



Brussels, 15.6.2016
COM(2016) 349 final

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

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

1. Introduction

The trend reported in the First Report on the implementation of the EU-Turkey Statement¹ continues: the EU-Turkey Statement² has started to deliver results in spite of many challenges.

The sharp decrease in the number of irregular migrants and asylum seekers crossing from Turkey into Greece is proof of the Statement's effectiveness – and in particular, that the business model of smugglers can be broken. The clear message to migrants is that getting on a boat in Turkey, and endangering lives in the process, is not worth the risk given that there is a legal and safe pathway through resettlement. The First Report recorded the good progress made in operationalising the Statement and highlighted areas for urgent action notably in reinforcing the daily operation of the return and resettlement processes in full compliance with EU and international rules.

This Second Report sets out the considerable further progress made in implementing the EU-Turkey Statement since the First Report, and identifies the next steps required to consolidate this achievement so as to maintain the momentum. These are needed given that the context remains difficult and geopolitical risks continue to exist, while all aspects of the EU-Turkey Statement are not yet established on a firm footing.

Current situation

Since the First Report in April, the numbers of migrants leaving Turkey for the Greek islands continued to decrease. In the month before the implementation of the Statement, around 1,740 migrants were crossing the Aegean Sea to the Greek islands every day. By contrast, since 1 May the average daily number of arrivals is down to 47. Most importantly, the number of lives lost in the Aegean Sea has come down markedly; before the EU-Turkey Statement, for example, in the month of January there were 89 lives lost at sea, whereas since 20 March seven lives have been lost at sea, even if this is still seven too many.

Enhanced coordination and support provided by the Commission

As reported in April an EU Coordinator – leading three teams in Brussels, Athens and Ankara – ensures day-to-day follow-up with the Greek and Turkish authorities, EU Agencies and international organisations, and the Member States involved.

EU Agencies are also providing the necessary support to the implementation of the Statement. The current deployments³ in Greece are: 43 interpreters, 47 asylum experts and 51 escort officers which corresponds to the current needs that have been identified.

¹ COM(2016) 231 final, 20 April 2016 ('the First Report').

² <http://www.consilium.europa.eu/en/press/press-releases/2016/03/07-eu-turkey-meeting-statement/>

³ The number of deployed experts is determined by the European Asylum Support Office and FRONTEX in liaison with the Commission and the Greek authorities and depends on the identified operational needs. For example, the European Asylum Support Office issued an additional call for 20 asylum experts on 13 June. Frontex stands ready to deploy and/or increase the number of readmission experts and return escort officers and continue providing for the transport means needed to ensure the return of irregular migrants from Greece to Turkey.

Cooperation between EU and Turkey in preventing irregular migration

Continuous **patrolling activities** by the Turkish and Greek authorities along their coastal areas are an important factor in preventing migrants crossing the Aegean. The Greek and Turkish authorities now exchange information on a regular basis.⁴ During the first five months in 2016, the Greek Coast Guard alerted its Turkish counterpart to 120 search and rescue cases, leading to a specific response in 42 cases, and also sent 189 messages concerning 268 migrant boats, leading to a response by the Turkish authorities on 31 boats.

Ongoing operations by Frontex and NATO continue to enhance early warning and surveillance activities and sharing of operational information with the Greek and Turkish Coast Guards. Since April, Frontex has deployed a liaison officer on the NATO flagship "Bonn", though NATO has yet to appoint a liaison officer to Frontex. Frontex and NATO are currently working on standard operating procedures and developing a common situational picture covering their areas of operation to enable NATO activity in the Aegean to further increase the high detection rate and to speed up information exchange on migrant smuggling incidents, routes and methods.

The EU continues to support the **Turkish Coast Guard's capacity** in the Aegean with a EUR 14 million programme to support the procurement of fast response boats and mobile radar systems. In May, the Commission committed EUR 20 million to strengthen the Turkish Coast Guard's search and rescue capability.

Operational cooperation also continues through **liaison officers**. Deployment of a Frontex liaison officer in Ankara since April has allowed regular operational contacts and daily reporting⁵ with the Turkish National Frontex Point of Contact. Since 2 May 2016, a Turkish Liaison Officer has been stationed with Europol.

The Turkish authorities have set up units on **migrant smuggling** and human trafficking – though these are not yet fully staffed – and are taking legislative steps to put in place higher penalties for smugglers. Data exchange and activities related to joint risk analysis among authorities in charge of border management are also being stepped up through the adoption of a regulation on the establishment of a national Coordination and Joint Risk Analysis Centre. Analytical units are now in place in at least three international airports.

The inter-institutional Task Force on Migrants' Information Strategy set up by the Commission has been working to identify the channels asylum seekers and migrants use to get **information**, to define and target **key messages**, and to **prepare and disseminate content**. Information and communication material has been developed and distributed by the European Asylum Support Office in hotspots and to EU Delegations in countries of origin and transit of migrants. The Commission has also prepared videos on relocation and resettlement. The Commission has successfully started a joint information campaign with the United Nations High Commissioner for Refugees based on testimonies of victims of human

⁴ The Joint Rescue Coordination Centre and the Operations Centre of the Hellenic Coast Guard in Piraeus and the Maritime Rescue Coordination Centre of the Turkish Coast Guard in Ankara. The Regional Commanders in the Aegean Sea of the Turkish and Hellenic Coast Guards met on 26 May 2016 in Izmir, further intensifying their daily cooperation.

⁵ The liaison officer also facilitated a visit to Frontex headquarters of a delegation of the Turkish Directorate General of Migration Management (DGMM) and is currently preparing a reciprocal visit in July 2016.

traffickers and smugglers⁶ and is developing new projects to counter smugglers' narratives, in particular in Afghanistan.

The Commission is also using regular media channels to get the message to refugees and migrants in third countries, tapping into networks of local journalists, correspondents and bloggers, who address the key audiences in their own languages. Work is also under way on an online central "information hub" for over 300 million migrants and refugees worldwide⁷.

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

The Statement provides for the return of all new irregular migrants and asylum seekers, whose applications have been declared inadmissible or unfounded, crossing from Turkey to the Greek islands. These measures 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*.

2.1 State of play

Since 4 April, when the return of irregular migrants started, and in the framework of the Statement, 462 persons⁸ who entered irregularly after 20 March and did not apply for asylum or voluntarily revoked their asylum application have been returned from Greece to Turkey, including 31 Syrians who returned voluntarily. Other nationalities have included Pakistanis, Afghans, Bangladeshis, and Iranians, as well as people from Iraq, India, Congo, Algeria, Sri Lanka, Morocco, Nepal, Somalia, Cote d'Ivoire, Egypt, and the Palestinian Authority. In total, 1,546 irregular migrants have been returned from Greece to Turkey in the course of 2016.

The pace of returns has been slower than expected, due to the time needed to deploy and train asylum experts, and to set up working areas for processing asylum applications at the hotspots. Demand for asylum has greatly increased: virtually all migrants arriving irregularly in the Greek islands since 20 March have applied for asylum. The Backlog Appeal Committees⁹, competent to examine all appeals against the first instance inadmissibility decisions taken by the Greek Asylum Service for applicants arriving to the Greek islands after 20 March 2016, required time to deliver their decisions – most of which have overturned the first instance decisions on inadmissibility: out of the appeal decisions rendered so far, in relation to 70 persons, only two have confirmed the first instance inadmissibility decisions.

2.2 Legal steps

To ensure full respect of EU and international law, Greece and Turkey have both taken a number of legislative and administrative steps. The Greek authorities have agreed to further amend their legislation to set up the new Appeal Authority and the new Appeal Committees responsible for the judicial review of decisions on applications for international protection taken by the Greek Asylum Service.

⁶ tellingtherealstory.org

⁷ Content for such portal would be provided by leading EU media under a consortium including Deutsche Welle, Radio France Internationale, France 24, RMC Arabic, ANSA, and Radio Netherlands International.

⁸ This represents an increase of 137 returns since the First Report of 20 April 2016.

⁹ Set up by Presidential Decree 114/2010 for a transitional period up to the start of operations of the new Appeals Authority and new Appeal Committees.

As well as providing assurances that all returned Syrians will be granted temporary protection upon return, the Turkish authorities have provided further written assurances to the Commission that each non-Syrian who seeks international protection in Turkey will enjoy protection from *refoulement*, in line with international standards, in accordance with the applicable Law on Foreigners and International Protection. Turkey has also adopted a Regulation on work permits for international protection applicants and international protection status holders. It has also started to implement a roadmap aimed at significantly reducing (12 000 to 13 000 per month) the backlog of pending applications for international protection, which will speed up processing of asylum applications by non-Syrians. With these increased efforts, the aim is that any new application for international protection will be processed within six months. Turkey has also agreed to allow the EU to monitor regularly the situation of Syrians and non-Syrians returned to Turkey, including access to refugee camps and centres, and has concluded an agreement with UNHCR to provide access to removal centres to monitor implementation of international protection procedures. The first visits to these camps and removal centres have already taken place. The Turkish parliament approved the entry into force of the third country nationals provisions of the EU-Turkey Readmission Agreement as of 1 June. The relevant law was signed by the President's office on 18 May and published in Turkey's Official Journal on 20 May. All conditions for the advanced entry into force of the readmission agreement, including in relation to third-country nationals, are now in place. However, a decision of the Turkish Council of Ministers for the application of the law is still needed before actual readmissions of third-country nationals can be carried out.

The Commission has continued to support Greece by providing it with all the elements to conclude that Turkey is a safe third country and/or a country of first asylum within the meaning of the Asylum Procedures Directive for the purpose of returning to Turkey irregular migrants who had irregularly crossed into the Greek islands via Turkey as of 20 March 2016, under the terms of the EU-Turkey Statement.

Most recently on 5 May 2016, the Commission sent to the Greek authorities its written assessment of the measures taken by Turkey. In the Commission's view Turkey has taken all the necessary legislative and other measures indicated in its Communication of 16 March 2016¹⁰ in order to allow Greece to declare on the basis of individual assessments an application for asylum inadmissible in accordance with Article 33(2) (b) or (c) of the Asylum Procedures Directive for both Syrian and non-Syrian applicants for asylum who had irregularly crossed into the Greek islands via Turkey as of 20 March 2016. Moreover, at the meeting of the Justice and Home Affairs Council on 20 May 2016, Member States indicated that they share this assessment¹¹.

The EU-Turkey Statement made clear that all asylum applications must be treated on the basis of an individual assessment, in line with EU and international law, including the principle of *non-refoulement*. By 12 June 2016, of the 1,429 asylum applications submitted by persons who crossed from Turkey into Greek islands as from 20 March 2016, 267 were declared inadmissible by the Greek Asylum Service. All asylum applications have been examined on an individual basis.

¹⁰ COM(2016) 166 final, 16 March 2016.

¹¹ "Member States shared the analysis made by the Commission on the measures taken by Turkey since 20 March, including its assessment that Turkey has taken all the necessary steps identified in the Communication of 16 March. Member States expressed their conviction that migrants can and should be returned to Turkey in conformity with the EU-Turkey Statement of 18 March." Outcome of the Justice and Home Affairs Council meeting of 20 May 2016, 9183/16.

By 12 June 2016, 252 appeals had been lodged against these decisions before the Greek Appeal Committees which had taken 70 decisions granting the appeal and 2 decisions rejecting the appeal. All appeals were examined on an individual basis. One of the two applicants, whose appeal has been rejected, has appealed to the Greek Administrative Court, requesting the suspensive effect of the appeal (the person is to remain in Greece while the appeal decision is pending). The Court's decision on the suspensive effect of the appeal is expected.

This recent experience clearly demonstrates that the safeguards provided by the Asylum Procedures Directive as outlined in the Communication of 16 March are in place and respected. The ongoing support (via projects funded under the Facility for Refugees in Turkey) and improvements to Turkish asylum and reception capacity will further facilitate the individual assessment of asylum applications. This illustrates the fragility of the implementation of the Statement so far.

2.3 *Operational steps*

With the support of the Commission and Frontex, the **hotspots have been adapted to facilitate swift returns** to Turkey from the islands and to integrate return and asylum officers in their infrastructure and workflows. Despite these improvements, around 8,450 migrants remain on the Greek islands, which exceeds the reception capacity designed to accommodate 7,450 people. This leads to overcrowding and excessive pressure on facilities, including for minors and other vulnerable groups. Shortcomings in the **coordination** in the hotspots by the authorities continue to hamper the effective management of this situation.

The total reception capacity on the mainland and on the islands needs urgently to be significantly increased. Greece has started transferring migrants between islands and the most vulnerable groups to specific facilities. This should be stepped up, in particular by moving those whose asylum application has been found admissible from the islands.

Some improvements have been made to strengthen security in hotspots, primarily in the areas where the Asylum Service and the European Asylum Support Office operate; however, security in Greek reception centres and hotspots still needs to be enhanced¹², to protect migrants and field workers given the overcrowding, frustration and recurrent unrest between migrant groups.

2.4 *EU financial assistance*

Since the First Report on 20 April, the Commission has awarded a further EUR 56 million of emergency funding under the Asylum, Migration and Integration Fund to increase the capacity of the Greek authorities to register new arrivals and to process their asylum claims. This funding will create better conditions for vulnerable migrants and strengthen the registration and asylum process with additional human resources, better IT infrastructure, increased availability of interpreters and better access to information. This funding, awarded on 20 May, will support:

¹² The letter sent by the Alternate Minister of Migration Policy Ioannis Mouzalas of 9 June 2016 ahead of the Justice and Home Affairs Council of 9 and 10 June 2016 notes that the security situation in the hotspots is difficult but manageable and that the Hellenic Police are enhancing their security apparatus in and around every hotspot.

- EUR 30 million to support UNHCR work on the Emergency response plan for Greece and to strengthen the capacity of the Greek Asylum Service and of the newly established Reception and Identification Service.
- EUR 13 million to the International Organisation for Migration to provide assistance to the most vulnerable migrants stranded in Greece.
- EUR 13 million to the Greek Ministry of Interior and Administrative Reconstruction and the Greek Asylum Service to enhance efficiency of the asylum process, strengthen the registration process and to provide operational support to the Hellenic Police at the external borders.

In addition, on 24 May, the Commission awarded EUR 25 million in emergency funding to the European Asylum Support Office to enhance its capacity to further support the Greek authorities. This additional funding will allow for the deployment of additional Member State experts and interpreters and also mobile offices in the hotspots to assist with the processing of asylum applications, thus contributing to the implementation of the Statement as well as the EU emergency relocation scheme.

Discussions are ongoing with the Greek authorities on further emergency assistance requests, including a request from the Greek Ministry of Health. This final set of emergency assistance requests would complete the implementation of the emergency response plan for Greece set out in March 2016.

This recent emergency assistance comes on top of previously awarded emergency funds and of the EUR 509 million allocated to Greece for the period 2014-2020 through its national programmes under the available funds (the Asylum, Migration and Integration Fund and the Internal Security Fund), under which substantial funding is also available to support the implementation of asylum and return policies.

In addition, further consideration is being given to the reinforcement of the operational budgets of the European Asylum Support Office (as of July).

Key challenges and next steps

Greece, with the coordinated support of the EU and its Member States, should:

- Increase its capacity to deal with the individual assessment of asylum applications and appeals and in the most timely manner, notably through the use of the safe third country concept.
- Take the necessary measures to ensure the rapid readmission to Turkey of irregular migrants who arrived after 20 March 2016.
- Increase reception capacity on the islands and transferring to the mainland those applicants whose asylum applications have been found to be admissible.
- Significantly enhance the coordination, provision of services and security at the Greek reception centres in the hotspots.
- Make best use of EU funding provided to Greece, ensuring complementarity between emergency assistance and actions funded through the national programmes, as well as reinforcing the operational budget of the European Asylum Support Office.

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

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. This "One for One" scheme is aimed at both helping to alleviate the situation in Turkey and to meet the EU's commitment to provide legal pathways for victims of the Syrian crisis to settle in the EU.

3.1 *State of play*

Substantial progress has been made on establishing an operational framework for carrying out resettlement operations from Turkey to the EU. In addition to the 103 resettled Syrians reported in the First Report, until 8 June, another 408 Syrians have been resettled from Turkey to Sweden, Germany, the Netherlands, Luxembourg, Italy, Lithuania and Portugal¹³, bringing the total number of implemented resettlements from Turkey to 511. At this point in time, the number of Syrians resettled substantially exceeds the number returned under the EU-Turkey Statement.

Nevertheless, it is important to continue to build up a substantial number of resettlements so that a clear message is communicated to Syrians that a safe and legal pathway has been set up for them to get to the EU. In addition, there are currently over 2,300 Syrians in the Greek islands undergoing the asylum application inadmissibility assessment process.

3.2 *Legal steps*

Fast-track Standard Operating Procedures to help accelerate the resettlement process were agreed on 28 April 2016¹⁴.

Legislative discussions have continued slowly on the Commission's 21 March proposal 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 or family reunification schemes¹⁵. The Commission is working closely with the co-legislators for a swift adoption of this proposal.

3.3 *Operational steps*

A **Resettlement Team**, set up by the Commission at the EU Delegation in Ankara, continues to coordinate and assist Member States' operations and liaison with key partners (International Organisation for Migration, UNHCR and the Turkish General Directorate for Migration Management). This work has standardised the logistical aspects of the resettlement process based on a common UNHCR template for referral of cases to the Member States. The

¹³ The third report on relocation and resettlement (COM(2016)360final) covers the number of persons resettled between 12 April and 13 May 2016. This Second Report covers the number of persons resettled between 20 April and 13 June 2016.

¹⁴ Confirmed by a letter of 10 May 2016 from the Turkish authorities and by a letter of 12 May 2016 by the Commission on behalf of the Member States as well as Iceland, Liechtenstein, Norway and Switzerland.

¹⁵ 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.

methodology provides standard key information regarding candidates. A shared interview centre in Ankara set up with the help of the International Organisation for Migration is also available for Member States to conduct interviews with Syrian candidates for resettlement.

Key challenges and next steps

- Continuing to build up a substantial number of resettlements from Turkey to the EU.
- Swift adoption of the proposed decision to use for resettlement and other forms of admission 54,000 places originally foreseen for relocation.
- Ensuring a smooth running of the substantially increased resettlement operations via coordination on the ground in Ankara.

4. Prevention of new sea or land routes for irregular migration from Turkey

Gradual reduction of the irregular flows on the Eastern Mediterranean route risks increasing pressure on other routes. The Commission, the European External Action Service and Frontex are monitoring the situation closely. So far there is no substantial evidence that new routes are developing as direct result of the EU-Turkey Statement. Efforts to control the flows on the Eastern Mediterranean route continue.

Although there have been a few isolated incidents involving boats arriving directly from Turkey have been recorded, there is no direct evidence that these are the result of a displacement from the Eastern to the Central Mediterranean route.

An increase in smuggling activities has been observed along the Western Balkans route as a result of the border measures effectively closing the Western Balkans corridor. People continue to look for opportunities to move through the countries of the Western Balkans to Central European Member States, particularly Austria and Germany. A small increase in crossings between Greece and Bulgaria and Turkey and Bulgaria has been observed but overall numbers remain low.

A number of refugees have recently arrived in Crete, from Antalya in Southern Turkey after smugglers had promised to take them to Italy. Facilitation of irregular immigration by sailing boats or yachts to Italy from Turkey is not a new phenomenon. One recent tragic event, when a boat overturned close to Crete, is still under investigation but indications suggest that it had departed from Egypt.

5. Voluntary Humanitarian Admission Scheme

The Statement foresaw the activation of the Voluntary Humanitarian Admission Scheme with Turkey once irregular crossings between Turkey and the EU were ending or at least had substantially and sustainably reduced. Standard Operating Procedures for the Voluntary Humanitarian Admission Scheme are being developed in the Council in close cooperation with the Commission, the European Asylum Support Office, UNHCR and International Organisation for Migration. The text was shared with Turkey on 7 June. Once the Standard Operating Procedures are agreed, an assessment should be made whether the conditions for triggering the implementation of this scheme have been fulfilled.

6. Visa liberalisation

The 4 May 2016 Commission progress report¹⁶ on the implementation of Visa Liberalisation Roadmap noted good progress by the Turkish authorities and encouraged them urgently to step up their efforts to meet all requirements in order to obtain visa liberalisation. Seven requirements out of 72 – all of which formed the basis of the visa liberalisation process with Turkey since 2013 – had not been fulfilled and some of them were of particular importance. The report was accompanied with a proposal¹⁷ to transfer Turkey to the list of visa-free countries¹⁸. This proposal was made on the understanding that the Turkish authorities would fulfil, as a matter of urgency, the outstanding benchmarks of the Roadmap, as they committed to do on 18 March 2016. The report also explained that at that moment for practical and procedural reasons, two¹⁹ of the seven outstanding benchmarks require a longer timeline for implementation, making it impossible for them to be fulfilled at the time of the publication of that progress report. Therefore, the Commission and the Turkish authorities have agreed on practical ways of implementing these benchmarks before their complete fulfilment.

The other five remaining benchmarks already identified in the 4 May report to be fulfilled are:

- To adopt the measure to prevent corruption foreseen by the Roadmap, ensuring an effective follow-up to the recommendations issued by the Council of Europe's Group of States against Corruption (GRECO).
- To align the legislation on personal data protection with EU standards, notably to ensure that the data protection authority can act in an independent manner and that the activities of law enforcement agencies fall within the scope of the law.
- To conclude an operational cooperation agreement with Europol.
- To offer effective judicial cooperation in criminal matters to all EU Member States.
- To revise the legislation and practices on terrorism in line with European standards, notably by better aligning the definition of terrorism in order to narrow the scope of the definition and by introducing a criterion of proportionality.

The Commission will continue to support Turkey in the work that still needs to be done to fulfil the remaining benchmarks of the visa liberalisation roadmap. The Commission acknowledges further progress made by the Turkish authorities so far, including since the third progress report adopted on 4 May 2016²⁰, notably the entry into force of the provisions on third-country nationals of the EU-Turkey Readmission Agreement on 1 June 2016 which should be completed with a decision by the Turkish Council of Ministers as a matter of urgency to allow for actual readmission. During its technical mission on 2-3 June 2016, the Commission had encouraging discussions with the Turkish authorities on concrete solutions and practical steps, including the necessary legislative and procedural changes on the outstanding benchmarks. Cooperation between Turkey and the Council of Europe on the

¹⁷ COM(2016) 279 final of 4 May 2016.

¹⁸ Annex II of the Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.03.2001, p. 1. This timing allowed national Parliaments to conduct effective parliamentary scrutiny.

¹⁹ These two concerned a) upgrading the existing biometric passport so as to include security features in line with the latest EU standards as well as b) fully implementing the provisions of the EU-Turkey Readmission Agreement; including those related to the third country nationals.

²⁰ COM(2016) 278 final of 4 May 2016.

implementation of judgments of the European Court of Human Rights may contribute to this process. The Council of Europe Working Group met on 13 June 2016.

In parallel to the examination being given to the Commission's proposals to amend the list of visa-free countries, the co-legislators are also working on the Commission's proposal²¹ to strengthen the existing suspension mechanism, which sets out the circumstances leading to a possible suspension of visa-free travel for citizens of all countries who in principle are not subject to that obligation.

7. Facility for Refugees in Turkey

The Facility has a budget of EUR 3 billion for 2016-2017. This is made up of EUR 1 billion from the EU budget, and EUR 2 billion from the EU Member States. All Member States have sent in their contribution certificates²² for the EUR 2 billion they pledged²³. The Facility is therefore now fully operational.

Funding under the Facility is implemented as EU humanitarian or non-humanitarian assistance. Under humanitarian assistance, the Commission makes available an allocation under the Facility and invites selected humanitarian organisations to submit proposals for prescribed actions in aid of refugees in Turkey. Under non-humanitarian assistance, the Commission has to identify with Turkey projects that fit with the Facility objectives and priority areas that it can finance to help refugees. Upon approval by the Member States, the Commission reserves allocations in the budget as specific commitments, which allow it to sign contracts, which in turn trigger disbursements at regular intervals depending on progress in contract implementation.

Facility Steering Committee

The Steering Committee for the Facility agreed on 12 May that the Facility should focus on six priority areas: (1) humanitarian assistance, (2) migration management, (3) education, (4) health, (5) municipal infrastructure and (6) socio-economic support. It also agreed on the two implementing modalities of the Facility – humanitarian and non-humanitarian assistance – and took stock of a draft needs assessment which will be finalised in June 2016. The Commission is committed to driving forward implementation on the basis of the key principles guiding the implementation of the Facility: speed, efficiency, effectiveness, and a close working relationship with the Turkish authorities.

Budgetary implementation of the Facility to date

Of the EUR 1 billion from the EU budget foreseen for the Facility, the breakdown is EUR 250 million in 2016 and EUR 750 million in 2017. This will be combined with the 2 billion coming from the Member States in the form of external assigned revenue. Of the overall EUR 3 billion, EUR 740 million has so far been allocated in total, for both humanitarian and non-humanitarian assistance (see below for respective breakdown). Of the 740 million allocated, EUR 150 million has been contracted. Of these 150 million contracted, EUR 105 million has been disbursed so far.

²¹ COM(2016) 290 final, 4 May 2016.

²² Since the First Report of 20 April 2016, twelve Member States have submitted their contribution certificates.

²³ Of this EUR 2 billion pledged, so far an amount of EUR 1 285 million has been received and the remaining amount of EUR 715 million will be received in the coming weeks.

In detail:

- Under **the humanitarian assistance envelope** of the Facility, the Commission published on 3 June 2016 a Humanitarian Implementation Plan (HIP) with a budget of over EUR 500 million. Under this Plan, a further EUR 75 million from the EU budget will be contracted before the end of July 2016. It also covers, for the first time, contributions from the Member States, which will be gradually contracted as from September 2016 until the end of the year. This comes on top of the EUR 90 million of humanitarian assistance contracted before 15 April 2016 to scale-up humanitarian activities in food and non-food assistance, shelter, protection, health and education. In total, EUR 595 million has been allocated for humanitarian assistance so far, of which EUR 90 million has been contracted. Of the EUR 90 million contracted, EUR 70 million has been disbursed to date.
- Under **the non-humanitarian assistance envelope**, four new projects targeting Turkey worth some EUR 28 million were contracted since 20 April 2016 under the EU Regional Trust Fund in Response to the Syrian Crisis (hereinafter the EU Trust Fund), financed with Facility funds²⁴. These projects provide additional educational infrastructure for 24,000 refugee children, skills training for 24,000 young Syrians²⁵, social support for more than 74,000 of the most vulnerable Syrians²⁶, as well as increased access for young Syrians to Turkish universities in the coming academic year.²⁷ Also under non-humanitarian assistance, a further EUR 20 million was allocated to strengthen the capacity of the Turkish Coast Guard. In total, EUR 145 million has been so far allocated for non-humanitarian assistance, of which EUR 60 million has been contracted. Of the EUR 60 million contracted, EUR 35 million has been disbursed to date.

The Commission is currently preparing a further set of Facility funded measures in the areas of education, health, municipal - and social infrastructure, and socio-economic support, which should be submitted for Member States approval before the end of July. The estimated allocation for these measures would amount to some EUR 1,250 million.

The total amount *committed* under the Facility for both humanitarian and non-humanitarian assistance should, before the end of summer 2016, increase to EUR 2 billion for 2016-2017 and, by the same time, the amounts *contracted* should increase to EUR 1 billion, subject to the smooth and timely cooperation with the Turkish authorities. The Commission will also make all necessary efforts to ensure an acceleration of disbursements under the Facility.

Next steps in humanitarian assistance

The Humanitarian Implementation Plan set out above has two key strands:

- i. developing an emergency social safety net for refugees in Turkey. This will function through a resource transfer system using an electronic card to cover the basic needs of the most vulnerable refugees through monthly transfers at household level. In this

²⁴ More information on the projects funded by the Facility for Refugees in Turkey can be found at http://ec.europa.eu/enlargement/news_corner/migration/index_en.htm.

²⁵ Gesellschaft für Internationale Zusammenarbeit (GIZ) (EUR 18.2 million).

²⁶ Search for Common Ground (EUR 1.75 million).

²⁷ Stichting SPARK (EUR 5 million) and DAAD (EUR 2.7 million).

way, refugees will be able to cover their needs in terms of food, shelter and education in a way which is more predictable and more dignified, as well as being cost-effective and efficient.

- ii. implementing a robust protection framework for the most vulnerable refugees, including non-formal education, health and information management projects. A funding cushion will also be included to respond swiftly to urgent and unexpected humanitarian needs. The activities under the Humanitarian Implementation Plan will be rolled out from the end of July 2016.

The provision of humanitarian assistance under the Facility continues to be implemented in line with EU humanitarian aid law and according to the principles laid down in the European Consensus on Humanitarian Aid²⁸.

Next steps in non-humanitarian assistance

The Commission is preparing substantial assistance via special measures, along three different strands:

- i. securing sustainable access to education for refugee children and access to health care, implemented by direct grants with the relevant Turkish ministries, to be financed and disbursed on the basis of actual costs incurred and paid. This should ensure speed, efficiency, and sustainability.
- ii. providing substantial funding for municipal and social infrastructure, including health and education, and socio-economic support, working with International Financial Institutions. A package of interventions will be ready for consultation and agreement with the Turkish authorities by the end of June.
- iii. additional funding for the EU Trust Fund, in particular to support bottom-up projects, including in new areas such as vocational training and labour market access.

Key challenges and next steps

- Ensure the full implementation of the projects already launched to provide food and education, the special measure supporting returned migrants and the exceptional measure for the Turkish Coast Guard.
- Implement the Humanitarian Implementation Plan adopted on 3 June 2016.
- Prepare and adopt the special measures on education and health and on municipal and social infrastructure and socio-economic support, as well as the top-up of the EU Regional Trust Fund in Response to the Syrian Crisis, by the end of July 2016.
- Implement five additional projects funded (EUR 84 million) under the EU Regional Trust Fund in Response to the Syrian Crisis by summer 2016.
- Programme, prepare and adopt additional interventions to be funded under the EU Regional Trust Fund in Response to the Syrian Crisis to cover education, health, and other targeted areas such as vocational training and labour market access.
- Organise the third Steering Committee on 30 June 2016.

²⁸ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (2008/C 25/01).

8. Upgrading the Customs Union

Economic relations with Turkey remain strong with bilateral trade of EUR 140 billion in 2015 and the EU accounting for two thirds of foreign investment in Turkey. This level of economic and industrial integration and the necessary reforms needed to reinforce investors' confidence were discussed at the first High Level Economic Dialogue held between the EU and Turkey at the end of April, in the presence of international financial institutions and the private sector. The need to upgrade and modernise the 20-year-old Customs Union, the main engine of this deep economic integration, was also discussed.

The Commission is advancing in the preparation of an Impact Assessment²⁹. 173 replies were received in the public consultation³⁰ which closed on 9 June. Most replies came from EU and Turkish businesses or business associations, many of which are already taking advantage of the current Customs Union. This will now feed into the Impact Assessment report which the Commission will finalise in October 2016, also drawing upon an external study currently under way. It is expected that draft negotiating directives will then be prepared for adoption by the Commission in the 4th quarter of 2016 and tabled to the Council.

9. Accession process

The Commission tabled the Draft Common Position on **Chapter 33 (financial and budgetary provisions)** in the Council on 29 April, enabling the Council to decide on the opening of this Chapter by end of June.

Preparatory work continues at an accelerated pace to make progress on five other Chapters, without prejudice to Member States' positions in accordance with the existing rules. The Commission and EEAS have been working on the preparatory documents in the spring with a view to submitting them to the Council as follows:

- Preparatory work has been finalised in the area of **energy (Chapter 15)**. An updated screening report was delivered by the Commission on 29 April 2016.
- In the key areas of the **judiciary and fundamental rights, and justice, freedom and security (Chapters 23 and 24)**, following the technical consultations in April and based on updated information received from Turkey in the course of May, the Commission is aiming to finalise the documents by end of June. 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.
- On **education and culture (Chapter 26)**, Turkey submitted its updated negotiating position on 24 March and on this basis the Commission finalised the updated Draft Common Position on 2 May 2016.
- The European External Action Service (EEAS) updated the screening report on **foreign, security and defence policy (Chapter 31)** which was issued on 20 May 2016.

²⁹ http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_trade_035_turkey_en.pdf.

³⁰ http://trade.ec.europa.eu/consultations/index.cfm?consul_id=198.

10. Humanitarian conditions inside Syria

The EU and Turkey share a common goal of addressing the humanitarian situation inside Syria and preventing further displacement. Mobilising the necessary assistance and ensuring humanitarian access to people in need inside Syria needs close EU-Turkey cooperation.

The EU and Turkey have both continued to deploy substantial resources for the humanitarian response. The work of the Humanitarian Task Force of the International Syria Support Group Cooperation with Turkey is of great importance to this work. The EU and Turkey work together to promote full and unimpeded access throughout Syria and to overcome obstacles, including within the Humanitarian Task Force of the International Syria Support Group, which has facilitated access to 820,000 people in need in besieged and hard-to-reach areas in 2016.

Delivering assistance cross-border from neighbouring countries like Turkey remains an essential element of the response and has become ever more important due to the increased fighting and decreased access in Northern Syria. In 2015, 27% of the EU's humanitarian assistance inside Syria was delivered from Turkey. This continues to be a priority, including providing life-saving assistance to the 160,000 internally-displaced people estimated to be stranded in Northern Syria along the border with Turkey, due the recent intensification in fighting across Syria, in particular around Aleppo, Idlib and Al-Hasakeh. Turkey itself also continues to deliver essential assistance to the people stranded on the Syrian side of the border. Furthermore, Turkey has a particularly important role in helping NGOs to operate cross-border with visa and registration.

The EU will continue to provide humanitarian assistance to people across Syria, and has allocated an initial EUR 140 million for life-saving activities for 2016, almost half of which has already been contracted. This funding will support sectors such as health, hygiene, protection and first line response to quickly respond to emergencies and new displacements, with continued priority to besieged, hard-to-reach and prone to displacement areas.

11. Conclusion

The EU-Turkey Statement has continued to deliver concrete results. There has been further good progress in making the Statement operational. The joint efforts by the Greek and Turkish authorities, the Commission, Member States and EU agencies have started to deliver the daily operation of return and resettlement processes in full compliance with EU and international rules.

Now that all Member States have sent in their contribution certificates to cover the EUR 2 billion pledged for 2016-2017, the accelerated disbursement of the Facility can be fully implemented. Projects that will support refugees from Syria in Turkey have been launched and the EU is on track to contract EUR 1 billion by the end of summer. This will ensure that those who need international protection receive the support they require.

However, the success achieved so far is fragile, and it is too soon to conclude that all aspects of the EU-Turkey Statement are fully functional. Indeed, as noted in the First Report, 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 – can still not be considered fully implemented. Successful implementation depends mainly on the political determination of all sides to take the necessary actions. In this

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

- Greece should increase its capacity to deal with the individual assessment of asylum applications and appeals and in the most timely manner to ensure returns and readmissions, notably through the use of the safe third country concept, as well as enhance the reception capacity on the islands and improve the day to day management and coordination of the hotspots, with the coordinated support of the EU and its Member States.
- The EU and its Member States should consolidate resettlement efforts from Turkey to the EU.
- 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 should take the necessary measures to fulfil the remaining visa liberalisation benchmarks as soon as possible, in order to enable the EU to lift the visa requirements for Turkish citizens.

The Commission will present its Third Report on the progress made in the implementation of the EU-Turkey Statement in September 2016.