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#### COVER NOTE

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL EU-Turkey Joint Action Plan - Third implementation report

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Delegations will find attached document COM(2016) 144 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**EU-Turkey Joint Action Plan - Third implementation report**

**EU-Turkey Joint Action Plan**  
**Third implementation report**  
**Reporting period: 1 February to 2 March**

**Introduction**

On 29 November 2015, at the EU-Turkey summit, Turkey and the EU activated the Joint Action Plan (JAP) that had been agreed *ad referendum* on 15 October 2015. The aim of the JAP is to step up cooperation for the support of Syrian refugees under temporary protection and their host communities in Turkey and to strengthen cooperation to prevent irregular migration flows to the EU. The implementation of the JAP should thus bring order into migratory flows and help to stem irregular migration.

This is the third JAP implementation report covering the period from 1 February to 2 March<sup>1</sup>. Its aim is to inform on the effective follow up given by Turkey and the EU to their respective commitments during the reporting period, three months after the activation of the JAP. The JAP implementation reports are part of an overall effort to monitor the situation closely.

**1. Part 1**

**1.1. Statistical data (in the EU)**

One of the key objectives of the JAP is to achieve results in particular in stemming the influx of irregular migrants. In order to track progress, an EU-Turkey data collection process was established in early 2016.<sup>2</sup>

The number of people arriving irregularly to the EU from Turkey is still high for this period of the year when winter conditions were expected to contribute to a decrease in the number of arrivals. More specifically, in the *reporting period* (i.e. from 1 February to 2 March):

- The total number of irregular migrants who have reached the EU by sea and land (i.e. via Greece and Bulgaria) was 56 887 until 29 February. Most of them i.e. 56 335 or 99% crossed the Aegean Sea to the Greek islands.
- The daily average of irregular crossings to Greece was 1 943 until 29 February, 19 to Bulgaria and the total was 1 962.
- On a weekly basis, irregular arrivals to Greece were on average 13 358.

A trend of decrease was marked in the first half of February, but figures went up again in the second half of February.

For the sake of comparison with previous months:

- The total numbers of irregular arrivals from Turkey to Greece in September, October, November, December 2015, January and February 2016 were respectively 147 639, 214 792, 154 381, 104 399, 61 602 and 56 335.
- For the same months the corresponding daily averages were 4 921 persons, 6 929, 5 146, 3 368, 1 987 and 1 943.

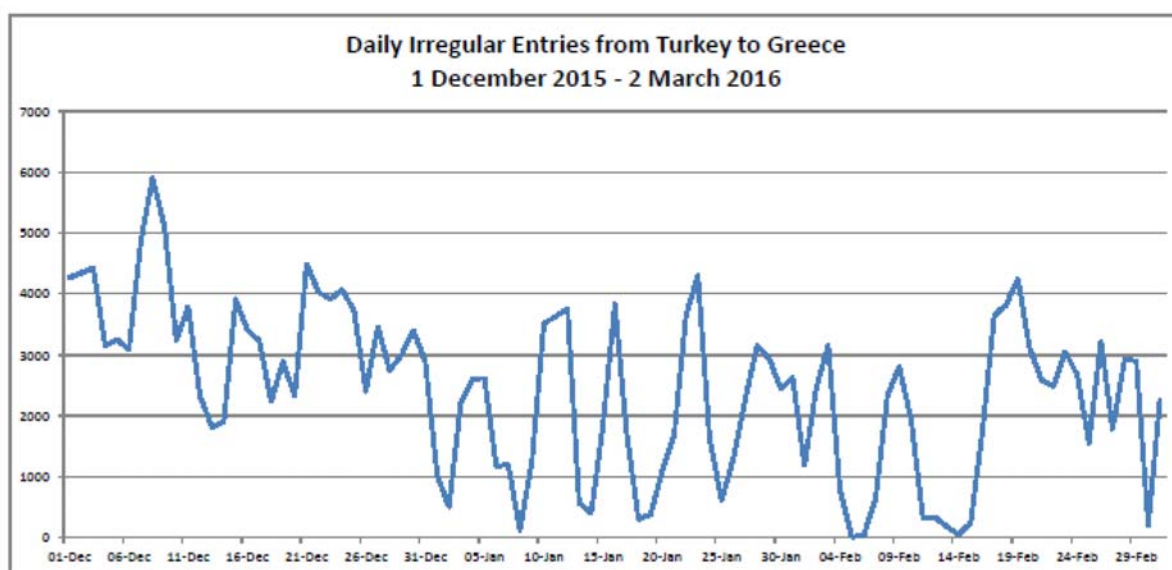
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<sup>1</sup> However, the report refers also in some cases to data, developments and decisions taken previously or on the first days of March.

<sup>2</sup> In this context, three Joint Overviews have been elaborated between the EU and Turkey. On the EU side, the data collection exercise makes full use of the Integrated Political Crisis Response (IPCR).

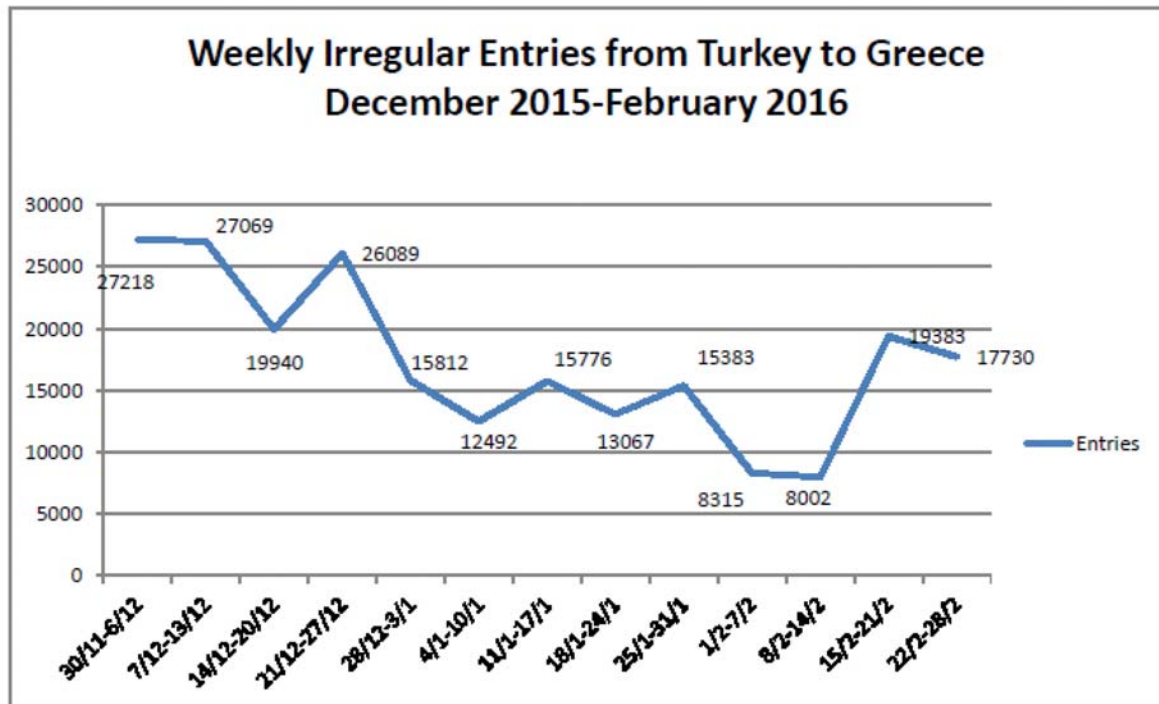
The irregular entries from Turkey to Greece in December, January and February are presented in the following graphs: graph 1 illustrates the number of irregular arrivals per day and graph 2 presents the irregular arrivals per week<sup>3</sup>.

Graph 3 illustrates the number of irregular arrivals per month from Turkey to Greece from September 2015 to February 2016. Graph 4 shows the irregular arrivals in the same period i.e. from September 2015 to February 2016, broken down by the predominant nationalities (based on the declaration of migrants upon their arrival) i.e. Syrians followed by Afghanis and Iraqis. The broken down figures reveal a diminishing percentage of Syrians (from 69% to 51%) and an increasing percentage of Afghanis (from 18% to 25%) and Iraqis (from 8% to 17%).

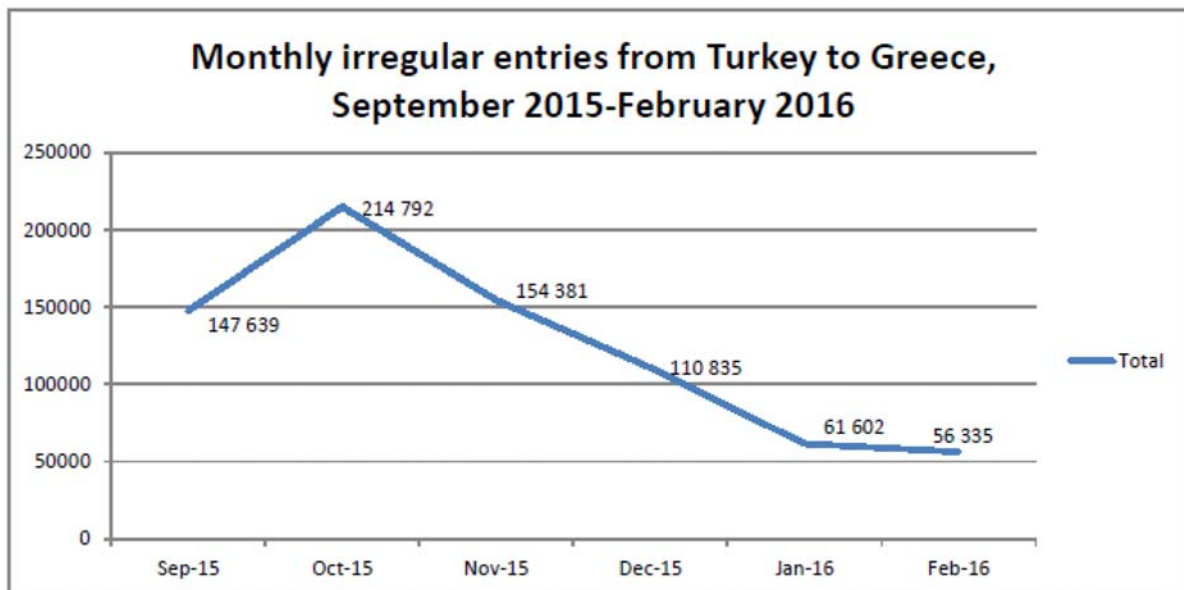


*Graph 1: Source: Frontex Western Balkans reporting data*

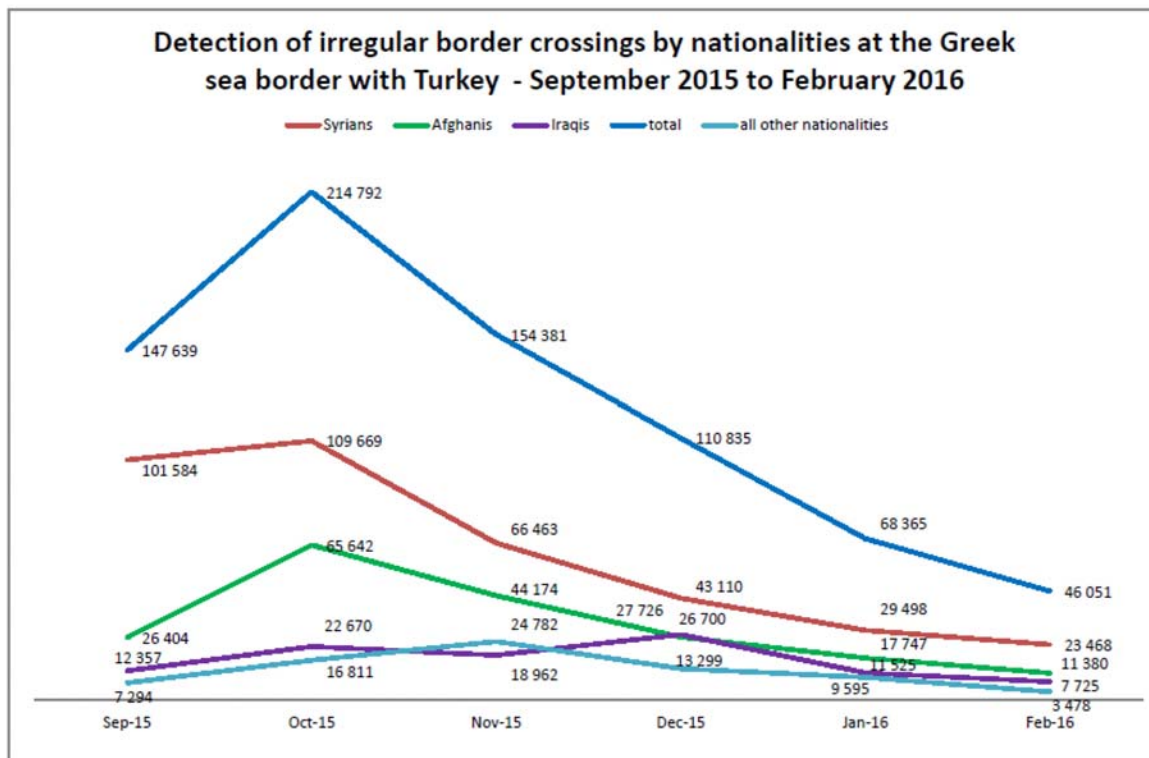
<sup>3</sup> As done in the first and second JAP implementation reports, these graphs present only the entries from Turkey to Greece as these represent more than 99% of the total entries.



Graph 2: Source: Frontex Western Balkans reporting data



Graph 3: Source: Frontex FRAN data (2015) and Western Balkans reporting data (January-February 2016).



Graph 4: Source: Frontex FRAN data (2015) and JORA data (January - February 2016) as of 2 March 2016. JORA data are preliminary operational data subject to change.

The irregular arrivals from Turkey to Greece present a changing pattern; they have declined overall since October and stabilised during January and February (see graphs 1, 2 and 3) at a daily average of about 1 960 arrivals. They were 209 and 2266 on 1 and 2 March respectively. Taking into account the winter season, figures remain high for this period of the year – more than 120 000 migrants entered the EU irregularly via Greece since the beginning of the year.

The legislative and operational measures taken by the Turkish authorities to stem irregular migration appear nevertheless to have had some first impact on the migratory flows. Other political developments in the conflict area, in Turkey and in the EU Member States have also certainly affected the number of irregular crossings from Turkey to Greece (e.g. intensification of the conflict in Syria; decisions of some Member States and Balkan countries to restrict the number of migrants allowed to cross their territory).

## 1.2. Statistical data (in Turkey)

On 2 March, Turkey submitted a new set of data regarding the implementation of the JAP, as agreed in the framework of the Integrated Political Crisis Response (IPCR) process and on the basis of a standard template. The EU-Turkey joint data collection exercise continues regularly and constructively.

Turkey is currently hosting 2 928 975 refugees from Syria<sup>4</sup> to whom it is granting temporary protection status as a group. This status provides access to public services such as education and health care. Since 15 January 2016, it also provides access to the labour market. By 20 February, 15 applications for a work permit had been made to the Turkish authorities by

<sup>4</sup> Number of registered Syrian refugees as communicated by the Turkish authorities on 2 March, totalling stock in temporary protection centres (273 519) and in communities (2 655 456); there were 77 059 new registrations between 1 February and 2 March.

Syrian refugees. On 15 February, 273 519 Syrians were being hosted in refugee camps<sup>5</sup> where they are provided with a wide range of support.

On the basis of the data provided on 2 March by the Turkish authorities to the IPCR:

- 350 000 Syrian children under temporary protection were enrolled in school.
- 151 746 babies were born in the camps until 5 February.
- On 1 February, Turkey had registered 256 700 non-Syrians while 141 059 applications for international protection were pending. The top 5 nationalities of those requesting international protection are Iraqis (51%), Afghanis (25%), Iranians (14%), Somalis (2.5%) and Palestinians (1%).
- During the period 1-15 February, 7 011 Syrians entered regularly Turkey and 12 769 exited Turkey. The corresponding regular entries and exits for Iranians were 65 546 and 62 226; for Iraqis 30 026 and 26 338; for Lebanese 3 134 and 3 230 and for Jordanians 3 733 and 3 380. Depending on the visa duration, foreigners can stay in Turkey up to 90 days. Foreigners who are entitled to enter Turkey without visa can stay in the country up to 90 days within a period of 180 days.
- On 24 and 25 February, the Turkish and Greek readmission authorities met in Ankara to deal with a backlog of 864 readmission requests submitted by Greece. On 1 and 2 March Turkey readmitted 267 illegal migrants.
- Turkey and Greece established a Working Group on Migration. The Working Group convened its first meeting on 27 November 2015 in Ankara and its second meeting on 1 February 2016 in Athens.
- From 1 to 29 February the Turkish law enforcement and border agencies prevented 8 540 migrants from sea borders and 15 986 from land borders from irregularly exiting the Turkish territory towards the EU. On 15 February alone, the Turkish Coast Guard apprehended 985 irregular migrants in Ayvalık, Çeşme and Bodrum. In particular, the Turkish law enforcement bodies apprehended more than 15 000 irregular migrants from 16 to 29 February.
- From 1 to 15 February, the Turkish Coast Guard, Police and Gendarmerie carried out ten specific joint operations aimed at arresting irregular migrants, facilitators/smugglers and preventing irregular departures. This resulted in the apprehension of 97 irregular migrants and 308 facilitators and smugglers (of whom 11 at sea and 297 at land borders). In addition, the Turkish law enforcement bodies apprehended 391 facilitators and smugglers during 16-29 February.
- In January, the Turkish Gendarmerie and the Police confiscated eight vans, one boat, eleven mini-buses, three buses, 15 cars and nine ships.
- In January, the Turkish Coast Guard, Police and Gendarmerie were provided with a number of training courses with the aim to strengthen their capacity in the fight against irregular migration.

The Turkish Coast Guard, the Police and the Gendarmerie play a key role in the apprehension of irregular migrants and smugglers.

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<sup>5</sup> For refugee camps, Turkey uses the term 'temporary protection centres'.

## **Part 2:**

### **Implementation of Turkey's commitments under the EU-Turkey Joint Action Plan**

According to information that Turkey provided in the framework of the visa liberalisation dialogue:

On 1 February 2016, the Council of Ministers met and discussed ways of furthering Turkey's response to irregular migration. The Council of Ministers emphasised Turkey's determination in the fight against irregular migration and decided to:

- Strengthen border controls.
- Reinforce cooperation between the law enforcement authorities.
- Establish a special unit on migrant smuggling within the Turkish National Police.
- Increase penalties for migrant smugglers.
- Launch new operations to break migrant smuggling networks.
- Strengthen the interception capacity of the Turkish Coast Guard.
- Increase the capacity of removal centres in Turkey.

In a meeting in December 2015 the Gendarmerie decided to increase its patrolling activities at the eastern, south-eastern and western borders of the country. In this context, six provinces in eastern and south-eastern borders as well as eight provinces in western borders were identified as primary places for reinforced patrolling activities.

As of 14 January 2016, the Turkish Coast Guard acquired access to the Ship Register System set up by the Ministry of Transport where all purchase, sale and cancellation procedures on ships are recorded. In addition, Turkey is working on access to Interpol database of stolen foreigner ships.

Turkey ratified the tripartite agreement with Greece and Bulgaria. The agreement will enter into force following its publication in Turkey's Official Journal.

Turkey made significant progress towards the implementation of the Turkey-Greece readmission obligations. On 24 and 25 February, a Greek and a Turkish delegation met in Ankara to deal with a backlog of 864 readmission requests. On 26 February, Turkey approved 859 of the requests. Greece had still in detention 308 illegal migrants and an immediate transfer of the returnees by bus on 1 and 2 March was launched. Furthermore, Turkey and Greece progressed on their discussions to establish much more effective readmission procedures, including on deployment of Turkish liaison officers to five hotspots (starting with Lesbos) for facilitating returns of economic migrants. Greece and Turkey also agreed to organise a bi-weekly videoconference to exchange and further improve operational cooperation. Furthermore, they agreed to strengthen operational cooperation for returns with the support of the EU and Frontex including the organisation of joint flights for returns. In addition, the Ministry of Foreign Affairs and the Ministry of Interior continue consultations with regard to the Greek proposal to increase the number of locations in Turkey for the readmission of irregular migrants in addition to existing locations in Dikili (in the Aegean coast, İzmir Province) and Ipsala (at the land border between Turkey and Greece).



On 5 February, Turkey revised its visa policy towards Iraqis. According to new rules, as of 10 February it is no longer possible for Iraqi citizens to obtain visas at the border. In order to enter Turkey, Iraqi citizens need to apply to the Turkish diplomatic missions abroad or apply for an e-visa. In addition, as of 5 February, the e-visa procedure has been narrowed and is now open only for holders of valid Schengen, USA, UK or Ireland visas/residence permits.

Turkey proposed the negotiation of bilateral readmission agreements to 14 countries, including those that are source of irregular migration to the EU via Turkey. It also started preparatory work to establish that the nationals of 18 countries considered as potential source of irregular migration should be in possession of an airport transit visa when passing through the international transit area in Turkey.

On 8 February and in view of the full entry into force of the EU-Turkey readmission agreement on 1 June, the Turkish authorities carried out a study visit to Georgia in order to see how their national electronic system on readmission functions. Turkey is currently evaluating the system and will make decisions in the following weeks.

Turkey agreed with Europol on the draft Liaison agreement on posting a Turkish police liaison officer to Europol. This draft needs to be signed urgently.

The Turkish Parliament started discussing draft legislation on personal data protection; it has already adopted some articles. However, inconsistencies of the draft law with European standards persist, mainly with regard to the independence of the data protection authority and the exclusion of law enforcement authorities and intelligence activities from the scope of the law. The adoption of data protection legislation compatible with European standards is crucial as it would enable Turkey to cooperate more closely with Europol, Eurojust and Member States enforcement agencies.

On 26 February, the DGMM held the second meeting with the immigration liaison officers of EU Member States deployed in Turkey with the aim to strengthen cooperation in the field of migration.

### **Part 3:**

#### **Implementation of EU commitments under the EU-Turkey Joint Action Plan**

Following the political agreement by reached Member States on 3 February, on funding sources and operating modalities for the Facility for Refugees in Turkey (the Facility), the first meeting of the Steering Committee was convened on 17 February. The Committee decided to start delivering assistance as soon as possible with the prime objective to address, the humanitarian needs of refugee population living in Turkey as well as access to education of Syrian children. Today, about 400 000 Syrian children cannot go to school. This is an important push factor jeopardising not only their immediate well-being but also their chance to build a future.

Acting swiftly on this decision of the Steering Committee, the Commission allocated a first amount of EUR 90 million from the EU humanitarian budget to be implemented by a number of accredited humanitarian partner organisations. The allocation is currently being contracted in order to quickly expand the provision of humanitarian assistance including food, non-food items, health, water and sanitation and protection in Turkey. The EU is also preparing the first measure under the Facility to allow for more than 110 000 additional Syrian school-aged children living outside camps in Turkey to have access to formal education. It should

materialise in the days to come. In this respect, a transfer of EUR 55 million from the Facility to the EU Trust Fund in response to the Syrian crisis will be adopted next week.

In addition, the EU agreed to finance a EUR 20 million project under the Instrument Contributing to Stability and Peace aimed at reinforcing the Turkish Coast Guard patrolling and surveillance capacity.

The needs assessment for Syrian refugees in Turkey which the Commission is carrying out with the Turkish authorities is going on and a first overview is expected by mid-March while completion of the study is foreseen by the end of April, provided that Turkey will make its contribution available in the coming days. The needs assessment will help identify projects to be funded through the Facility. In the meantime, the Commission has already identified education and improvement of the employability of Syrian refugees as priority areas for immediate support. The current provisional estimate is that humanitarian needs could cover a third of the assistance, while two thirds could support access to education (big focus), local infrastructures and job opportunities.

In the reporting period, the EU held discussions with Turkey in order to:

- Advance preparations for the full implementation of the EU-Turkey readmission agreement as of 1 June;
- Substantially improve the implementation of the Turkey-Greece bilateral readmission protocol that resulted in processing the backlog of readmission requests and transfers of returnees;
- Continue technical work on the voluntary humanitarian admission scheme;
- Accelerate JAP implementation (e.g. discussing and implementing concrete measures that contribute to resolute and focused implementation of the JAP).

The Commission and Turkey continued discussions on the priorities for the 2016 programme under the Instrument for Pre-Accession (IPA) assistance, with a clear focus on increasing the financial assistance to support Turkey in meeting the requirement of the Visa Liberalisation Roadmap.

The assistance coordinated through the Facility for Refugees in Turkey will complement the EU assistance already provided in Turkey to directly support Syrian refugees and Turkish host communities. Since the beginning of the crisis, over EUR 350 million from the EU budget have been committed to this end. Out of this amount, EUR 71 million has been contracted so far for humanitarian aid purposes via relevant humanitarian organisations to primarily assist refugees in Turkey. In addition, a first response programme worth EUR 18 million from IPA approved in May 2015 by the Board of the EU Trust Fund in response to the Syrian crisis is implemented on the ground to address immediate educational and food security needs of Syrian refugees in Turkey through agreements with UNICEF and the WFP signed in September 2015. At the end of 2015, EUR 165 million from IPA 2012 funds at risk of de-commitment, including EUR 25 million of Turkish co-financing, have been allocated to the Trust Fund for projects in Turkey, together with another EUR 15 million from IPA 2013 and 2015.

The EU continued providing significant assistance to Syrian refugees hosted in Lebanon, Jordan and Iraq as well as to Syrians displaced within Syria.

The EU finalised the recruitment and pre-posting training of a Frontex Liaison Officer who is going to be deployed to Turkey shortly.

## **Part 4**

### **Conclusions and recommendations**

The numbers of irregular migrants entering the EU from Turkey are overall in a decreasing trend since October 2015, but these numbers have started to rise again in the two last weeks of February and remain high considering this period of the year.

Turkey has taken a number of actions in order to implement the Joint Action Plan as set out above, but these joint efforts are not yet translating into a sufficient or sustainable reduction in flows. To address this worrying phenomenon of too high inflows, Turkey needs as a matter of urgency to make further significant progress in preventing irregular departures of migrants and refugees from its territory and in strengthening the fight against smugglers. In this respect, stepping up land based operations to prevent irregular departures and increasing national and international efforts to fight more effectively against the smuggling of migrants are of crucial importance.

The migration pattern has been changing over the last months with nearly 50% of the total number of irregular migrants having reached the EU in February being of non-Syrian origin (e.g. Afghanis, Iraqis, Pakistanis, Iranians, Moroccans, Bangladeshis, Palestinians, Algerians). To address this phenomenon, Turkey is invited to swiftly negotiate and conclude readmission agreements with the relevant third countries, in particular those which are source of irregular migration to the EU, and to accelerate the ratification of those agreements which have already been signed but have not yet entered into force.

Turkey needs to ensure that applicable procedures for the award of the international protection status are concluded swiftly as foreseen by its national legislation, leading to either the clear granting of the refugee status or a rejection. Turkey also needs to ensure that irregular migrants found not to be in need of international protection are prevented from making irregular movements towards the EU.

One of the main achievements of the reporting period is the significant progress made by Turkey and Greece in the implementation of their bilateral readmission protocol. This is of particular importance as it offers the basis for an enhanced implementation of the EU-Turkey readmission agreement and opens the prospect that all economic migrants and migrants whose claims for international protection are turned down can effectively be returned to Turkey within a short deadline. Work now needs to intensify on ensuring the timely transfer of returnees; agreeing on the terms of reference for the joint work; putting in place expedited procedures; deployment of liaison officers on five islands; effective communication about the readmission process to discourage irregular migration and further developing the Greek capacity to ensure such returns.

Turkey is urged to strengthen its action against smuggling of migrants, notably by increasing its cooperation with the EU and Member State actors. More specifically, Turkey is requested to take decisive action against migrant smuggling; to further strengthen efforts to prevent irregular crossings from Turkey to the EU, in particular by stepping up land based law enforcement activities; to further increase the efforts of the Coast Guard and other law enforcement authorities in carrying out joint operations; to step up information sharing on migrant smuggling among the Turkish law enforcement bodies and with EU and Member

States actors as well as facilitating cooperation in the framework of the NATO operation in the Aegean Sea.

Turkey is also invited to accelerate preparations for the implementation of the EU-Turkey readmission agreement for readmitting third country nationals as of 1 June 2016. In this regard, it is essential that the Council adopts as soon as possible the position to be taken by the EU in the Joint Readmission Committee regarding this Committee's decision to enable the application of the EU-Turkey readmission agreement provisions for third country nationals as of 1 June 2016<sup>6</sup>.

Turkey also needs to intensify its cooperation with the EU in the assessment of needs of Syrian refugees which should help programme the assistance under the Facility for Refugees in Turkey.

Following agreement on the Facility for Refugees in Turkey, the EU on its side needs to accelerate the delivery of assistance addressing the needs of refugees under the Facility. The identified priority sectors for financial assistance to refugees in Turkey are humanitarian aid, education, labour market integration, health care and social inclusion, municipal infrastructure and support for the management of refugee flows. The on-going needs assessment will provide a detailed funding gap analysis and serve to prioritise funding needs in all sectors. The Facility Steering Committee will provide strategic guidance and will decide upon specific actions, amounts and best financial instruments to be used. The Commission will convene the second meeting of the Steering Committee as soon as a first overview of the needs assessment becomes available.

Turkey and the EU need to continue to operationalise their work on the resolute and focused implementation of the Joint Action Plan. It is important that such joint efforts show rapidly results on the ground, in particular in stemming the influx of irregular migrants.

To conclude, Turkey has made a good start in implementing the Joint Action Plan and is urged to continue and further reinforce its steps towards full, speedy and effective implementation of the Joint Action Plan.

On its side, the Commission will continue to increase its efforts to ensure speedy and effective implementation of the EU-Turkey Joint Action Plan. The Commission will continue to monitor the Joint Action Plan closely and will report regularly on its implementation.

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<sup>6</sup> COM(2016) 72 final 2016/0044 (NLE)