

Case C-355/93

Hayriye Eroglu
v
Land Baden-Württemberg

(Reference for a preliminary ruling
from the Verwaltungsgericht Karlsruhe)

(EEC-Turkey Association Agreement — Association Council decision —
Freedom of movement for workers — Right of residence)

Opinion of Advocate General Darmon delivered on 12 July 1994 I - 5116
Judgment of the Court (Sixth Chamber), 5 October 1994 I - 5131

Summary of the Judgment

- 1. International agreements — EEC-Turkey Association Agreement — Freedom of movement for persons — Workers — Turkish nationals in their first employment in one of the Member States — Right, after one year's legal employment, to the renewal of a permit to work for the same employer — Scope
(EEC-Turkey Association Agreement; Decision No 1/80 of the EEC-Turkey Association Council)*

2. *International agreements — EEC-Turkey Association Agreement — Association Council established by the EEC-Turkey Association Agreement — Decision concerning freedom of movement for workers — Direct effect — Child of a Turkish worker satisfying the conditions for responding to any offer of employment in the host Member State — Right a corollary of the extension of a residence permit*
 (EEC-Turkey Association Agreement; Decision No 1/80 of the EEC-Turkey Association Council)

1. The first indent of Article 6(1) of Decision No 1/80 of the EEC-Turkey Association Council is to be construed as not giving the right to the renewal of his permit to work for his first employer to a Turkish national who is a university graduate and who worked for more than one year for his first employer and for some ten months for another employer, having been issued with a two-year conditional residence authorization and corresponding work permits in order to allow him to deepen his knowledge by pursuing an occupational activity or specialized practical training.

The aim of that provision is to ensure solely continuity of employment with the same employer and is, accordingly, applicable only where a Turkish worker requests an extension of his work permit in order to continue working for the same employer after the initial period of one year's legal employment. Furthermore, extending the application of that provision to a Turkish worker who, after one year's legal employment, changed employers and is seeking an extension of his work permit in order to work for the

first employer again would allow that worker to change employers under that provision before the expiry of the three years prescribed in the second indent and would also deprive workers of the Member States of the priority conferred on them pursuant to that indent when a Turkish worker changes employers.

2. A Turkish national who satisfies the conditions set out in the second paragraph of Article 7 of Decision No 1/80 of the EEC-Turkey Association Council and may therefore respond to any offer of employment in the Member State concerned may, by the same token, also rely on that provision to obtain the extension of his residence permit.

First, Article 7 clearly, precisely and unconditionally, hence with direct effect, sets out the rights of those children of Turkish workers who have completed a course of vocational training in the host country to 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. Secondly, just as the right of access

to any paid employment is inconceivable without the right of residence, so the right to respond to any offer of employment necessarily implies the recognition of a right of residence for the person concerned.