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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
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Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL  
Fourth Report on the Progress made in the implementation of the  
EU-Turkey Statement

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Delegations will find attached document COM(2016) 792 final.

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

**Fourth Report on the Progress made in the implementation of the EU-Turkey Statement**

# Fourth Report on the Progress made in the implementation of the EU-Turkey Statement

## Introduction

During the period covered by this Fourth Report<sup>1</sup>, the implementation of the EU-Turkey Statement<sup>2</sup> has confirmed the trend of a steady delivery of results, albeit in the face of many challenges.

There has been a substantial fall in the number of crossings since the activation of the Statement, which has continued in the period covered by this Report. The loss of life has been stemmed. The average number of daily arrivals from Turkey to the Greek islands continued at around 81 persons, much lower than the peaks seen in the same period last year. At the same time, the pace of returns from Greece to Turkey is too slow. As a result, additional pressure is put on the already overstretched reception facilities on the Greek islands, and this has contributed to recent public order incidents. While the overall scale of flows towards Greece remains far less than before the Statement, the situation deserves not only careful monitoring but, more importantly, additional efforts to help improve the situation on the Greek islands.

There has also been progress on other elements of the Statement. For example, the pace of resettlement of Syrian refugees from Turkey has been continuously accelerating. The EU has allocated over EUR 2.2 billion of the EUR 3 billion Facility for Refugees in Turkey and EUR 677 million has now been disbursed.

This Fourth Report describes the continued trend of progress, as well as the measures still needed for the implementation of the Statement to be firmly rooted as a stable and sustainable pillar of EU policy. The European Council of 20 October<sup>3</sup> noted that a lasting stabilisation of the situation on the Eastern Mediterranean route requires the further implementation of the Statement. Its conclusions called for further acceleration of returns from the Greek islands to Turkey; the rapid appointment of permanent coordinators in the Greek hotspots; Member States to respond in full to the calls for resources by the relevant EU Agencies in order to assist Greece; and for further progress on the full range of commitments vis-à-vis all Member States contained in the Statement, including as regards visa liberalisation. This report confirms the urgent need to progress on all these issues.

## 1. Current situation

Since the Third Report of 28 September 2016, the total number of arrivals from Turkey to the Greek islands was 5,687<sup>4</sup> – representing an average daily arrival of around 81.<sup>5</sup> Although daily arrivals are still higher than before the summer, numbers remain much lower in comparison to the same period last year (around 390,000 in total from 28 September to 4 December 2015), and to the month that preceded the Statement (when average arrivals exceeded 1,700 a day). 63 fatalities and missing persons have been recorded in the Aegean Sea since the EU-Turkey Statement. While each loss of life is highly regrettable, this represents a substantial fall in the loss of life, given that over 592 people died over the same period in 2015.<sup>6</sup>

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<sup>1</sup> Following COM(2016) 231 final of 20 April 2016 ("the First Report"), COM(2016) 349 final of 15 June 2016 ("the Second Report") and COM(2016) 634 of 28 September 2016 ("the Third Report").

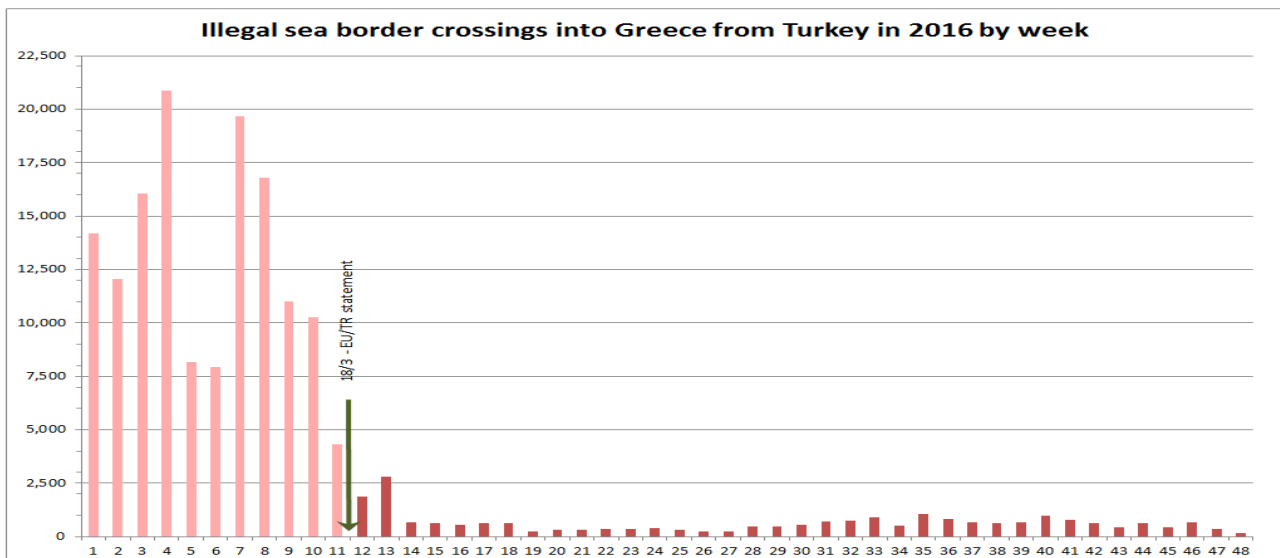
<sup>2</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/07-eu-turkey-meeting-statement/>

<sup>3</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/10/21-european-council-conclusions/>

<sup>4</sup> Data available from the European Border and Coast Guard, from the period 26 September to 4 December 2016.

<sup>5</sup> In total, there were 865,425 arrivals during the eight months before the EU-Turkey Statement and 22,838 arrivals during the eight months thereafter.

<sup>6</sup> Data on fatalities are provided by the International Organisation for Migration; the period covers the months of April until the end of November. While the Third Report covered only the Greek Aegean Sea, the current report covers the whole Aegean Sea.



### *Enhanced coordination and cooperation*

The EU Coordinator for the implementation of the EU-Turkey Statement<sup>7</sup> ensured the day-to-day follow-up to the EU-Turkey Statement with the Greek and Turkish authorities, EU Agencies, international organisations and other Member States with the focus on accelerating the asylum processes, increasing the number of migrants returning from the Greek islands to Turkey, and establishing appropriate security measures in the hotspots. To ensure full implementation of the EU-Turkey Statement and also to alleviate the pressure on the Greek islands, implementation needs to be strengthened and accelerated. To this end, and with regard to actions on the EU side, the EU Coordinator has elaborated a Joint Action Plan together with the Greek authorities, which he is publishing today. It has been drawn up to acknowledge the additional efforts needed on all sides: from Greece, the Member States, the European Border and Coast Guard, the European Asylum Support Office, the Commission and International Organisations (the International Organisation for Migration and United Nations High Commissioner for Refugees) in order to secure full implementation of the EU-Turkey Statement, and in particular to alleviate the pressure on the Greek islands. By working together on this basis, the objective is in particular to eliminate the backlog of asylum cases on the Greek islands by April 2017. From its side, the Commission endorses the Joint Action Plan's key points as set out in Annex 1.

The participation of Member States is indispensable to the effectiveness of the support provided by EU Agencies for the implementation of the EU-Turkey Statement. The European Council of 20 October underlined the importance of meeting in full the requirements of the EU Agencies for staff, as well as the European Asylum Support Office's Asylum Intervention Pool, to support at any time and in sufficient numbers the frontline Member States. To facilitate a rapid follow-up to the European Council call for additional staff, the European Asylum Support Office has developed a comprehensive pilot training programme to ensure that case officers with limited national experience can be deployed to support the Greek authorities. However, the shortfalls identified in the previous reports have still not been fully addressed.

As of 5 December, the European Asylum Support Office had deployed 93 interpreters in Greece and 74 Member States' experts, out of which 52 are deployed in the hotspots, 39 of them being case workers. The present shortfall is 61 case workers. Given the need for additional deployments, the European Asylum Support Office issued on 11 November an additional call for 150 Member States' asylum experts, including 100 case workers for the islands, but based on the nominations received until 5 December, the total number of deployed experts is actually expected to decrease from now to the end of the year. Unless this is urgently

<sup>7</sup> The EU Coordinator was appointed by the President of the European Commission ([http://europa.eu/rapid/press-release\\_IP-16-942\\_en.htm](http://europa.eu/rapid/press-release_IP-16-942_en.htm)) following the European Council conclusions of March 2016 (<http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-european-council-conclusions/>).

remedied, this will have a major negative impact on the speed with which cases can be handled and will increase risks of an increased overcrowding on the islands.

As for border support, as of 5 December, the European Border and Coast Guard had 682 officers deployed in Greece, including a total of 54 officers for the support of the implementation of the Statement. This means a shortfall of 13 guest officers until 14 December and, thereafter, the shortfall increases to 57. As regards Europol, the number of guest officers currently deployed in the hotspots to carry out secondary security checks has increased to 24 (including 21 guest officers and three Europol own staff). For the time being, on top of Europol staff deployed on the five islands to perform secondary security checks, four additional officials are stationed in the European Regional Task Force in Piraeus for coordination purposes. Deployment via Europol seems to continue to be sufficient, but the need for adjustments to meet future development of the flows will have to be closely monitored.

Against that background, notably the risks of the increasing overcrowding of the island reception capacities and related risks of public order (see below), Member States should urgently increase their pledges for the European Asylum Support Office. The Member States should also keep their promises to send the requested officers to the European Border and Coast Guard and bring them in line with the numbers and profiles requested. Ensuring the constant availability for deployment of the guest officers and technical equipment needed for the effective implementation of the operations coordinated by the European Border and Coast Guard is crucial for its operationalisation, i.e. for the Agency and the Member States' border guard authorities dealing with the irregular migration flow on the Eastern Mediterranean route.

The Turkish Liaison Officers, who had been recalled in the aftermath of the attempted coup, were redeployed on the Greek islands on 25 October. The Turkish Coast Guard is actively patrolling on the Eastern Aegean waters, registering a high weekly level of preventions of departures from Turkey (around 450-500 apprehensions).

Building on the deployment of a European Border and Coast Guard Liaison Officer to the NATO flagship in April 2016 and the signature of standard operating procedures between the European Border and Coast Guard and NATO Maritime Command in July, cooperation in the Aegean Sea has deepened in the form of a common situational picture, early warning, surveillance activities and sharing of operational information with the Greek and Turkish Coast Guards. This cooperation aims to continuously increase the already high detection rate and to speed up information exchange on migrant smuggling. To this end, NATO has recently provided equipment for the European Border and Coast Guard to access its regional restricted network, to further step up the information exchange platforms between the two operations.

#### *Information initiatives*

Based on the work by the Task Force for a Migrants' Information Strategy, a high profile media consortium is in the process of preparing an online "Migrants' Information Portal" in cooperation with the Commission. It is expected to go live in early 2017 to inform millions of prospective migrants worldwide of the hazardous journeys and the legal hurdles when attempting to enter the EU.

As a follow-up to the information campaign, which was organised on all hotspot islands in July-August to inform migrants about their rights and options, the Commission is helping the Greek authorities establish permanent information booths in all hotspots. They are to be staffed by experts of the Greek authorities, as well as experts from European and international organisations, to provide a reliable source of information for migrants. The information booth in Chios has been already set up, while that in Lesbos is under preparation. Background documents and information material are being prepared by the Commission in cooperation with the Greek authorities, EU Agencies, the International Organisation for Migration and the United Nations High Commissioner for Refugees.

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

- In view of the risks of increasingly overcrowded reception capacities and related risks to public order, the Member States shall urgently deliver the necessary experts, as committed at the European Council in October, for the European Asylum Support Office to speed up processing of

asylum applications on the Greek islands, if necessary making use of the comprehensive training developed by the European Asylum Support Office for the deployment of junior officers;

- Member States shall continue to deliver experts to the European Border and Coast Guard, in line with the numbers and profiles needed;
- Launching the "Migrants' Information Portal" in early 2017 by the media consortium;
- Setting up information points on all hotspot islands as soon as possible for the provision of direct information to migrants.

## 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 after 20 March. These measures are carried out strictly in accordance with the requirements of EU and international law, and in full respect of the principle of *non-refoulement*.

### *State of play on returns*

Since the Third Report of 28 September 2016, with the return of Turkish Liaison Officers on the islands and resumption of return operations in early September, 170 persons who entered Greece through Turkey have been returned to Turkey in the framework of the EU-Turkey Statement, including 42 Syrians, which brings the total number of migrants returned to Turkey following the EU-Turkey Statement to 748. Other nationalities included Pakistanis (394), Afghans (61), Algerians (68), Iraqis (17), Bangladeshis (26), Iranians (18), Sri Lankans (16), and Moroccans (15). The returned persons had received negative asylum decisions (including negative decisions at second instance), had withdrawn their asylum applications, or had not applied for asylum. In total, 1,187 irregular migrants were returned from Greece to Turkey in the course of 2016 under the EU-Turkey Statement or the Greece-Turkey bilateral readmission protocol, out of which 95 Syrians,.

Overall, the numbers of returns have been low but also below those of arrivals. The number of returns somewhat increased in October, with operations taking place on a weekly basis, but in the first half of November (when only four Pakistanis were returned) the absence of or delay in responses of the Turkish authorities to requests by the Greek authorities to carry out return operations in line with the EU-Turkey Statement<sup>8</sup> was noted. While the Greek Asylum Service has doubled the number of its experts working on the islands and additional experts are expected to be recruited by the end of this year, further efforts are needed, including through Member States' expert deployments through the European Asylum Support Office, so that the processing of asylum applications at first instance is expedited and that the number of returns is increased and sustained.<sup>9</sup>

Non-Syrian migrants are being returned to Turkey by boat and transferred to a removal centre in Kirklareli where they are informed about their rights, including the possibility to apply for a protection status in Turkey. Reportedly, so far 47 persons submitted their applications to the Turkish authorities: one person has been granted a refugee status while 46 have been released from the removal centre pending decisions on their applications. So far, 417 persons, who did not apply for a refugee status in Turkey, have been returned to their countries of origin. As regards Syrians, they are being returned from the Greek islands by plane and placed in a refugee camp in Duzici. They are entitled to apply for temporary protection and, after a swift preregistration for temporary protection, they are released and free to settle in the province of their choice, or stay in the camp. Until now, all returned Syrians were preregistered with the exception of ten who decided to return voluntarily to Syria. The United Nations High Commissioner for Refugees and the EU Delegation to Turkey have recently visited the removal centre in Kirklareli and the refugee camp in Duzici.

<sup>8</sup> According to the Hellenic Police, this led to one operation concerning the proposed return of 69 persons being cancelled and two operations concerning the proposed return of 68 persons being delayed.

<sup>9</sup> Such efforts include, in particular, better coordination of administrative procedures, practical cooperation between the Greek Asylum Service (responsible for asylum) and the Hellenic Police (responsible for return) through improved sharing of information throughout the procedure, and a better dove-tailing of asylum and return/readmission procedures. In particular, steps should be taken to start the return procedure at the earliest possible stage.

In Turkey, 11,102 Syrian nationals (as of 15 November) have so far received work permits in 2016.

Since the Third Report of 28 September 2016, 869 persons returned voluntarily to their country of origin from the mainland Greece and 163 from the islands, with support from the **Assisted Voluntary Return and Reintegration programme**. Since 1 January 2016, a total of 5,710 migrants have used the programme from Greece. To intensify these efforts, the programme has been realigned. Henceforth, all the participants from the islands should be able to fully benefit from reintegration assistance. Greece's full participation in EU-funded programmes on return (in particular, the European Reintegration Network programme) and its fullest possible use of financial and technical support offered by these programmes, would also underpin all efforts in terms of return.

### *Legal steps*

The newly established Appeal Authority is now operational, with six permanent **Appeal Committees** (and one alternate Committee to the permanent ones). These decide on appeals lodged since 20 July under the admissibility and eligibility procedures (applied to nationalities with low recognition rates) against the first-instance decisions of the Greek Asylum Service. To improve the efficiency of the new Appeal Authority and increase the number of second-instance decisions, the Greek government decided on 25 October<sup>10</sup> to establish seven additional Appeal Committees, bringing the total number of such Committees to 13, whilst intending to bring the total number of Appeal Committees to 20 by the end of February 2017 and aiming to increase the number of decisions per month. The Ministry of Justice and the United Nations High Commissioner for Refugees have finalised the selection of the members of the seven additional Committees, which are expected to be operational by the end of December. The Commission continues to provide support to the Greek authorities to accelerate the asylum processes at first and second instance and improve the productivity of the Asylum Service and the Appeal Authority.

As regards cases on the Greek islands, the total number of **appeals** against the 6,040<sup>11</sup> first-instance decisions so far on admissibility and on merits by the Asylum Service is 2,014<sup>12</sup>. 838 second-instance decisions have so far been taken out of these 2,014 appeal cases (i.e. in 42% of the cases). Out of the 407 appeal decisions so far on admissibility, 17 second-instance appeal decisions have confirmed the first-instance inadmissibility decisions and 390 second-instance appeal decisions reversed the first-instance inadmissibility decisions.<sup>13</sup> As regards the 431 appeal decisions on merits, 369 second-instance decisions have confirmed the first-instance negative decisions and 62 reversed such negative decisions.

The new Appeal Committees perform an essential function in terms of ensuring that everyone has the opportunity to exercise their legal rights. However, the pace of decision-making has been slow, with direct consequences for the implementation of the Statement. So far the new Appeal Committees have issued 366 decisions in the context of the EU-Turkey Statement – 14 on admissibility and 352<sup>14</sup> on merits. A hearing before the Hellenic Council of State concerning the constitutionality of the composition of the new Appeal Committees took place on 29 November, and its decision is expected by the end of this year. This decision will be of particular importance in determining the progress of many other cases.

### *Operational steps*

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<sup>10</sup> Common Ministerial Decision 6373/2016.

<sup>11</sup> As of 27 November, a total of 9,304 asylum applications have been submitted on the Greek islands since the Statement. Out of these 9,304 applications, the Greek Asylum Service has taken 6,040 decisions in the context of the procedures on the islands since 20 March, including 4,506 on admissibility and 1,534 on merits.

<sup>12</sup> As of 27 November 2016.

<sup>13</sup> The total figure includes second-instance decisions reversing first-instance inadmissibility decisions, as well as granting refugee status.

<sup>14</sup> Confirming the negative first-instance decisions in 350 cases and reversing them in two cases.

Increasingly overcrowded reception capacity in the hotspots and recent incidents initiated by migrants and local population on the islands<sup>15</sup> have contributed to the already difficult conditions on the islands for working and living. There are 16,295<sup>16</sup> migrants present on the islands, whilst there are only 7,450 places in official reception facilities, and a further 754 places under the rental scheme of the United Nations High Commissioner for Refugees. Managing the situation in the hotspots is also complicated by the heavy burden placed on the Greek authorities on the mainland – in total, the Greek authorities report the presence of around 62,000 migrants on the mainland and the islands combined on 6 December.

In addition to trying to expedite the processing of asylum applications and returns of irregular migrants to Turkey, Greece has been taking a number of measures with a view to decongesting the hotspots. Vulnerable migrants and families have been transferred to the United Nations High Commissioner for Refugees' rental scheme or hotels on the islands. Persons that cannot be returned to Turkey under the EU-Turkey Statement, vulnerable groups and unaccompanied minors are also being transferred to the mainland. As of 1 December, a total of 2,675 such persons have been transferred to the mainland. These persons have been referred to the United Nations High Commissioner for Refugees' rental scheme or to accommodation sites on the mainland, or they secured accommodation on the mainland by themselves. The provision of suitable accommodation for unaccompanied minors remains a top priority for the Commission, which has made funding available for additional reception capacity and has been encouraging Member States to step up the relocation of eligible unaccompanied minors from Greece and Italy.

A fast-track operational process has been put in place on Lesvos for migrants from the Maghreb countries, Pakistan and Bangladesh, with registration<sup>17</sup>, interview and notification all taking place within a few days. The Greek authorities are also working, in cooperation with local authorities, on creating additional detention capacity or extending current sites on the islands to increase closed pre-removal capacities. There is a continued need to ensure the sufficient availability of winterised reception facilities on the islands and the upgrading of the accommodation facilities is ongoing. In response to the winter conditions, humanitarian partners have been distributing – with EU support – clothes and other household items on the islands.

In order to address some concerns on safety and to improve the public order conditions on the islands, the Hellenic Police has prepared safety and evacuation plans covering all persons and organisations in the hotspots. Emergency Guidelines for the evacuation of EU Agency staff and Member States' experts working in the hotspots have been prepared in case of an incident, and the Hellenic Police has increased the deployment of police officers on the islands, including specially trained riot squads stationed near asylum processing workplaces, and plans to further increase such deployments. The European Asylum Support Office has also been increasing the security conditions of the asylum processing areas in the hotspots.

Despite improvements made so far, more remains to be done to address the situation on the islands. The Registration and Identification Service should, as a matter of priority, finalise and adopt the Standard Operating Procedures for the hotspots, taking full account of the EU-Turkey Statement, in order to improve the processes. The time limit between making and lodging of an application should be reduced in accordance with Article 6(2) of the Asylum Procedures Directive, which requires that a person, who made an asylum application, has an effective opportunity to lodge the application as soon as possible. The Greek permanent coordinators for the hotspots have not yet taken up their functions despite that their nomination has been repeatedly announced during the past six months as being imminent; their presence is urgently needed to ensure the overall management of the hotspots, including from a security point of view. Also many more police officers should be deployed.<sup>18</sup> It is estimated that an adequate police force corresponding satisfactorily to the security and public order needs in the hotspots with their current configuration would have to be three

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<sup>15</sup> For example, in Lesvos, the workspace of the European Asylum Support Office was damaged at the end of October when fire was set on its containers, while shelters were set on fire in the Souda camp in Chios in mid-November.

<sup>16</sup> As of 5 December.

<sup>17</sup> Persons who made an application should have the possibility to lodge it as soon as possible in accordance with Article 6(2) of the Asylum Procedures Directive.

<sup>18</sup> 180 policemen have been deployed to the islands with the European Border and Coast Guard co-financing, as follows: Lesvos: 40, Chios: 40, Samos: 40, Leros: 30, Kos: 30. They form part of the 247 policemen deployed to the islands.



or even four times larger – with the exact deployment needs varying from one island to another – than the number of police officers currently deployed.

### *EU financial assistance to Greece*

Whilst EU financial support to Greece has focused not just on the hotspots, facing the most pressing needs, support to mainland Greece also has a positive knock-on for the delivery of the Statement. Measures are being taken to ensure that the EUR 509 million available under Greece's national programmes for the period 2014-2020 under the Asylum, Migration and Integration Fund and the Internal Security Fund start being fully used as soon as possible. The transfer of the Responsible Authority for the management of the national programmes to the Ministry of Economy, Development and Tourism was completed in October. The revision of both national programmes was deemed necessary so as to better adjust them to current needs – the one of the Asylum, Migration and Integration Fund has been recently approved while the one for the Internal Security Fund is currently being finalised and should be approved very soon. The Commission continues to urge the Greek authorities to use its national programmes in an efficient and effective manner, and is working closely with the Greek authorities to improve the delivery mechanisms so that the resources available can be used to cater for urgent needs, in particular in the field of reception and border control (such as registration, identification and fingerprinting). Out of the EUR 352.8 million awarded to Greece in emergency assistance through the above mentioned two Funds, approximately EUR 70 million has directly supported the implementation of the EU-Turkey Statement, either directly to the Greek authorities or through EU Agencies and international organisations.<sup>19</sup>

In addition, EUR 199 million have been made available under the Emergency Support Instrument adopted by the Council on 15 March 2016. An additional budgetary allocation of EUR 50 million will be available in December, intended to cover existing gaps in Greece in the provision of food and accommodation, and to allow a rapid response for any unforeseen event. Humanitarian partners funded under the Emergency Support Instrument are providing, both on the mainland and on the islands, a needs-based response. On the islands, in particular, aid is being provided through multi-purpose cash assistance, construction of additional informal reception facilities, and provision of healthcare, food, water, sanitation and other basic services.

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

- Speeding up urgently the processing of asylum applications, in particular on the islands, from making an application to appeal and final decision, in line with EU and international law;
- Increasing the number of Appeal Committees and of decisions per Appeal Committee prioritising the islands;
- Stepping up urgently the pace of returns to Turkey under the EU-Turkey Statement;
- Improving the security and safety arrangements on the islands in particular through the appointment of permanent coordinators in the hotspots and through increased deployments of Greek police officers;
- Ensuring winterised reception capacities on the islands;
- Ensuring the transfer of unaccompanied minors to dedicated facilities;
- Fully operationalising the newly designated national authority responsible for the management of the national programmes under the Asylum, Migration and Integration Fund and the Internal Security Fund, to enable the efficient and effective use of the funding available under these programmes as a matter of urgency.

<sup>19</sup> This substantial financial EU support has supported shelter, accommodation, health care, transportation and other facilities at hotspots and elsewhere on the islands through funding to the Ministry of Defence and the United Nations High Commissioner for Refugees; increased the capacity of the Ministry of Interior and Administrative Reform for the processing of asylum applications and provision of services to third-country nationals; increased the number of staff in the First Reception Centres; strengthened the capacity of the European Asylum Support Office in asylum processing and fingerprinting; and financed a pilot project for the assisted voluntary return to Turkey.

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

#### *State of play*

As of 5 December, the total number of Syrians resettled from Turkey to the EU and Norway under the 1:1 framework was 2,761. Since the Third Report of 28 September 2016, 1,147 (up until 5 December) Syrians were resettled to eight Member States (Belgium, Finland, France, Germany, Italy, Luxembourg, the Netherlands and Sweden). The total number of persons approved and awaiting resettlement is currently 340. As a result, like in the previous reporting period, the pace of resettlement is considerably advanced compared to returns from the Greek islands. And this pace needs to be maintained.

Communication between the Member States and Turkey on planned selection missions to Ankara and resettlements from Ankara has improved, contributing to a better coordination and planning of resettlement activities and optimised use of resources. A more regular pace of resettlements has been established.<sup>20</sup> A number of Member States have recently received additional referrals of candidates from the United Nations High Commissioner for Refugees, while others have already planned further resettlement selection missions and operations in the coming months.

In addition to the referral list of 5,700 Syrian refugees submitted on 2 September for possible resettlement, the Turkish authorities submitted to the United Nations High Commissioner for Refugees new lists of 5,000 and 2,000 persons on 7 October and 18 November, respectively. The submission of a next list, with approximately 2,000 Syrians, is foreseen for December, and the United Nations High Commissioner for Refugees is also expecting Turkish authorities to verify older lists with approximately 4,000 Syrians. Should this be done, the United Nations High Commissioner for Refugees has indicated that a sufficient number of referrals will be available for resettlement operations in the first months of 2017. The United Nations High Commissioner for Refugees however estimates that it would need to receive 10,000 files from the Turkish authorities on a monthly basis during the first three months of 2017 (only for European resettlements programmes). The EU Member States have started to communicate to the United Nations High Commissioner for Refugees their resettlement quotas for next year.

#### *Operational steps*

The EU Resettlement Team continues its coordinating function to assist Member States' operations and liaisons with the International Organisation for Migration, the United Nations High Commissioner for Refugees, and the Turkish General Directorate for Migration Management. The United Nations High Commissioner for Refugees has been working closely with the Turkish authorities on improving the quality of registration when compiling the referral lists and is supporting the Turkish authorities for the establishment of a continuous registration mechanism of all Syrians under temporary protection present in the country. The project started at the end of October, initially covering 30 provinces (out of 81) with smaller Syrian populations, and should bring immediate results for effective provision of referrals.

Following a pledging exercise, the Commission is currently adding to the national programmes of the relevant Member States under the Asylum, Migration and Integration Fund an overall amount of approximately EUR 213 million for the admission of Syrian nationals present in Turkey.<sup>21</sup>

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

- Maintaining the pace of resettlement;
- Finalisation by the Commission of funding to relevant national programmes under the Asylum, Migration and Integration Fund for the admission of Syrian nationals present in Turkey.

<sup>20</sup> COM(2016) 791 final.

<sup>21</sup> This follows the adoption of the Council Decision (EU) 2016/1754 on 28 September allowing Member States to fulfil their obligations under Decision (EU) 2015/1601 by using the unallocated 54,000 places to either relocate applicants for international protection from Italy and Greece or admit to their territory Syrian nationals in clear need of international protection present in Turkey through resettlement or other forms of legal admission.

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

Efforts to control the flows on the Eastern Mediterranean route have not resulted in any major re-routing from Turkey although there has been some small-scale activity in terms of transport to Italy and Cyprus. During the reporting period, 18 boats, for a total of 1,500 migrants, arrived in Italy from Turkey and two boats arrived in Cyprus with a total of 212 migrants<sup>22</sup>, all Syrians, on board.

On land, there were regular detections of irregular crossings at Turkey's land borders with Bulgaria and Greece, although the numbers of such detections seem to have decreased since the Third Report of 28 September 2016. Currently, on daily average, around ten illegal border crossings from Turkey via the land border into Greece are registered, and fewer than four from Turkey into Bulgaria<sup>23</sup>. In order to support border and migration management in Bulgaria, the Commission has made available EUR 160 million in emergency funding; EUR 101 million has been already awarded with the advance payments disbursed, and the funding applications have recently been submitted in relation to the emergency needs for the remaining EUR 59 million. On 6 October, the new European Border and Coast Guard Agency was officially launched at Bulgaria's border with Turkey. As of 5 December, the European Border and Coast Guard has deployed 68 officers at this borderline.

#### 5. Voluntary Humanitarian Admission Scheme

As reported previously, discussions to finalise the Standard Operating Procedures for the Voluntary Humanitarian Admission Scheme are ongoing in the Council in close cooperation between the Commission, the European Asylum Support Office, the United Nations High Commissioner for Refugees and the International Organisation for Migration. Once the Standard Operating Procedures are agreed, an assessment should be made whether the conditions for triggering the implementation of the Scheme have been fulfilled. The EU-Turkey Statement stipulates that the Scheme will be activated once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced. Putting the Scheme in place would boost the implementation of the Statement, providing Syrians with a safe and legal alternative to irregular migration to the EU.

#### 6. Visa liberalisation

As regards the implementation of the Visa Liberalisation Roadmap, there are still seven benchmarks that remain to be met as highlighted in the Third Report of 28 September 2016:

- issuing *biometric travel documents* fully compatible with EU standards;
- adopting the measure to prevent *corruption* foreseen by the Roadmap;
- concluding an *operational cooperation agreement with Europol*;
- revising legislation and practices on *terrorism* in line with European standards;
- aligning legislation on personal *data protection* with EU standards;
- offering effective *judicial cooperation in criminal matters* to all EU Member States;
- implementing the *EU-Turkey Readmission Agreement* in all its provisions.

As reported previously, the Commission has encouraged Turkey's efforts to complete the delivery of all the outstanding benchmarks on the Visa Liberalisation Roadmap as soon as possible.<sup>24</sup> The Commission and Turkey have continued an engaged dialogue to find solutions, including the legislative and procedural changes needed on all the outstanding benchmarks.

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<sup>22</sup> Since the EU-Turkey Statement, the total number of irregular migrants from Turkey to Cyprus is 324.

<sup>23</sup> In comparison to around 14 and 13, respectively, in the same period of 2015.

<sup>24</sup> Notably in high-level meetings, including on 30 June with First Vice-President Timmermans, on 1 September with Commissioner Avramopoulos, on 9 September as part of the EU-Turkey High Level Political Dialogue led by the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President Mogherini and Commissioner Hahn, on 30 November and on 6 December with First Vice-President Timmermans and Commissioner Avramopoulos.

As regards the benchmark on biometric travel documents, Turkey started issuing on 1 November the second-generation passports that include both the facial image and the fingerprints of the passport holder. The passports, which use the encryption system EAC (Extended Access Control) in line with the current ICAO standards and EU standards of 2014, will be issued temporarily, until the third-generation passports fully compliant with the EU standards and the Visa Liberalisation Roadmap benchmark will start to be issued. The third-generation passports are co-financed by the EU and are expected to be circulated towards the end of the first quarter of 2017.

The Commission has requested Turkey repeatedly to continue to implement the bilateral readmission agreements with Greece, Bulgaria and Romania. In September, the Turkish authorities agreed bilaterally with Bulgaria on a practical arrangement for readmission of third-country nationals from Bulgaria; in the context of this arrangement, Bulgaria has requested the readmission for 543 persons, out of which Turkey has so far accepted 19 persons. As regards the readmission of Turkish nationals, In January-October 2016 Turkey replied positively to 148 out of 301 readmission applications received, and 117 Turkish nationals were readmitted under the EU-Turkey Readmission Agreement. In terms of practical cooperation, there remain issues in relation to e.g. respecting the deadlines foreseen by the Agreement.<sup>25</sup>

In parallel, discussions to reach a compromise are still ongoing between the co-legislators on the Commission's proposal<sup>26</sup> 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 enjoying visa liberalisation.

## **7. Facility for Refugees in Turkey**

Since the Third Report of 28 September 2016, the Commission has continued its efforts to address the most critical needs of refugees and host communities in Turkey. The total amount allocated under the Facility for both humanitarian and non-humanitarian assistance has reached EUR 2.2 billion for 2016-2017. This represents a large share of the EUR 3 billion total. Of the allocated money, the amounts contracted have increased to EUR 1.3 billion. Of the money contracted, EUR 677 million has been disbursed.<sup>27</sup> These funds continue to have a direct impact on the ground, making onward travel to the EU of those benefiting from the funds less likely.

### *Humanitarian assistance*

The Commission has continued to implement its humanitarian strategy under the Facility,<sup>28</sup> with EUR 595 million allocated to date. Of this, EUR 512 million has been contracted through 26 humanitarian projects with 19 partners, covering the response to basic needs, protection, education, health, food and shelter. Out of the EUR 512 million contracted, EUR 407 million has been disbursed to date.

The Commission launched the flagship of this humanitarian strategy – the Emergency Social Safety Net – in Turkey on 26 September, together with the Turkish authorities and the partner organisations implementing the scheme, and the registration of beneficiaries started on 28 November. It is the EU's largest-ever humanitarian programme, with a budget of EUR 348 million,<sup>29</sup> and aims at providing the most vulnerable refugees with monthly cash transfers onto an electronic debit card to help them cover their basic needs in terms of food, shelter or education. While the first cash distributions are expected at the end of December 2016, the Emergency Social Safety Net aims at progressively covering one million of the most vulnerable refugees by the first semester of 2017.

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<sup>25</sup> According to data submitted by the Member States on the readmission of Turkish nationals.

<sup>26</sup> COM(2016) 279 final of 4 May 2016.

<sup>27</sup> As part of the Facility's visibility activities, an interactive map allows direct visualisation of the location and expected results of the different projects: [http://ec.europa.eu/enlargement/news\\_corner/migration/index\\_en.htm](http://ec.europa.eu/enlargement/news_corner/migration/index_en.htm).

<sup>28</sup> 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 Aid.

<sup>29</sup> Contracted to the World Food Programme and its implementing partner the Turkish Red Crescent that works in close coordination with the Ministry of Social and Family Policy and AFAD (Disaster and Emergency Management Presidency), which reports directly to the Prime Minister and coordinates Turkey's response to the refugee crisis.

In the field of protection, a comprehensive response plan is being finalised. A broad range of protection interventions is already ongoing, including a EUR 9 million project signed in July 2016, which is being implemented by the United Nations Population Fund. The project will expand previously Commission-funded interventions by the United Nations Population Fund by supporting 20 safe spaces for women and girls, providing reproductive health care and interventions related to gender-based violence. The project also aims at facilitating access to health services for the most vulnerable women and girls among refugees.

#### *Non-humanitarian assistance*

The resources mobilised under the non-humanitarian strand of the Facility (around EUR 1.6 billion) have been almost completely allocated. EUR 790 million has by now been contracted and EUR 270 million disbursed.

Under the Special Measure of July 2016 on education, health, municipal infrastructure and socio-economic support to refugees in Turkey, two major direct grants were signed in September for a duration of two years. The first contract – for EUR 300 million – with the Turkish Ministry of National Education provides almost half a million Syrian children with access to formal education and reaches 15,000 teaching and 2,000 non-teaching staff in the Ministry. The second contract – also of EUR 300 million – with the Ministry of Health provides around two million refugees access to primary healthcare services through the creation of over 500 healthcare facilities, and rehabilitative mental health services for up to one million refugees in Turkey. In addition, family planning, prevention of communicable diseases, recruitment and training of healthcare staff and outreach activities will be provided.

In addition, on 28 November, a contract worth EUR 50 million was signed to build and equip 15 new schools in provinces with a high concentration of Syrian refugees. Standard schools will be built with 24 classrooms each, including rooms for staff and ten special rooms for disabled and traumatised children. The construction and equipping of these schools will benefit 11,000 Syrian children. It will also increase the implementation and management capacity of the Ministry of National Education.<sup>30</sup>

Further projects to help provide education infrastructure, hospitals and utilities will be signed over the next few months with the International Financial Institutions.

Under the EU Regional Trust Fund in Response to the Syrian Crisis, two contracts are foreseen to be signed by the end of the year. The first project, worth EUR 33 million, will increase access to inclusive and high-quality health services for Syrian refugees and host communities, involving the Danish Red Cross and the Turkish Red Crescent. The second project, worth EUR 5 million, will be implemented by Spark, a Dutch NGO, and aims to increase participation and equal access to further and higher education of vulnerable Syrian youth who had to drop out from their studies. Further bottom-up projects under the EU Regional Trust Fund in Response to the Syrian Crisis are under preparation.

The Facility's Results Framework<sup>31</sup> is about to be finalised for the next Steering Committee meeting in January 2017. As part of the Facility's monitoring and evaluation system, the Framework should spell out the Facility's outputs and outcomes, and confirm the impact of its achievements. A communication strategy for the Facility is also being finalised.

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

- Ensuring the speedy contracting of all actions that have been programmed and their effective and financially sound delivery in full cooperation with the Turkish authorities;
- Further humanitarian projects in the field of health and education, contracts with International Financial Instruments and through the EU Regional Trust Fund in Response to the Syrian Crisis to

<sup>30</sup> This project comes on top of a similar one – worth EUR 70 million – to build and furnish 26 additional schools, but which does not fall under the framework of the Facility.

<sup>31</sup> The Framework should be a living document that allows for the continuous review of the relevance and results of its interventions. The purpose of the Facility monitoring and evaluation system would therefore be three-fold: the Framework should at the same time be an accountability mechanism, a performance monitoring tool, and an information management tool.

be signed in the coming months;

- Preparation of the 2017 Humanitarian Implementation Plan for Turkey;
- Finalisation of the Facility's Results Framework and operationalisation of the monitoring and evaluation system;
- Finalisation of the communication strategy for the Facility;
- Next Steering Committee scheduled on 12 January 2017.

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

A commitment to upgrading the Customs Union was taken at the EU-Turkey Summit of November 2015. Building on the success of the existing Customs Union and the first EU-Turkey High Level Economic Dialogue of April 2016, and following a public consultation and an external study, the Commission has carried out an impact assessment on opening negotiations with Turkey to modernise the Customs Union and extend the bilateral preferential trade relationship to services, public procurement and agriculture. This impact assessment underlines the positive economic and social benefits of an extended Customs Union for both the EU and Turkey. Following the Commission's preparatory work, draft negotiating directives are to be presented to the Council.

## **9. Accession process**

Within the framework of accession negotiations, 16 chapters have been opened so far and one of these was provisionally closed.

Preparatory work has continued in the key areas of the judiciary and fundamental rights, and justice, freedom and security (Chapters 23 and 24). The Commission is in the process of completing an updating of the documents to take account of the latest developments. 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 terrorism. The EU expects Turkey to respect the highest standards when it comes to democracy, rule of law, and respect of fundamental freedoms, including freedom of expression.

Already last spring, preparatory documents were submitted to the Council, without prejudice to Member States' positions in accordance with the existing rules, on energy (Chapter 15), education and culture (Chapter 26), and foreign, security and defence policy (Chapter 31).

The Commission reported on the general situation in Turkey in its report of 9 November 2016.<sup>32</sup>

## **10. Humanitarian conditions inside Syria**

The humanitarian situation inside Syria remains of the utmost concern, in particular in Eastern Aleppo, where between 250,000 and 300,000 people have been stuck without assistance since July, with the health system close to collapse, food supplies running out quickly and the prices for the few remaining commodities sky-rocketing. Responding in an effective and timely manner to the humanitarian needs of people in Eastern Aleppo and elsewhere across Northern Syria depends heavily on the common work of the EU and Turkey, including facilitating access by all possible routes, not least through the delivery of cross-border assistance from neighbouring countries like Turkey and Jordan.

EUR 140 million has been allocated in 2016 to life-saving cross-border operations from Turkey into besieged and hard-to-reach areas in Northern Syria for the activities of partner organisations.<sup>33</sup> In view of the dire situation in Eastern Aleppo, the EU launched a humanitarian initiative on 2 October to support medical evacuations from Eastern Aleppo and deliveries of food and medicine into Eastern Aleppo once access and security are ensured. Under this initiative, the Commission has allocated EUR 25 million to humanitarian partners. But funding is also intended for other sudden emergencies across Syria, enabling partners to

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<sup>32</sup> SWD(2016) 366 final.

<sup>33</sup> In sectors such as health, protection, education and first line response, focusing on the most vulnerable areas.

quickly mobilise pre-positioned stocks to deliver aid in newly accessible areas or respond to sudden displacements of population, including with aid delivery convoys.

In view of the escalating violence and rising humanitarian needs, the EU is continuously urging all parties to respect their obligations under international humanitarian law and to ensure that the protection of civilians is the first priority.

## **11. Conclusion**

Despite challenging circumstances, the implementation of the EU-Turkey Statement has continued to be consolidated since the Third Report of 28 September 2016. The trend of much reduced attempts to cross the Aegean and of deaths at sea since the EU-Turkey Statement has again confirmed the core strategy behind the decision of the EU and Turkey to agree on the Statement.

Progress has also been made on other elements, in particular when it comes to the pace of contracting under the Facility for Refugees in Turkey and the implementation of projects to support refugees on the ground, as well as in resettling Syrian refugees from Turkey.

While EU and Member States' efforts to strengthen the migration management and asylum processing capacity of the Greek administration has continued, much remains to be done to address the main shortfalls identified in the previous report. 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 returns in full compliance with EU and international rules – can still not be considered to be fully implemented. Successful implementation depends mainly on the political determination of all sides to take the necessary actions. Conditions on the Greek islands are deteriorating, caused by the fact that returns are too slow and at a lower level than arrivals. This needs urgent concerted action by the Greek authorities, EU Agencies and the Member States to accelerate the implementation of the relevant parts of the EU-Turkey Statement and to ensure practical results on the ground on the islands. It is essential that resources are immediately provided to ensure the effective processing of asylum applications on the Greek islands: this requires Member States to respond in full to calls from the European Asylum Support Office, and the Greek authorities to ensure that the asylum decisions can be taken swiftly, as well as to step up the pace of returns.

Turkey should take the necessary measures to fulfil the remaining visa liberalisation benchmarks as soon as possible, to enable the EU to lift the visa requirements for Turkish citizens.

The Commission will continue to drive the work forward and will present its Fifth Report on the progress made in early March 2017.