

CHAPTER 3 RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

Priority 3.1 Presenting a detailed strategy which should include a timetable of all necessary steps in terms of legislative alignment and institutional capacity in order to comply with the acquis covered by this chapter

1 Schedule of legislative alignment

Table 3.1.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1		Strategy	Meeting the opening benchmark of the chapter Detailed strategy which should include a timetable of all necessary steps in terms of legislative alignment and institutional capacity will be set up in order to comply with the acquis covered by this chapter.	Prime Ministry, Ministry of Industry and Trade, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Labour and Social Security, Ministry of Transport, Higher Education Council, SPO, EUSG, Public Procurement Authority, Vocational Qualifications Authority	2009

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

Priority 3.2 Continue alignment with the acquis for the mutual recognition of professional qualifications by adopting the minimum training requirements set out in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, providing for a procedure for professional recognition distinct from academic recognition

1 Schedule of legislative alignment

Table 3.2.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 2005/36/EC	Preparation of a Strategy Document in consultation with all relevant bodies concerning the professions to be regulated on national scale	Creating an inventory of professions regulated on national scale, preparing a work plan concerning the professions that are not regulated, and working out a comprehensive strategy in consultation with all relevant stakeholders for establishing the qualifications in these professions	Vocational Qualifications Authority	2009
2	Directive No. 2005/36/EC	Law on Regulation and Recognition of the Vocational Qualifications ¹	Identification of procedures and principles related to vocational qualifications required for the acquisition and performance of the occupations, for performing the occupations acquired in EU member states or in third countries in his/her own office or by being an employee Harmonization with the system of mutual recognition of vocational qualifications.	Vocational Qualifications Authority	2010-2013
3	Directive No. 2005/36/EC	Necessary Secondary Legislation on Vocational Qualifications, which are to be Established at the National Level	Specification of national vocational qualifications, and ensuring the mutual recognition of these vocational qualifications by harmonization with the EU legislation	Vocational Qualifications Authority	2010-2013

¹ It is also mentioned under “Priority 3.6 Continuing alignment with the acquis for the mutual recognition of professional qualifications and, in particular, working towards repealing nationality requirements”.

Table 3.2.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
4	Directive No. 2005/36/EC, Recommendation No.2008/C 111/01	Implementing Regulation on Vocational Qualifications, Testing and Certification	In accordance with the qualifications within the scope of Vocational Qualifications Authority Law No. 5544, identification of procedures and principles regarding developing qualifications conducted by the Authority and by the institutions awarded by the Authority, awarding the institutions, testing and certification, training and financial issues. Identification and certification of the national vocational qualifications and providing the accreditation of these qualifications.	Vocational Qualifications Authority	2009

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation**Table 3.2.2**

No	Requirements	Year
(Vocational Qualifications Authority)		
1	Training of the staff (for the issues such as; developing occupational standards and qualifications, test bank, accreditation, administrative, financial, management information system (MIS) etc.)	2009-2010
2	Establishing the infrastructure for documentation and system towards the implementation of the Implementing Regulation on Occupational Standards and Testing and Certification	2009-2010
3	Establishing the infrastructure for MIS related to Occupational Standards and Testing and Certification	2009-2010
4	Establishing the vocational qualifications system and providing the functionality of the system in the selected priority sectors.	2009-2010
5	Activities towards the publicity of the Authority and the qualifications system and raising the awareness	2009-2010
6	Provide the internalisation of the vocational qualifications system by the social partners, increasing the capacity of Occupational Standards Development, Vocational Knowledge and Skills Testing and Certification Centres (VOC-TEST).	2009-2011
7	Equipment purchase	2009-2010

3 Financial requirements and resources

Table 3.2.3

(Euro)

Requirements (Vocational Qualifications Authority)	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
- Training					
- Consultancy					
- Translation					
- Other					
Strengthening of the Vocational Qualifications Authority and of national vocational qualifications ²	2009-2010	200,000	10,700,000		10,900,000
Total		200,000	10,700,000		10,900,000

² Financed by the project titled "Strengthening the National Qualifications System and Vocational Qualifications Authority in Turkey" under 2007 Instrument for Pre-Accession (IPA). Except the personnel, issues such as required equipments, training, consultancy, information etc. related to the above mentioned precautions will be financed by the related project. Within the scope of the above mentioned EU Project, it is also aimed to strengthen the capacity of social partners.

Priority 3.3 Beginning alignment with the acquis on postal services

1 Schedule of legislative alignment

Table 3.3.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directives No. 97/67/EC, 2008/6/EC and 2002/39/EC	Law on the Regulation of Postal Services	<p>Liberalization of the postal sector in a controlled and gradual way in order to provide countrywide postal services of good quality continuously with a fee affordable for all consumers under the framework drawn by the principles based on competition, and exercising regulation and control on a financially strong, stable and transparent sector.</p> <p>Within the scope of the law, provision of reception, collection, processing, distribution and deliverance services for mail deliveries; specification of principles regarding authorization, scale rates and conditions of service, and establishment, tasks, competency and responsibility of the Postal Regulation and Control Board will be regulated.</p>	Ministry of Transport	2009-2010
2	Directives No. 97/67/EC, 2008/6/EC and 2002/39/EC	Law on the Tasks, Competency and Responsibilities of the General Directorate of Post and Telegraph Organization	Regulation of the procedures and principles regarding the structure, fields of activity and the provision of services of the General Directorate of Post and Telegraph Organization, which is a public corporation autonomous in its activities and whose responsibility is limited by its capital.	Ministry of Transport	2009-2010

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 3.3.2

No	Requirements	Year
(Ministry of Transport)		
1	Abroad working visits of the experts of the Postal Regulation and Control Board to get technical aid	2009
2	Equipment purchase	2009
3	Homeland training	2009
4	Outsourcing foreign advisory service	2009
5	Translation Service (Translation of Law on the Regulation of Postal Services into English and French, simultaneous interpretation for briefing given by advisor, and etc.)	2009

3 Financial requirements and resources

Table 3.3.3

(Euro)

Requirements (Ministry of Transport)	Year	National Budget	EU sources	Other	Total
I- Investment	2009	19,595	58,786		78,381
II- Legislative approximation and implementation					
- Personnel					
- Training	2009	20,000	56,000		76,000
- Consultancy	2009	143,650	34,750		178,400
- Translation	2009	10,000	7,800		17,800
- Other					
Total		193,245	157,336		350,581

Priority 3.4 Further removing restrictions on the right of establishment and the freedom to provide cross-border services

1 Schedule of legislative alignment

Table 3.4.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 2004/38/EC	Law Amending Work Permits of Foreigners Law and Certain Laws	Satisfying the needs emerging during the application process regarding the work permit requests of foreigners, who will be assigned especially within the scope of professional services, and reducing the work permit process.	Ministry of Labour and Social Security	2009-2010
2	Directive No. 2004/38/EC	Implementing Regulation of the Law on Work Permits of Foreigners	Specification of the application principles for work permit procedures.	Ministry of Labour and Social Security	2010
3	Directive No. 2006/123/EC	Legislation for Temporary Service Provision	Filling the gaps in our legislation on the pursuance of temporary service provision.	Ministry of Industry and Trade, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Labour and Social Security, Public Procurement Authority	2009

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 3.4.2

No	Requirements	Year
(Ministry of Industry and Trade)		
1	Consultancy and technical assistance service for the examination of best practices of EU Member State	2009-2011
2	Establishing an infrastructure for facilitating the exchange of information among the related institutions (Ministry of Industry and Trade, Ministry of Labour and social Security, Ministry of Foreign Affairs, Undersecretariat of Treasury, Revenue Administration, Chambers of Industry and Commerce and Chambers of Tradesman and Artisan)	2009-2011

3 Financial requirements and resources

Table 3.4.3

(Euro)

Requirements (Ministry of Industry and Trade)	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
- Training					
- Consultancy	2009-2011	30,000 ³	300,000		330,000
- Translation					
- Other					
Total		30,000	300,000		330,000

³ For each year between 2009 and 2011, the contribution from national budget is 10.000 Euro and the contribution from EU Resources is 100.000.Euro. The above numbers indicate the total contribution from both sides for the period 2009-2011.

Priority 3.5 Continuing alignment on the acquis for postal services

1 Schedule of legislative alignment

Table 3.5.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directives No. 97/67/EC, 2008/6/EC and 2002/39/EC	Implementing Regulation on the Arrangement of Postal Services	Designation of the procedures and principles concerning implementation after the enactment of the Law on the Arrangement of Postal Services.	Ministry of Transport	2010
2	Directives No. 97/67/EC, 2008/6/EC and 2002/39/EC	Implementing Regulation on the Tasks, Competencies and Responsibilities of the General Directorate of Post and Telegraph Organization	Designation of the procedures and principles concerning implementation after enactment of the Law on the Tasks, Competencies and Responsibilities of the General Directorate of Post and Telegraph Organization.	Ministry of Transport	2010

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

Priority 3.6 Continuing alignment with the acquis for the mutual recognition of professional qualifications and, in particular, working towards repealing nationality requirements

1 Schedule of legislative alignment

Table 3.6.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 2005/36/EC	Law on the Regulation and Recognition of Vocational Qualifications ⁴	Harmonization with the mutual recognition of vocational qualifications system.	Vocational Qualifications Authority	2010-2013
2	Directive No. 2006/123/EC	Legislation on the Work Permits of Foreigners and Professions for which Citizenship is Required	Regulating the procedures regarding the issuance of work permits in line with the practice in the EU in order to ensure freedom to provide services, and removing the citizenship requirement for various professions.	Ministry of Labour and Social Security, Vocational Qualifications Authority, Ministry of Foreign Affairs	To be considered within the framework of full membership perspective.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

⁴ It is also mentioned under “Priority 3.2 Continue alignment with the acquis for the mutual recognition of professional qualifications by adopting the minimum training requirements set out in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, providing for a procedure for professional recognition distinct from academic recognition”