a recommendation to be forwarded by the Association Council to the Member States of the Community and Turkey with a view to the implementation of any action that may enable young workers who have received their basic training in their own country to complement their vocational training by participating in in-service training, under the conditions set out in Article 40 of the Additional Protocol.

It shall monitor the actual implementation of this provision.

CHAPTER III: Economic and technical co-operation

Article 19

Co-operation shall be established between the Contracting Parties in order to contribute to the development of Turkey by complementing the country's own efforts to strengthen the economic ties between Turkey and the Community on as broad a basis as possible and to the mutual benefit of the Parties.

Article 20

1. The co-operation shall cover, in particular, activities preparatory and complementary to investment projects devised by Turkey, especially operations under the Financial Protocol.
2. Co-operation shall relate to the fields of industry energy, agriculture and training in particular. It shall also cover technical assistance in the preparation of investment projects in Turkey.
3. The Association Council may specify other fields for co-operation.

Article 21

In implementing co-operation particular regard shall be had to the aims and priorities set out in Turkey's development plans and programmes.

Article 22

The Contracting Parties shall encourage the proper performance of co-operation and investment contracts which are in their mutual interest and in line with the objectives of this Chapter.

Article 23

Account being taken of the mutual interests of the two Parties, co-operation in the industrial field shall have the aim of encouraging in particular:

- Community participation in Turkey's efforts to develop its production and economic infrastructure so as to diversify the structure of its economy;
- the marketing and sales promotion of the products exported by Turkey;
- the organization of contacts and meetings between Turkish and Community industrial policy-makers, promoters and firms with the aim of establishing new links (in particular in the form of joint ventures between Turkish firms and firms in the Member States of the Community) which are in conformity with the objectives of the Association Agreement;
- the development of small-and medium-sized undertakings in Turkey through technical assistance with surveys, the setting up and siting of such undertakings and with the creation of the necessary structures and training schemes.

Article 24

The aim of co-operation in the energy field shall in particular be:

- to promote projects to develop Turkey's natural resources and energy resource exploration and processing;
- to encourage the participation of Community firms in Turkey's programmes and all activities conducive to local exploitation of Turkey's resources.

Article 25

1. Account being taken of the complementary nature of the Parties' agricultural production, co-operation between Turkey and the Community in agriculture shall in particular be aimed at:
 - developing production by improving productive capacity and techniques;
 - exploiting water resources and using modern methods of irrigation;
 - promoting grafting techniques and the development of certain crops to improve local consumption;
 - encouraging rural development and improving agricultural structures and the methods for the marketing and sale of products.
1. The Association Committee shall seek appropriate ways and means of achieving this end, in particular:
 - encouraging the exchange of information in sectors of mutual interest through the exchange of experts and fact-finding teams and the organization of symposia or one day seminars on subjects in areas of mutual interest;
 - devising methods of organizing advisory services in liaison with the agricultural development into regional development, standardization and the organization of producers.
 - Implementing projects relating to methods for integrating agricultural development into regional development, standardization and the organization of producers.

Article 26

Co-operation between Turkey and the Community in the labour field shall in particular be aimed at:

- promoting training schemes in Turkey in those sectors which are most important to the Turkish economy, account being taken of the guidelines and priorities set out in Turkey's development plans, especially through the establishment of a pilot multi-disciplinary training centre;
- providing highly specialized training for Turkish researchers in Community's scientific establishments;
- promoting all activities conducive to the exchange and training of young workers.

Article 27

1. In order to attain the objectives of co-operation the Association Committee shall periodically examine the results achieved. It shall report to the Association Council, which shall define the general direction of co-operation.
2. The Association Committee shall seek ways and means of implementing co-operation in the fields defined by the above Articles.

Article 28

1. The Community shall participate in the financing of projects contributing to the development of Turkey which are in line with the objectives set out in this Chapter.
2. Once the 4th Financial Protocol has entered into force, participation in the financing referred to in the previous paragraph shall be effected in the framework of, and under the conditions indicated in, the said Protocol.

Article 29

The Contracting Parties shall, each for its own part, take any measures required for the purposes of implementing the provisions of this Decision.

Article 30

This decision shall enter into force on 1 July 1980.

Done at Brussels, 19 September 1930

For the Association Council

The President

The Secretaries C. Keskin

N.AKYOL G.L. GIOLA

ANNEX

List of products referred to

in Article 3 (3)

Common Customs Tariff Heading Number Description

07.01 Vegetables, fresh or chilled:

A. Potatoes:

II. New potatoes

F. Leguminous vegetables, shelled or unshelled:

II. Beans (of the species Phaseolus)

Ex III. Other:

- Broad beans (*Vicia faba major* L.)

Ex H. Onions, shallots and garlic:

- Onions

Ex T. Other:

- Aubergines
- Celery
- Marrows
- Pumpking

08.04 Grapes, fresh or dried:

A. Fresh:

I. Table grapes

08.05 Nuts other than those falling within heading No. 08.01, fresh or dried, shelled or not:

Ex G. Other:

- Hazelnuts

08.07 Stone fruit, fresh:

D. Plums

Ex 08.09 Other fruit, fresh:

- Melons

- Water melons

20.02 Vegetable prepared or preserved otherwise than by vinegar or acetic acid:

C. Tomatoes

20.06 Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:

II. Not containing added spirit:

c) not containing added sugar, in immediate packings

of a net capacity:

1. of 4.5 kg or more:

ex aa) Apricots

- Pulp