

## Case C-65/98

**Safet Eyüp**

**v**

**Landesgeschäftsstelle des Arbeitsmarktservice Vorarlberg**

(Reference for a preliminary ruling  
from the Verwaltungsgerichtshof (Austria))

(EEC-Turkey Association Agreement — Free movement of workers — Article 7, first paragraph, of Decision No 1/80 of the Association Council — Member of a Turkish worker's family — Meaning of legal residence — Periods in which the person authorised to join the worker cohabited with him — Right to work as an employed person — Application for interim measures)

Opinion of Advocate General La Pergola delivered on 18 November 1999 I-4749  
Judgment of the Court (Sixth Chamber), 22 June 2000 . . . . . I-4765

### Summary of the Judgment

*International agreements — EEC-Turkey Association Agreement — Association Council established by the EEC-Turkey Association Agreement — Decision concerning freedom of movement for workers — Family living together — Right of members of the family of a Turkish worker duly registered as belonging to the labour force in a Member State to work*

*in an employed capacity in that Member State — Condition — Actual residence with the migrant worker for an uninterrupted period of three years — Periods to be taken into account for calculation of that period — Periods of marriage interrupted by a period of cohabitation — Included*

*(Decision No 1/80 of the EEC-Turkey Association Council; Art. 7, first para.)*

The first paragraph of Article 7 of Decision No 1/80 of the EEC-Turkey Association Council must be interpreted as covering the situation of a Turkish national who has been authorised in her capacity as the spouse of a Turkish worker duly registered as belonging to the labour force of the host Member State to join that worker there, in circumstances where that spouse, having divorced before the expiry of the three-year qualification period laid down in the first indent of that provision, still continued in fact to live uninterruptedly with her former spouse until the date on which the two

former spouses remarried. Such a Turkish national must be regarded as legally resident in that Member State within the meaning of that provision, so that in that State she may rely directly on her right, after three years, to respond to any offer of employment, and, after five years, to enjoy free access to any paid employment of her choice.

(see para. 48 and operative part)