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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

**First Report on the progress made in the implementation of the EU-Turkey Statement**

## 1. Introduction

Last month, decisive action was taken by European leaders to break the cycle of uncontrolled flows of migrants creating an unsustainable humanitarian crisis. The goal was to remove the incentive for migrants and asylum seekers to seek irregular routes to the EU, through a combination of action as close as possible to the entry point into the EU - in the Greek islands - and close cooperation between the EU and Turkey. The aim is to restore a legal and orderly admission system.

This has brought a new phase in the EU-Turkey relationship, embodied in the 18 March 2016 EU-Turkey Statement<sup>1</sup>, which built on the 29 November 2015 EU-Turkey Joint Action Plan.

The refugee crisis also needs to be viewed in the wider context of ongoing conflicts in the region and of terrorist threats. Added to this, our joint efforts with Turkey to deal with this common challenge is a good example of our global engagement with a country that is both a candidate and a strategic partner.

Since the EU-Turkey Joint Action Plan was activated in November 2015, our re-energised cooperation has delivered a more strategic and comprehensive engagement with Turkey. This report, which monitors the implementation of the EU-Turkey Statement of 18 March and follows its structure, also constitutes the fourth report on the implementation of the EU-Turkey Joint Action Plan<sup>2</sup>.

In line with the EU-Turkey Statement, from 20 March 2016, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey. This temporary and extraordinary step is designed to end human suffering by showing clearly that there is no benefit in following the route offered by the smugglers. The measures required careful consideration to ensure full compliance with EU and international law, and it has been made clear that refugee protection safeguards will continue to be fully respected, with any application for asylum being processed individually by the Greek authorities with a right of appeal. Under the Statement, the EU will resettle a Syrian from Turkey to the EU for every Syrian returned to Turkey from Greek islands. Priority is given to migrants who have not previously entered or tried to enter the EU irregularly, within the framework of the existing commitments. The full implementation of this "One for One" (1:1) scheme is essential to alleviate the situation in Turkey and to show that the EU is committed to fulfilling its responsibilities in terms of providing legal avenues for victims of the Syrian crisis.

### *Current situation*

Since the EU-Turkey Statement, there has been a substantial decrease in the numbers leaving Turkey for Greece: in the three weeks preceding the application of the EU-Turkey Statement to arrivals in the Greek islands, 26,878 persons arrived irregularly in the islands – in the three subsequent weeks 5,847 irregular arrivals took place. Smugglers are finding it increasingly difficult to induce migrants to cross from Turkey to Greece.

### *Enhanced coordination and support provided by the Commission*

The European Council has stressed that implementation of the Statement with Turkey is a common EU responsibility requiring a common EU endeavour. In particular, this has meant an unprecedented

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<sup>1</sup> This Statement was preceded by six principles set out in the Statement of EU Heads of State or Government on 7 March: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/07-eu-turkey-meeting-statement/>. The Commission set out its position in a Communication "Next Operational Steps in EU-Turkey Cooperation in the field of migration" (COM(2016)166 final of 16 March 2016).

<sup>2</sup> Covering progress made under the EU-Turkey Joint Action Plan since the publication by the Commission of the third implementation report on 4 March. Turkey also shares data on the implementation of the EU-Turkey Joint Action Plan in the framework of the EU's Integrated Political Crisis Response process, submitting such data for the fourth time on 7 April.

focus on supporting the efforts of the Greek government in terms of logistics, materials and expertise. President Juncker immediately appointed the Director-General of the Structural Reform Support Service as the EU Coordinator and reinforced the existing Commission team already on the ground in Greece. The EU Coordinator is responsible for the support provided to the Greek authorities by the Commission, the EU agencies, and the other EU Member States. He also coordinates the actions of Member States for the implementation of the resettlement programme from Turkey. He is supported by a coordination team responsible for the overall strategic direction and relations with key stakeholders; an operations group responsible for analysing all relevant data, planning and deployment of Member State experts; and a team focused on resettlement.

A steering committee, chaired by the Commission with Greece, the European Asylum Support Office (EASO), Frontex, Europol, and representatives of the Netherlands (Council Presidency), France, the United Kingdom and Germany, oversees the implementation of the Statement when it comes to returns and resettlement and addresses bottlenecks.

### *Cooperation between EU and Turkey in preventing irregular migration*

The ongoing **operations by Frontex and NATO** have enhanced early warning and surveillance activities and sharing of operational information with the Greek and Turkish Coast Guards. Frontex currently detects 80-90% of the departures of migrant boats from the Turkish coasts. The objective is to use the NATO activity in the Aegean Sea to further increase this high detection rate and speed up information exchange on migrant smuggling incidents, routes and methods. The Turkish Coast Guard, whose capacity in the Aegean Sea is being further enhanced through the procurement of fast response boats and mobile radar systems with €14 million EU funding, should be able to prevent more efficiently smuggling and departures of migrants from the Turkish mainland. The Turkish National Police and the Gendarmerie have established units on migrant smuggling and human trafficking, and higher penalties for smugglers have been submitted to the Parliament for approval. The coordination of data exchange and activities related to joint risk analysis among authorities in charge of border management and others, including the establishment of a national Coordination and Joint Risk Analysis Centre, is a recent positive development.

Cooperation has also been operationalised through the exchange of **liaison officers**. A Frontex Liaison Officer started work on 1 April 2016 in Turkey to step up information sharing, joint analytical work and specific operations; this should soon be mirrored by a Turkish liaison officer at Frontex headquarters. Europol and the Turkish National Police signed an agreement on 21 March in view of seconding an officer from Turkey to Europol, targeting in particular the fight against organised crime, smugglers and terrorism. The EU Delegation in Ankara, international organisations and immigration liaison officers deployed by Member States also contribute to a network to cooperate with Turkey. For example, EU police liaison officers will have the possibility to directly contact Liaison Bureaus, which the Turkish National Police is ready to set up, to exchange views on suspicious travel documents.

It is important that **migrants** who might consider travelling irregularly to Greece are **informed** about the provisions of the EU-Turkey Statement. The Commission set up an inter-institutional Task force on Migrants' Information Strategy<sup>3</sup> to identify the channels asylum seekers and migrants use to get information, to define and target the main messages, and to prepare and disseminate content. Counter-narratives are being used to challenge the arguments spread by smugglers. Turkey was amongst the five countries chosen for a pilot phase. The Commission is also working with organisations such as UNHCR (United Nations High Commissioner for Refugees) which developed a series of videos with direct stories from victims of smugglers and traffickers. The communication plan involves social media, audiovisual media and leaflets (in Arabic, Pashto, Urdu and Farsi) to explain the consequences of the Statement to migrants. Frontex is stationing a permanent information officer on the Greek islands and EASO has been actively informing migrants about relocations. Misinformation about the Statement needs to be directly countered by an effective EU campaign.

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<sup>3</sup> The Task Force is led by the Commission and includes participants from the Council's Secretariat General, the Presidency, EEAS, EASO, Frontex and Europol.

## 2. Return of all new irregular migrants from Greece to Turkey

The first element of the Statement provided for the return of all new irregular migrants and asylum seekers whose applications have been declared inadmissible crossing from Turkey to the Greek islands. As set out in the Commission Communication on next operational steps in EU-Turkey cooperation in the field of migration of 16 March 2016<sup>4</sup>, the arrangements for these returns are carried out strictly in accordance with the requirements stemming from EU and international law, and in full respect of the principle of *non-refoulement*. The process has begun.

### *State of play*

The **return of irregular migrants started on 4 April**. A total of 325 persons who entered irregularly after 20 March and did not apply for asylum after 20 March have been returned from Greece to Turkey, consisting of 240 Pakistani, 42 Afghani, 10 Iranians, 7 Indians, 5 Bangladeshis, 5 Iraqis, 5 Congolese, 4 Sri Lankans, 2 Syrians, 1 Somali, 1 Ivorian, 1 Moroccan, 1 Egyptian, 1 Palestinian. In total, 1,292 migrants have been returned under the bilateral readmission agreement between Greece and Turkey in 2016, with most of return operations taking place in March<sup>5</sup>.

To facilitate these returns and to ensure the process can continue, a series of significant legal and logistical steps have been necessary.

### *2.1. Legal steps*

In order to ensure full respect of EU and international law, Greece and Turkey both undertook a **number of legal changes**. On 3 April, **Greece** adopted a law<sup>6</sup> setting out the necessary legal provisions to apply, in full, the concepts of safe third country and safe first country of asylum, as well as ensuring fast-track procedures for the examination of asylum applications, including appeal procedures. Currently, 20 Appeal Committees are operational to examine all pending asylum applications at second instance by the end of 2016. Under the recently adopted National Law these Committees will also be responsible for examining all appeals submitted against first instance decisions as of 4 April for a transitional period of up to 6 months, until the new Appeals Authority and the new Appeal Committees are established and operational. Adjustments are being made to ongoing projects, notably to a project supporting the Backlog Appeal Committees<sup>7</sup>, in order to use these Committees to deal with the additional workflow on the islands. Future establishment of additional Committees and use of teleconference and videoconference during the asylum procedure at all instances is provided for in the national legislation.

On 6 April, **Turkey** adopted a law<sup>8</sup> to clarify that Syrian nationals returning under the new arrangements may request and be granted temporary protection, covering both previously registered and non-registered Syrians in Turkey. In addition to the legislative changes, Turkey has, by letter of 12 April 2016, provided assurances that all returned Syrians will be granted temporary protection upon return. Discussions are advancing on providing assurances for non-Syrians.

The returns of individuals take place under the existing bilateral readmission agreement between Greece and Turkey. The Commission has made further progress on EU-Turkey readmission agreement

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<sup>4</sup> COM(2016) 166 final of 16 March 2016.

<sup>5</sup> By comparison, only eight persons were returned in 2015.

<sup>6</sup> Law 4375 (O.G. A'51 / 03-04-2016) On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC on common procedures for granting and withdrawing the status of international protection (recast) (L180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions.

<sup>7</sup> Appeal Committees of articles 26 and 32 of the Presidential Decree 114/2010 (O.G. A'195 / 22-11-2010).

<sup>8</sup> Temporary Protection Regulation no 2014/6883 and the Regulation no 2016/8722 Amending the Temporary Protection Regulation.

as the bilateral agreement will be succeeded by the **EU-Turkey Readmission Agreement** already as of 1 June (instead of the originally foreseen 1 October 2017). On 1 April, the EU-Turkey Joint Readmission Committee adopted the decision on advancing to 1 June 2016 the entry into force of the provisions on readmission of third country nationals which will become applicable as soon as the Turkish Parliament approves them. The Commission will continue to monitor the implementation of the agreement regarding Turkish nationals and preparations undertaken in view of readmission of third country nationals, and will hold a next meeting before the end of April. Turkey has also agreed a bilateral implementing protocol to the EU-Turkey Readmission Agreement with Germany and is currently negotiating such instruments with Bulgaria and Greece.

2.2. Operational steps

The Commission has in the past weeks worked closely with the Greek and Turkish authorities to ensure the necessary improvements in terms of **practical and logistical arrangements and human resources** to ensure the smooth implementation of returns. The Commission is assisting the Greek authorities with expertise and financial support from the EU budget, coordinating the operations on the ground led by the EU Coordinator and using support from other Member States and EU agencies.

As a first step, the Greek authorities transferred within a week the majority of the migrants who arrived on the islands before 20 March to the mainland. With the support of the Commission and Frontex, the hotspots are being adapted to facilitate swift returns to Turkey from the islands, and the integration of return and asylum officers in the infrastructure and workflow of the hotspots. At the same time, whilst the number of arrivals from Turkey has decreased substantially, all new arrivals put an extra strain on already crowded reception capacities, particularly given the need to pay particular attention to children and vulnerable groups and to guarantee essential services such as cleaning, catering and medical support.

Until recently, only a few of those arriving in Greece applied for asylum in Greece. However, faced with the prospect of rapid return to Turkey, the number of asylum applications has risen and in the past two weeks during which almost 2,000 asylum applications were lodged in Greece. The long procedures would put a further strain on the already overstretched Greek Asylum Service. Therefore, **accelerated procedures** for all stages, from the initial interviews to the appeals, are now being set up on the islands, in line with the requirements of the Asylum Procedures Directive<sup>9</sup>.

In order to provide further support to the Greek authorities, EASO and Frontex issued two additional **calls for experts** on 19 March. All Member States have provided detailed indications including figures for their contributions. The outlook is as follows:

|                     | escort officers | return and readmission experts |
|---------------------|-----------------|--------------------------------|
| <b>Frontex call</b> | 1,500           | 50                             |
| Pledges             | 739             | 57                             |
| Experts identified  | 724             | 57                             |
| Experts deployed    | 318             | 21                             |

|                    | asylum officers | interpreters |
|--------------------|-----------------|--------------|
| <b>EASO call</b>   | 472             | 400          |
| Pledges            | 470             | 86           |
| Experts identified | 124             | 84           |
| Experts deployed   | 63              | 67           |

On that basis, EASO has been gradually deploying asylum officers in the islands – 32 asylum officers were deployed at the beginning of April and 60 asylum officers were in place on by 18 April. The expectation is to reach by mid-May the capacity to process around 200 cases per day. The

<sup>9</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

identification of interpreters poses particular challenge, given the skills and relatively rare language combinations required: whilst a combination of Member States' pledges (86), the use of freelance interpreters accredited to the EU institutions (32) and EASO procurement has met short-term needs, there is a risk of shortfalls as the operation scales up in the coming days and weeks which needs to be addressed. 67 interpreters are now deployed, and discussions are ongoing between the Commission, EASO and Greek Asylum Service on how to ensure that interpretation provision keeps pace with the rise in asylum processing capacity.

To ensure returns of all migrants who arrived irregularly after 20 March, further support to the Hellenic Police is provided via EU Member States' readmission experts, deployed through Frontex. In addition, a total of 25 Turkish liaison officers have been deployed in the Greek hotspots and five Greek liaison officers to arrival points in Turkey to ensure effective and real-time communication between readmission offices on both sides and coordination of details of return operations. Fast-track operational arrangements between Greece and Turkey are also being discussed to better cater for a larger scale return of migrants. Frontex has secured the availability of means of transportation for the returns, including 24 buses, five ferries and one charter plane, and deployed 339 additional officers in Lesbos and Chios to support the readmission process<sup>10</sup>.

### *2.3. EU financial assistance*

It was agreed that the EU budget should finance the costs of the return operations, and an estimated €280 million is planned to be provided over six months for these purposes. In addition, Frontex has €66.5 million available in 2016 for funding return operations in Member States<sup>11</sup>. Discussions are ongoing to provide extra funding to both Frontex and EASO, either through the reinforcement of their operational budget or through emergency assistance from the Asylum, Migration and Integration Fund and the Internal Security Fund. Extra emergency assistance is also available if requested.

Greece has already received €181 million in emergency funding since 2015, on top of the €509 million already allocated to Greece under its national programme. Additional funding earmarked for Greece is available for reception centres, return operations and additional staff. It is essential to ensure the sustainable capacity of the Greek Asylum Service. In this context discussions are ongoing on necessary financial support to be provided for the reinforcement of staff in the Greek Asylum Service, for the recruitment of interpreters, for operational support to the Hellenic Police at the external borders and for the necessary adjustments to support the Backlog Appeal Committees.

#### ***Key challenges and next steps***

- Continuing the rapid process of a large-scale expansion of the capacity of the Greek Asylum Service in dealing with asylum applications on an individual basis with appropriate appeals procedures in place and processing of all asylum applications in a timely manner.
- Completing the deployment of scaled up support from Member States' long-term experts through EASO and Frontex, in particular interpreters.
- Increasing detention/closed reception capacity proportional to increasing number of asylum applicants while ensuring proper conditions for those facilities.
- Monitoring all procedures in the hotspots related to return and adjusting as necessary.
- Paying particular attention to children and vulnerable groups in the hotspots, as well as continuing the identification and care for vulnerable groups by Turkey.
- Continuing preparations for the full entry into force of the EU-Turkey Readmission Agreement on 1 June 2016.

<sup>10</sup> This includes both readmission officers and escort officers, and adds to the 735 officers deployed in Greece prior to 20 March 2016 (crew members of patrol vessels, helicopters, fingerprinting officers, de-briefers and screeners) as part of the Poseidon operation.

<sup>11</sup> This amount covers the reimbursement of the costs of Frontex return experts, of transport costs (including vessels made available through Frontex) and of police officers escorting returns (including police officers seconded by other Member States on the basis of bilateral police cooperation agreement).

### 3. "One for One" Resettlement from Turkey to the EU

#### *State of play*

A mechanism, supported by the Commission, EU agencies and other Member States as well as UNHCR, has been set up to ensure the **immediate implementation of the scheme**. The **first resettlements from Turkey** following the Statement took place on 4-5 April when 74 Syrian asylum seekers were resettled to Germany, Finland and the Netherlands. A total of 103 Syrian nationals have now been resettled from Turkey to Germany, Finland, the Netherlands and Sweden.

#### *3.1. Legal steps*

Resettlement under the 1:1 scheme will take place, in the first instance, by honouring the **commitments taken by Member States in July 2015**. As the Commission reported last week, there are still 16,800 places available out of the originally agreed 22,504, though part will be taken up by resettlements from Jordan and Lebanon. Any further need for resettlement will be carried out through a similar voluntary arrangement up to a limit of an additional 54,000 persons. The Commission proposed<sup>12</sup> on 21 March to make the 54,000 places initially foreseen for relocation available for the purpose of legally admitting Syrians from Turkey to the EU through resettlement, humanitarian admission or other legal pathways, such as humanitarian visas, scholarships, family reunification schemes and similar. The Commission looks forward to the adoption of the proposed decision by the Council as a matter of urgency. It would result in an overall maximum number of resettlements of around 70,800<sup>13</sup>.

#### *3.2. Operational steps*

In order to fast-track the implementation of the resettlement leg of the 1:1 scheme, **Standard Operating Procedures** were developed in close cooperation between the Commission, Member States<sup>14</sup>, EASO, UNHCR and Turkey and will be finalised shortly. The system would envisage the initial referral by Turkey to UNHCR of a list of candidates to be resettled and the involvement of UNHCR in identifying the Syrians willing to be resettled, assessing their vulnerability<sup>15</sup> and referring them to the specific Member States. Member States will make the final decision regarding the selection of people to be resettled and will carry out their own security checks.

Effectively implementing the 1:1 scheme under the EU-Turkey Statement necessitates not only good coordination but also a common commitment. It is essential that Member States contribute to resettlement in a swift, sustainable and predictable manner. Close monitoring is required to ensure that the number and rate of resettlements of Syrians from Turkey to the EU matches those of returns of Syrians from Greece to Turkey. Member States need to plan their resettlement pledges with this in mind, taking into account the need to give minimum predictability to UNHCR and individual candidates for resettlement, and substantially shorten the normal resettlement procedures (from 12 months in normal cases to just a few weeks). The Commission will seek to address bottlenecks if and when they arise, and ensure the proper coordination of operations.

#### ***Key challenges and next steps***

- Continuing the swift, sustainable and predictable process of resettlement from Turkey to the EU, ensuring that the number and rate of resettlements match those of returns of Syrians from Greece to Turkey.
- Adoption of the proposed decision to use for resettlement purposes 54,000 places, originally

<sup>12</sup> Proposal for a Council Decision amending Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, COM(2016) 171 final of 21 March 2016.

<sup>13</sup> Made up of the remainder of the July 2015 resettlement scheme and the 54,000 relocation places in reserve.

<sup>14</sup> Also including Norway, Iceland, Switzerland and Liechtenstein.

<sup>15</sup> UN vulnerability criteria: Women and girls at risk; survivors of violence and/or torture; refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; children and adolescents at risk.

foreseen for relocation.

- Finalisation and full implementation of the Standard Operating Procedures for the 1:1 scheme.
- Ensuring by Turkey that the asylum procedures that have been initiated are completed, so that the status of refugee is granted to those who meet the conditions.

#### **4. Prevention of new sea or land routes for irregular migration**

One of the main objectives of the EU-Turkey Statement is to stem the irregular flows on the Eastern Mediterranean route. Stemming flows on one route risks increasing pressure on other routes. Smugglers will continue to seek to exploit vulnerable migrants and try to find new routes. For the moment there is no evidence that new routes are developing directly as a result of the EU-Turkey Statement and the efforts to control the flows on the Eastern Mediterranean route. The situation is being monitored closely.

The most likely alternative routes which could further develop include the Greek-Albanian land border the Italian-Greek and Albanian sea route, the land border between Turkey and Bulgaria/Greece, the Greek-Bulgarian land border and the Central Mediterranean route. Shifts in flows via the Black Sea and Ukraine, flows along the Arctic route (borders between Finland, Norway and Russia), as well as the Western Mediterranean route, are closely monitored by the Commission and Frontex. So far, no significant shifts in routes have been observed. In the framework of the European Border Surveillance System, Frontex shares incident reporting and operational information, and undertakes risk analysis, in order to quickly identify any possible shift in migratory routes. Different surveillance tools, including satellite monitoring, are being used for the Adriatic Sea and the Mediterranean. The Frontex operation Triton in the Central Mediterranean has also been extended to cover the part of the Adriatic Sea between Greece, Italy and Albania. Aerial surveillance between Italy and Albania under the Triton operation is also taking place.

#### **5. Voluntary Humanitarian Admission Scheme**

In order to ensure that the voluntary humanitarian admission scheme with Turkey, as set out in the Commission Recommendation<sup>16</sup>, will be active once the irregular crossings between Turkey and the EU are ending, or at least have been substantially and sustainably reduced, the work is ongoing to operationalise the scheme through the finalisation of Standard Operating Procedures with the EU Member States and Associated States as well as with the Turkish side. The contributions by Member States to this scheme on a voluntary basis are also being discussed within the Council.

#### **6. Visa liberalisation**

While the EU-Turkey Summit of 29 November 2015 already set out an ambitious agenda for Turkish authorities aiming for autumn 2016 visa liberalisation, the EU-Turkey Statement advanced the full implementation of the visa liberalisation roadmap vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016 provided that all benchmarks are met.

Since the Second Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap<sup>17</sup> ('the Second Report'), steps have been taken in several areas in implementing the Visa liberalisation roadmap, for example the adoption of a by-law implementing the Law on Foreigners and International Protection and of a by-law on Inter-institutional Co-operation and Co-ordination in the Field of Border Management; the ratification of Readmission Agreement with Pakistan; the signature of three additional protocols of the Council of Europe Convention on Extradition; as well as an agreement between Turkey and Europol for the appointment of a Turkish liaison officer. Also, as

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<sup>16</sup> Commission Recommendation of 15.12.2015 for a voluntary humanitarian admission scheme with Turkey, C(2015) 9490

<sup>17</sup> COM(2016) 140 final of 4 March 2016.



described above in Chapter 2 on returns, practical implementation of readmission obligations has been considerably improved between Turkey and Greece.

The Commission will present its third progress report on 4 May and, if Turkey takes the necessary measures to fulfil the remaining benchmarks, the report will be accompanied by a legislative proposal transferring Turkey to the visa-free list<sup>18</sup>.

In this context, the Commission encourages Turkey to continue its intensive efforts to fulfil all the benchmarks of the roadmap and, in particular, it invites Turkey to focus its attention and efforts on:

- Reducing the backlog of around 140,000 pending asylum applications while ensuring that decisions on new asylum requests are registered within a reasonable time and taken within the deadlines prescribed by the law.
- Taking necessary steps to grant all refugees legal access to the labour market, similar to measures adopted in January for refugees from Syria under temporary protection.
- Revising the Turkish visa policy, notably strengthening and introducing the visa requirements for nationals of countries posing a high migratory risk that are currently benefiting from the visa-free regime with Turkey.
- Allowing non-discriminatory visa-free access to the Turkish territory for the citizens of all the EU Member States.
- Ensuring that the legislative framework on data protection is in line with EU standards to enable strengthening cooperation between the EU and Turkey in the area of public order and security.
- Taking necessary steps to fulfil all remaining benchmarks related to the protection of fundamental rights as described in the Second Report.
- Continuing improving the implementation of the EU-Turkey Readmission Agreement towards all Member States, including the readmission of Turkish nationals and ensure effective readmission of third country nationals under the existing bilateral readmission obligations.
- Establishing conditions for the effective implementation of the provisions on readmission of third-country nationals of the EU-Turkey Readmission Agreement as of 1 June 2016.

## 7. Facility for Refugees in Turkey

In addition to €1 billion from the EU budget, 16 EU Member States<sup>19</sup> have now sent in their contribution certificates, covering €1.61 billion out of €2 billion pledged for 2016-2017. Out of the €250 million foreseen from the EU budget for the Facility for Refugees in Turkey ('the Facility') in 2016, the **first contracts worth €77 million were signed on 4 March and first payments were made on 18 March**<sup>20</sup>.

Programming and project preparation under the Facility have been accelerated. The approach to **fast-tracking the implementation of the Facility**<sup>21</sup> comprises different strands of funding, set out here below<sup>22</sup>. The joint EU-Turkey needs assessment is expected to be finalised by the end of April and presented to the Steering Committee on 12 May. Working closely with the Turkish Ministries will ensure maximum ownership by the Turkish authorities, which is critical for successful implementation.

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<sup>18</sup> Regulation 539/2001, Annex II.

<sup>19</sup> Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Portugal, Slovakia, Sweden and the United Kingdom.

<sup>20</sup> Two major projects were launched on food assistance (€40 million, with World Food Programme as implementing partner) and on education for refugee children (€37 million, with UNICEF as implementing partner). The former helps feed 735,000 refugees for the next six months; the latter brings an additional 110,000 refugee children to school.

<sup>21</sup> The identification of the implementing partners needs to respect the rules and procedures applying to the EU budget and the instrument used, and chosen to maximise efficiency.

<sup>22</sup> Annex 1 provides further details about the work undertaken to accelerate the implementation of the Facility since 18 March.

## *Humanitarian assistance*

The first three strands concern humanitarian assistance:

- 1) ensure in the short run the **continuation and scale-up of the existing EU humanitarian assistance in Turkey** through the mobilisation of €165 million from the Commission's budget: the first tranche of €90 million was contracted by mid-April with 16 partners. The second tranche worth €75 million will be contracted by the end of July. These operations will cover basic needs and include operations specifically focusing on protection of vulnerable groups, such as child protection, women's health, and education in emergencies.
- 2) develop a regular integrated resource transfer system via **an electronic card to cover the basic needs of the most vulnerable refugees** through monthly transfers at household level. These monthly transfers will allow the refugees to cover their most pressing needs in terms of food and shelter and could also be used to enable access to education and health. Known as an Emergency Social Safety Net, this scheme constitutes the main vehicle for humanitarian assistance under the Facility and will ensure delivery of assistance in a predictable, dignified, cost-effective and efficient manner, creating incentives for the stabilisation of the most vulnerable refugees.
- 3) support **protection activities and specific complementary in-kind assistance** (delivery of non-food items, and immediate support like tents, mattresses etc.) for the most vulnerable refugees, in and out of camp. This could also include informal education and complementary health projects (see below). A buffer of funding will also be foreseen in order to swiftly respond to urgent and unexpected humanitarian needs.

The second and third strands of humanitarian response will be rolled out as of July and October 2016, respectively, for an estimated total amount of €435 million. The actions providing humanitarian assistance under the Facility will be implemented in line with EU humanitarian aid law and according to the principles laid down in the European Consensus on Humanitarian Aid.

## *Education, health, infrastructure and socio-economic support*

Several strands will concentrate on these areas:

- 1) contracting **by the end of April**, six **additional projects** worth €76 million already identified through the EU Trust Fund for Syria. Two additional projects worth €88 million are in the pipeline for possible contracting by the end of July. These projects will support the livelihood of Syrian refugees and host populations, and include a focus on higher and non-formal education and vocational and educational training, psycho-social support and health. The Commission will continue to implement part of the funding coordinated under the Facility through the EU Trust Fund for Syria, including in areas such as labour market access, community actions, smaller grant initiatives and other integration and soft measures.
- 2) Under the Facility, a special measure<sup>23</sup> of €60 million has been adopted to cover expenses for food, health care and accommodation of **returned migrants in Turkey**<sup>24</sup>. For reasons of efficiency, effectiveness, sustainability and ownership, this measure is to be implemented by

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<sup>23</sup> Special measures will be financed under the Instrument for Pre-Accession, and are set to be implemented through a direct grant to the relevant Turkish authorities. This will ensure efficient and effective delivery within the framework of existing mechanisms, avoid overhead costs and ensure sustainability. Eligible expenditure will be based on actually incurred and verifiable costs and the Turkish authorities will be reimbursed for pre-agreed tasks they perform. The use of such a direct agreement does not amount to entrusting executive powers to the Turkish partners or political choices/discretion as to how to allocate these funds. Both agreements will include a clause allowing for re-allocation to alternative implementation modes under the Facility.

<sup>24</sup> Commission Implementing Decision of 19.4.2016 adopting a Special Measure on migrants returned to Turkey, to be financed from the general budget of the European Union. C(2016) 2435 final.

means of a direct agreement with the Turkish Ministry of the Interior. It has also been applied as from 4 April, date of the start of full implementation of the EU-Turkey Statement.

- 3) The Commission will also devise a special measure for **refugees' education and health** under the Facility.
- 4) The Commission will also engage with the International Financial Institutions for securing their involvement in delivering support in the areas of infrastructure and socio-economic support.

#### ***Key challenges and next steps***

- Provision of contribution certificates by the remaining 12 Member States<sup>25</sup> in Spring.
- Ensuring the full implementation of the projects already launched to provide food and education, as well as the special measure supporting returned migrants.
- Contracting six additional projects by the end of April 2016.
- Based on the joint EU-Turkey needs assessment, a further acceleration of immediate programming and project preparation by the end of July 2016.
- Rollout of further humanitarian actions in July-October 2016.
- Special measures and action under the EU Trust Fund for Syria to cover education, health, and other targeted areas.

## **8. Upgrading the Customs Union**

In May 2015, the Commission and the Turkish government agreed to initiate procedures in view of modernising and extending the Customs Union. The Commission launched an Impact Assessment<sup>26</sup> in August 2015, with a view to preparing negotiating directives in the course of 2016. A **public consultation**<sup>27</sup> was launched on 16 March and will conclude on 9 June 2016.

## **9. Accession process**

Work is progressing on **Chapter 33 (financial and budgetary provisions)** where the Commission considers that the findings of its 2008 screening report remain valid overall and therefore maintains its recommendation to open the Chapter. The Council asked Turkey to submit its negotiating position. The Commission will table a Draft Common Position to the Council by the end of April 2016.

Preparations continue at an accelerated pace to progress towards the opening of five other Chapters, without prejudice to Member States' positions in accordance with the existing rules. The Commission confirms its aim to finalise all related preparatory documents in the spring with a view to submitting them to the Council as follows:

- Preparatory work is about to be finalised in the area of **energy (Chapter 15)**. An updated screening report will be delivered by the Commission by the end of April 2016.
- In the key areas of the **judiciary and fundamental rights, and justice, freedom and security (Chapters 23 and 24)**, technical consultations are being held in view of the sub-committee meeting at the end of April. These chapters cover a range of critical issues including fundamental rights such as freedom of speech, judiciary, anti-corruption policy, migration and asylum, visa rules, border management, police cooperation, and the fight against organised crime and against terrorism. The EU expects Turkey to respect the highest standards when it comes to democracy, rule of law, respect of fundamental freedoms, including freedom of expression. The Commission would issue the updated screening reports in May 2016.

<sup>25</sup> Austria, Belgium, Bulgaria, Croatia, Cyprus, Greece, Lithuania, Malta, Poland, Romania, Slovenia and Spain.

<sup>26</sup> [http://ec.europa.eu/smart-regulation/roadmaps/docs/2015\\_trade\\_035\\_turkey\\_en.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_trade_035_turkey_en.pdf).

<sup>27</sup> [http://trade.ec.europa.eu/consultations/index.cfm?consul\\_id=198](http://trade.ec.europa.eu/consultations/index.cfm?consul_id=198).

- On **education and culture (Chapter 26)**, Turkey has submitted its updated negotiating position on 24 March and on this basis the Commission will finalise the updated Draft Common Position by the end of April 2016.
- The European External Action Service (EEAS) is updating screening report on **foreign, security and defence policy (Chapter 31)** to be issued by the end of April 2016.

## 10. Humanitarian conditions inside Syria

Addressing the humanitarian situation inside Syria and preventing further displacement of people continues to be common objective for both the EU and Turkey, requiring close EU-Turkey cooperation to mobilise assistance and ensure humanitarian access to people in need inside Syria.

Since the Commission Communication of 16 March 2016<sup>28</sup>, the EU and Turkey have both continued to deploy substantial resources for the humanitarian response. The EU has been the main donor with a total of €5.7 billion provided since the beginning of the crisis by the EU and Member States. This includes €3.8 billion in humanitarian aid, with €1.3 billion alone coming from the EU budget – 45% of this is for life-saving activities in Syria itself, with priority to besieged and hard-to-reach areas, working with over 20 humanitarian organisations. Access to people in need continues to be the key humanitarian challenge inside Syria, and the EU and Turkey both continue to work actively in the humanitarian Task Force of the International Syria Support Group to promote full and unimpeded access throughout Syria and to tackle problems such as bureaucratic obstacles in Syria. The Task Force has been instrumental in facilitating the delivery of humanitarian aid to almost 450,000 people since the beginning of this year. Turkey has a crucial role to play in the facilitation of visa and registration for local and international NGOs operating cross-border as well as in ensuring that humanitarian delivery to all potentially accessible cross-border areas in Syria from Turkey is possible.

For this work to be effective, it is essential to provide cross-border assistance from neighbouring countries including Turkey. In 2015, 27% of the EU's humanitarian assistance inside Syria was delivered from Turkey. This continues to be a priority, including life-saving assistance to the now estimated 60,000 people stranded in Northern Syria along the border with Turkey. The EU welcomes the assistance provided by Turkey to these areas.

The EU will continue providing humanitarian assistance to people across Syria, wherever they are, based on needs. **In 2016, the EU is allocating an initial €140 million for life-saving activities**, with continued priority to hard-to-reach areas. Working closely with Turkey will remain critical to expanding access across Syria.

## 11. Conclusion

The EU-Turkey Statement has started to deliver results. The sharp decrease in the number of irregular migrants and asylum seekers crossing from Turkey into Greece not only proves its effectiveness but also that the business model of smugglers can be broken. Successfully implementing the Statement, means sending a strong signal towards migrants that getting on a boat in Turkey, and endangering lives in the process, is not the right way to come to Europe. There is a legal and safe pathway through resettlement. The EU and Member States must remain committed to implementation and vigilant with regard to alternative migration routes which are being closely monitored. The Commission is ready to act swiftly should new routes emerge.

There has been good progress in making the Statement operational. Joint efforts by the Greek and Turkish authorities, the Commission, Member States and EU agencies have made headway in setting up a framework for processing increasing number of asylum applications in Greece, returning irregular migrants safely to Turkey, ensuring that asylum seekers receive the necessary protection in Turkey if needed, and opening a legal pathway to Europe via resettlement.

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<sup>28</sup> COM(2016) 166 final of 16 March 2016.

Although much has been achieved in the initial phase of implementation of the Statement, a lot still needs to be done. There is no scope for complacency particularly as one of the most challenging elements – the daily operation of the actual return and resettlement processes in full compliance with EU and international rules – is still ahead. The Commission will remain fully engaged in implementing all elements in the next phases, including by accelerating the disbursement of the Facility and launching projects that will support refugees from Syria in Turkey. The Commission will support Turkey in the work it still needs to undertake to fulfil all remaining benchmarks of the visa liberalisation roadmap in line with the Statement. Further efforts are required by Turkey to make sure that those who need international protection receive the support they require, including through the Facility. In the context of supporting Greece, Member States need to step up their efforts – not only to further improve the processing of asylum applications on the islands, but also to help Greece address the humanitarian situation, notably through a swift implementation of relocation commitments.

The Commission considers that above all urgent attention should be given to the following steps:

- All Member States should increase their pledges to achieve the requested support to EASO and Frontex, and intensify their delivery on the pledges made. In particular, priority now needs to be given to deploying the necessary interpreters;
- To ensure a swift operation of the resettlement process, more pledges and acceptances are needed by all Member States.
- The European Parliament and the Council should swiftly finalise the decision-making process on the Commission proposal of 21 March 2016 to use for resettlement purposes the 54,000 places originally foreseen for relocation;
- Turkey needs to take the necessary measures to fulfil the remaining visa liberalisation benchmarks by the end of April with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016;
- Those 12 Member States – Austria, Belgium, Bulgaria, Croatia, Cyprus, Greece, Lithuania, Malta, Poland, Romania, Slovenia and Spain – who are yet to send their contribution certificates for the Facility should now do so.

The Commission will present its Second Report on the progress made in the implementation of the EU-Turkey Statement in early June 2016.