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

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REPORT FROM THE COMMISSION

**TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE
COUNCIL**

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

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

Introduction

Following almost a year of implementation of the EU-Turkey Statement of 18 March 2016¹, this Fifth Report² again demonstrates that the Statement is producing tangible results, despite the challenging circumstances. The number of crossings since the Statement continues to be substantially reduced and the loss of life has been stemmed.

While EU and Member States' efforts to strengthen the migration management and asylum processing capacity of the Greek administration have continued, arrivals to the Greek islands decreased since the Fourth Report to less than 50 per day. Nevertheless, for the time being the arrivals continue to outpace the number of returns from the Greek islands to Turkey. Living conditions in overstretched reception facilities on the islands continued to be very difficult, in particular during the period of unusually harsh winter weather.

Further progress has also been achieved on other elements of the Statement, which include a stable pace of resettlements of Syrian refugees from Turkey, and the intensified pace of work under the Facility for Refugees in Turkey. The disbursements have reached EUR 750 million (from 677 million). Out of the EUR 2.2 billion already allocated for 2016-2017, contracts have now been signed for 39 projects for an increased amount of EUR 1.5 billion – half of the EUR 3 billion – all of which have started being implemented. In December 2016, the Commission also proposed to the Council draft negotiating directives to modernise the existing EU-Turkey Customs Union to further deepen EU-Turkey trade and economic relations.

The European Council of 15 December 2016 reiterated its commitment to the EU-Turkey Statement, underlined the importance of a full and non-discriminatory implementation of all aspects and endorsed the Joint Action Plan on the implementation of the EU-Turkey Statement, elaborated between Greece and the Commission.³ This Fifth Report describes the continued progress made since 8 December 2016, as well as the measures still needed for the full implementation of the Statement.

1. Current situation

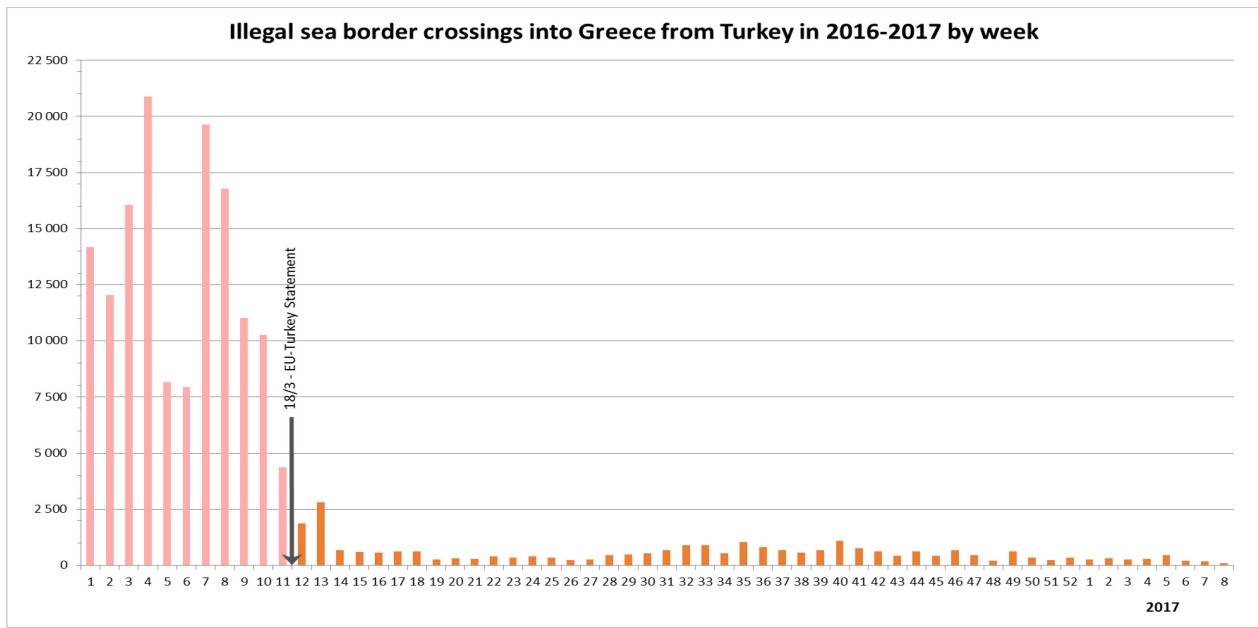
Since the Fourth Report, the total number of arrivals from Turkey to the Greek islands was 3,449 (8 December 2016 – 26 February 2017) – representing an average daily arrival of 43 persons. Numbers remain much lower than in the same period the year before (almost 200,000 for the two months from 8 December 2015 to 26 February 2016), and to the month that preceded the Statement (when average arrivals exceeded 1,700 a day). 70 fatalities and missing persons have been recorded in the Aegean Sea since the EU-Turkey Statement⁴. This remains a human tragedy, but it represents a substantial fall from the around 1,100 people who died over the same period in 2015-2016.

¹ <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

² Following COM(2016) 231 final of 20 April 2016 ("the First Report"), COM(2016) 349 final of 15 June 2016 ("the Second Report"), COM(2016) 634 final of 28 September 2016 ("the Third Report") and COM(2016) 792 final of 8 December 2016 ("the Fourth Report").

³ <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15-euco-conclusions-final/>

⁴ Data provided by the International Organisation for Migration; the period covers 1 April 2016 until 23 February 2017.



Enhanced coordination and cooperation

The EU Coordinator worked closely with the Greek authorities, EU Agencies, international organisations and Member States to implement the Joint Action Plan⁵ on the implementation of the EU-Turkey Statement. The EU Coordinator also continued to ensure the day-to-day follow-up to the Statement with the Greek and Turkish authorities, EU Agencies, international organisations and other Member States, aiming at accelerating the asylum processes, increasing the number of migrants returning from the Greek islands to Turkey, and establishing appropriate security measures in the hotspots. Particular attention has been paid to improving the living conditions and creating appropriate shelters, including closed facilities on the islands, as well as improving the productivity of the Appeal Committees.⁶

The European Council has repeatedly recognised that 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 humanitarian and public order risks of the presence of a high number of irregular migrants and asylum seekers in the islands with limited reception capacities reinforce the imperative for Member States to urgently respond to the needs identified by the European Asylum Support Office and the European Border and Coast Guard. The effectiveness of existing seconded personnel can also be maximised by responding to the calls with the profiles identified, and by longer-term deployments to build effectiveness.

The European Asylum Support Office has called on Member States to contribute with experts to the Asylum Intervention Pool, to support at any time and in sufficient numbers the frontline Member States. In addition,

⁵ Operational steps laid out in the Joint Action Plan between Greece and the Commission include measures to: accelerate the processing of asylum applications including at the appeals' stage; improve coordination, management, safety and security in the islands; increase the rate of returns of inadmissible and rejected asylum seekers to Turkey or to their countries of origin through better incentivised assisted voluntary returns; create additional reception and detention capacities on the islands and improve their infrastructure; and transfer of migrants referred to the regular asylum process including vulnerable groups to specific facilities in mainland Greece. The main implementing partners to the Joint Action Plan include the Hellenic Asylum Service, the Reception and Identification Service, the Appeals Authority, the Hellenic Police, the European Asylum Support Office and the European Border and Coast Guard. The EU Coordinator monitors implementation closely, producing a bi-weekly monitoring report (see Annex 1) and providing support where needed to ensure implementation within the prescribed deadlines.

⁶ The activities continued to be coordinated through bi-weekly Steering Committee meetings, bi-weekly inter-agency meetings and weekly European Regional Task Force meetings. The EU Regional Task Force is intensifying its operational coordination role to become the primary platform for discussing selected key migration and security topics as well as operational challenges encountered at the hotspots. In this respect, future interagency meetings are to be convened on an *ad hoc* basis to discuss actions involving a specific list of stakeholders.

it has developed a comprehensive pilot training programme so that case officers with limited national experience can still be deployed to support the Greek authorities. However, the shortfalls identified in the previous reports have still not been fully addressed. As of 27 February, the European Asylum Support Office had deployed 118 interpreters in Greece and 89 Member States' experts, out of which 73 are deployed in the hotspots, 59 of them being case workers. This means that the present shortfall is 77 experts.

As for border support, the European Border and Coast Guard has 790 officers deployed in Greece, including 70 officers for the support of readmission as part of the implementation of the Statement. There is no shortfall of officers for escort and readmission purposes, while there is a gap of officers for border surveillance and insufficient technical equipment for border surveillance. In the case of Europol, a pool of 116 guest officers seconded by Member States and trained by Europol has been set up to provide support wherever needed. They have been deployed on a three-month rotation basis to the five Greek hotspots since September 2016. Further to a second call of interest, Europol is now carrying out a selection procedure, with a view to increasing the pool to some 250 available guest officers. The number of guest officers can vary weekly; currently, the number deployed in the Greek hotspots to carry out secondary security checks is 12. In addition, three officials are stationed in the European Regional Task Force in Piraeus for coordination purposes. The deployment of a European Migration Liaison Officer to Turkey from 1 February also helps the coordination effort.

NATO contributes to international efforts to stem smuggling and irregular migration through intelligence, surveillance and reconnaissance in the Aegean Sea. Operations by the European Border and Coast Guard and NATO include early warning and surveillance activities and the sharing of operational information with the Greek and Turkish Coast Guards. The European Border and Coast Guard and NATO Maritime Command continue to work together to build a common picture of the situation. The goal is to build up knowledge on smuggling incidents and routes, improve information exchange, and ultimately to step up detections and arrests of smugglers. NATO has provided equipment to allow the European Border and Coast Guard to access its regional restricted network. On its side, the Agency has also opened up its reporting application for information exchange, and a Liaison Officer deployed to NATO ensures constant operational coordination.⁷

Information initiatives

The Task Force for a Migrants' Information Strategy, set up by the Commission, has laid the basis for a high-profile media consortium to set up a multilingual online information portal "InfoMigrants.net". This aims to reach millions of prospective migrants worldwide and inform them of the dangers and the legal realities, and a second version of the portal is expected to be launched in March 2017.

On the islands, Greece set up information points in Chios and Lesbos to convey a uniform message to migrants. It now intends to take similar steps in the other hotspots. Background information material and leaflets giving a clear common message are also under preparation in cooperation with the Greek authorities, the European Asylum Support Office, International Organisation for Migration and the United Nations High Commissioner for Refugees. These will be systematically distributed to migrants upon arrival.

Key challenges and next steps

- Member States shall urgently make available staff required to respond to the needs identified by the European Asylum Support Office and the European Border and Coast Guard, including the profiles identified and for longer-term deployments.

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.

⁷ In addition, the European Border and Coast Guard Headquarters and NATO Maritime Command organise strategical operational meetings on a regular basis.

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*.⁸

State of play

Since the Fourth Report until 24 February, 151 persons who entered Greece through Turkey have been returned in the framework of the EU-Turkey Statement, including 64 Syrians. Other nationalities included Pakistanis (35), Algerians (17), Moroccans (10), Bangladeshis (7), Iranians (6), Nigerians (5), Iraqis (3), Afghans (2), Egyptian (1) and Palestinian (1). The total number of migrants returned to Turkey since the date of the EU-Turkey Statement is 1,487. The returned persons had either received negative asylum decisions (including negative decisions at second-instance), had withdrawn their asylum applications or their applications for international protection, or had not applied for asylum in the first place.

Even though returns from the Greek islands to Turkey are taking place, the number of persons returned remains much lower than the number of arrivals, thus adding pressure on the hotspot facilities on the islands. This is due to the accumulated backlog in the processing of all stages of asylum applications on the Greek islands and difficulties in locating migrants at various stages of their asylum and return procedures. Some of the measures set out in the Joint Action Plan aim at tackling this issue: putting in place an efficient case tracking system, continue to enforce the geographical restrictions on migrants on the islands, and creating sufficient reception capacity including closed centres on the islands. Work on these actions is ongoing and should be stepped up to enable progress on return.

To step up cooperation and improve return operations, a first tripartite meeting was held among the Commission, Greece and Turkey on 20 January 2017 in Ankara. Return operations so far were discussed in detail to identify difficulties and solutions for the future. Contact points have been nominated by Turkey and Greece to allow direct communication, notably on specific return operations, and to follow up on any obstacles identified and it has been agreed that trilateral meetings will be organised on a regular bi-monthly basis.

Further efforts are needed to provide migrants with the possibility of effective voluntary return, either to Turkey or to their countries of origin. Efforts to increase voluntary returns from the Greek islands continue, encouraged by the recent enhancement of the Assisted Voluntary Return and Reintegration Programme with the inclusion of reintegration packages for all participants. In the 12 weeks since the Fourth Report, some 283 migrants have returned voluntarily to their country of origin from the islands (as well as 900 from the mainland), supported by the programme from Greece. This brings the total to around 7,000 migrants who have used the Assisted Voluntary Return and Reintegration Programme since the start of 2016. Greece is further encouraged to fully participate in EU-funded joint programmes on return (in particular the European Reintegration Network programme) by working closely and proactively with the main implementing agencies and using the available financial and technical support to the fullest.

Non-Syrian migrants, are returned from the Greek islands to Turkey by boat and are 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. So far⁹ 55 persons submitted applications to the Turkish authorities: one person has been granted refugee status, 43 applications are pending, four persons have received a negative decision.¹⁰ 529 persons who did not apply for a refugees status have been returned to their countries of origin. A recent visit by EU authorities was able to verify that the situation in the centre complies with the required standards. As regards Syrians, they are returned from the Greek islands by plane and are placed in a

⁸ Everyone who arrived in the Greek islands after 20 March has the right to apply for asylum. Each application is processed individually in light of the applicant's particular circumstances, in accordance with the Asylum Procedures Directive. This excludes any kind of collective expulsion. Applicants have the right to appeal and the right to an effective judicial remedy against any negative decision on their asylum application. Both Greece and Turkey have taken and are implementing appropriate legal steps in order to ensure full respect of EU and international law.

⁹ According to the information received from the Turkish authorities.

¹⁰ In addition, seven applications are classified as "other" (withdrawn, etc.).

refugee camp in Duzici. They are entitled to apply for temporary protection and, after a swift pre-registration for temporary protection, they are released from the camp and settle in the province of their choice or, if they prefer, they stay in the camp. Until now, all returned Syrians were pre-registered with the exception of ten who decided to return voluntarily to Syria; 133 of them chose to live outside the camp, while 16 decided to stay in the camp.

Legal steps

The Greek Appeal Authority now has established 13 Appeal Committees – an increase of seven Appeal Committees since the Fourth Report – of which 12 are operational, that take decisions on appeals against the first-instance decisions of the Greek Asylum Service lodged since 20 July, under both the admissibility and eligibility procedures.

As regards cases on the Greek islands, the total number of appeals against the 11,752¹¹ first-instance decisions so far on admissibility and on merits by the Asylum Service is 2,846¹². 1,319 second-instance decisions have so far been taken out of these 2,846 appeal cases (i.e. in 46% of the cases). Out of the 439 appeal decisions so far on admissibility, 24 second-instance appeal decisions have confirmed the first-instance inadmissibility decisions, while 415 second-instance appeal decisions have reversed the first-instance inadmissibility decisions.¹³ As regards the 880 appeal decisions on merits, 876 second-instance decisions have confirmed the first-instance negative decisions and four¹⁴ reversed such negative decisions.

The new Appeal Committees have continued to be slow in decision-making. So far they have issued 880 decisions in the context of the EU-Turkey Statement – 21 on admissibility and 859¹⁵ on merits. In its decision of 15 February 2017 in the case lodged by two Syrian nationals and a Greek non-governmental organisation, the fourth section of the Greek Council of State decided to refer the question of whether the decision of the Appeal Committee to declare the appellants' asylum application inadmissible on the basis of the safe third country concept was compatible with Greek and EU law to the Council of State Plenary. The referral also concerns the question of whether the applicant had access to an effective remedy. The decision of the Council of State Plenary is now pending. The date of the Plenary has been set for 10 March 2017.

Operational steps

Actions were taken by the Greek authorities, with the support of the Commission, to address the situation in the hotspots, and the difficult conditions for migrants, for the local population, and for those working on the islands. According to the Greek authorities there are currently 14,371¹⁶ migrants present on the islands, whilst there are only 7,450 places in official reception facilities, and a further 1,564 places under the rental scheme of the United Nations High Commissioner for Refugees. The heavy burden placed on the Greek authorities with the presence of around 62,300 migrants on the mainland and the islands combined also complicates the management of the situation in the hotspots.

Greece has taken a number of steps to improve the situation, by working on upgrading the facilities and by ensuring more efficient procedures. Measures were taken with the support of the Commission to ensure winterised reception facilities for all migrants and to provide humanitarian assistance which covers food, clothing material, medical care, and proper water and sanitation services. Currently in Lesbos, all migrants who stayed in makeshift individual tents have been moved to better winterised shelters, while constructions

¹¹ As of 19 February, a total of 14,259 asylum applications have been submitted on the Greek islands since the Statement. Out of these 14,259 applications, the Greek Asylum Service has taken 11,752 decisions in the context of the procedures on the islands since 20 March, including 8,378 on admissibility and 3,374 on merits.

¹² As of 19 February 2017.

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

¹⁴ This total figure does not include second-instance decisions granting the refugee status as well as reversing first-instance inadmissibility decisions. This is a different method than the one used in the Fourth Report.

¹⁵ Confirming the negative first-instance decisions in 876 cases and reversing them in four cases.

¹⁶ As of 27 February 2017.

are ongoing to further improve living conditions in the Moria camp and extend the capacity of the Kara Tepe camp. In particular, migrants have been transferred to hotels and apartments, to the Kara Tepe camp, to better winterised tents as well as to a Rub Hall close to Moria camp. Works are also ongoing in Samos with the addition of life shelters in the existing hotspot.

Steps to improve conditions and to reduce the number of migrants in the hotspots have also included transferring vulnerable migrants and families to hotels or rented accommodation under the rental scheme of the United Nations High Commissioner for Refugees. Refugees and migrants who cannot be returned to Turkey, such as vulnerable groups and unaccompanied minors, are also being transferred to the mainland¹⁷. Around 5,400 such persons have now been transferred to the mainland.¹⁸

The permanent Greek coordinators, who have assumed their duties in all hotspots by 20 February, are responsible for the overall management of the hotspots and specifically address concerns over safety and public order. Emergency Guidelines, including evacuation instructions, were developed with the European Union Regional Task Force, involving also the Greek Reception and Identification Service. The Hellenic Police is developing overall security plans for each hotspot, which will cover the safety of both staff and migrants, and include official evacuation plans for both.

As for the efficiency of procedures, the Joint Action Plan for the implementation of the Statement aims to tackle this issue by speeding up the asylum procedures at first and second instance. The Greek Asylum Service has been also increasing its capacity and more staff are being deployed on the hotspot islands.

Despite steps taken in the context of the implementation of the Joint Action Plan, 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. Moreover, the time limit between the making and the lodging of an application should be reduced in accordance with Article 6(2) of the Asylum Procedures Directive, which requires that a person making an asylum application has an effective opportunity to lodge the application as soon as possible. Furthermore, while the European Border and Coast Guard co-finances the deployment of 280 Hellenic Police officers for the hotspots, their coordinated and effective use needs to be further facilitated and planned to ensure the best possible security for the sites.

EU financial assistance to Greece

While the revision of Greece's national programmes for the period 2014-2020 under the Asylum, Migration and Integration Fund is completed and that of the Internal Security Fund currently being finalised, and Greece has finally started using the resources of these programmes, the Commission continues to urge the Greek authorities to further use its national programmes¹⁹ in an efficient and effective manner. The Greek authorities should adopt all relevant legislative, administrative and operational measures and improve coordination among the relevant stakeholders, strengthen the operational capacity and improve delivery mechanisms, including by streamlining procurement procedures. Emergency assistance for Greece through the Asylum, Migration and Integration Fund and the Internal Security Fund has increased to EUR 356.8 million, out of which it is estimated that approximately EUR 70 million directly supporting the implementation of the EU-Turkey Statement, either directly to the Greek authorities or through EU Agencies and international organisations.²⁰

¹⁷ Such transfers take place only in specific cases, when the asylum application has been assessed at first instance and has had to be referred to the regular asylum procedure for further processing.

¹⁸ As of 10 February 2017. 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 thereby 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.

¹⁹ EUR 509 million is available for the 2014-2020 period under these national programmes.

²⁰ 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

In addition, in 2016 the Commission contracted EUR 192 million under the new Emergency Support Instrument to work with international organisations and NGOs to address the humanitarian needs of refugees in Greece. A further EUR 253.6 million will be available in 2017 through this instrument to continue the relief efforts. Although most of such funding targets people on the mainland, it also supports actions on the islands where aid is being provided through multi-purpose cash assistance, and provision of healthcare, food, sanitation and other basic services.

Key challenges and next steps

- Speeding up urgently the processing of asylum applications and the number of decisions per Appeal Committee, prioritising the islands and stepping up the pace of returns to Turkey under the EU-Turkey Statement;
- Ensuring the reception capacity required, including closed centres on the islands;
- Finalising and adopting the Standard Operating Procedures for the hotspots, taking full account of the EU-Turkey Statement;
- Putting in place all legislative, administrative and operational measures to ensure the efficient and effective use of the EU funding available under Greece's national programmes as a matter of urgency.

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

State of play

As of 27 February 2017, the total number of Syrians resettled from Turkey to the EU under the 1:1 framework was 3,565. Since the Fourth Report, 954 Syrians have been resettled, to nine Member States (Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Luxembourg, the Netherlands).²¹ The total number of persons approved and awaiting resettlement is currently 965. As in the previous reporting period, the pace of resettlement is considerably advanced compared to returns from the Greek islands, and there is a regular pace of resettlements²², which needs to be maintained and further strengthened.

Member States are advancing well with preparing further resettlement operations, including missions to Turkey to interview resettlement candidates. The Turkish authorities have also followed up their commitment to provide larger lists of referrals. Since the start of the year, they have submitted to the United Nations High Commissioner for Refugees new referral lists with over 11,000 persons. In parallel, EU Member States have been communicating to the United Nations High Commissioner for Refugees their resettlement quotas for this year. In this context, it should be noted that recent decisions by the United States may have a consequence for the EU, by considerably reducing the legal options available for almost 300,000 non-Syrians registered with the United Nations High Commissioner for Refugees in Turkey and interested in resettlement.

Operational steps

As an immediate follow-up to the adoption of the Council Decision (EU) 2016/1754²³, the Commission has received first indications from Member States on the number of Syrians present in Turkey to whom the

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; and strengthened the capacity of the European Asylum Support Office in asylum processing and fingerprinting.

²¹ Figures up to 27 February 2017. Additionally, Norway has so far resettled 150 Syrians from Turkey since 4 April. Although Norway applies the standard operating procedures for resettlement agreed with Turkey in the ambit of the 1:1 scheme, the number of resettlements to Norway in the context of the 1:1 scheme is not counted against returns of Syrians from Greece.

²² COM(2017) 74 final of 8 February 2017 and COM(2017) 202 final of 2 March 2017.

²³ The adoption of the Council Decision (EU) 2016/1754 on 29 September allows Member States to fulfil their obligations under Decision (EU) 2015/1601 by using the unallocated 54,000 places to either relocate applicants for

Member States plan to grant legal admission under this Decision. On that basis, Member States plan to admit from Turkey over 34,000 Syrians, including via "One for One" resettlement from Turkey to the EU. Following this pledging exercise, the Commission revised the national programmes of the relevant Member States under the Asylum, Migration and Integration Fund to include an overall amount of approximately EUR 213 million for the admission of Syrian nationals present in Turkey. Half of this allocation has been already paid as pre-financing.

Key challenges and next steps

- Maintaining the pace of resettlement.

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

There is little evidence that efforts to control the flows on the Eastern Mediterranean route have caused any major re-routing from Turkey. However, during the reporting period, despite Turkey continuing Operation 'Safe Med',²⁴ seven boats, for a total of 580 migrants, arrived in Italy from Turkey and three boats arrived in Cyprus with a total of 123 migrants²⁵, almost all Syrians, on board.

The numbers of detections of irregular crossings at Turkey's land borders with Bulgaria and Greece seem to have remained low over the past six months: on daily average, around eight illegal border crossings into Greece have been registered, and five into Bulgaria. Following the launch of a European Border and Coast Guard operation in October 2016, 114 officers are currently deployed at the Bulgaria-Turkey border.

5. Voluntary Humanitarian Admission Scheme

Following a recent expert mission to Turkey, the Commission looks forward to swiftly finalising the Standard Operating Procedures for the Voluntary Humanitarian Admission Scheme with the Council and with Turkey. 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 as soon as possible 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 previous reports:

- 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.

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.

²⁴ According to the information received from the Turkish authorities, 1,100 personnel, 21 Turkish Coast Guards vessels and four Turkish Coast Guard helicopters/aircrafts participate in Operation Safe Med, and land vehicles with mobile radars are also engaged in the Operation.

²⁵ Since the EU-Turkey Statement, the total number of irregular migrants from Turkey to Cyprus is 447.

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

As regards the benchmark on biometric travel documents, while the second-generation passports have been issued temporarily since November 2016, the third-generation passports (co-financed by the EU and fully compliant with the EU standards and the Visa Liberalisation Roadmap benchmark) are expected to start being issued in the second quarter of 2017.

The Commission has continued to request Turkey to continue to implement the bilateral readmission agreements with Greece, Bulgaria and Romania. Practical arrangements were agreed between Bulgaria and Turkey in September 2016 on readmission of third-country nationals, but so far, out of Bulgarian requests for the readmission of 735 persons, Turkey has accepted 19 requests, leading to six returns. As regards the Greece-Turkey bilateral readmission protocol, both parties have been concentrating their resources on the implementation of the EU-Turkey Statement and returns from the islands.

On 7 December 2016, agreement was reached between the co-legislators on the Commission's proposal²⁶ 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. The amendment of Regulation (EC) No 539/2001²⁷ is expected to enter into force by the end of March 2017.

7. Facility for Refugees in Turkey

Since the Fourth Report, the Commission has continued its efforts to address the most critical needs of refugees and host communities in Turkey. The total amount disbursed²⁸ has increased to EUR 750 million under the Facility for both humanitarian and non-humanitarian assistance. The amounts contracted have increased, through 39 projects, in record time to EUR 1.5 billion out of the already allocated EUR 2.2 billion for 2016-2017. This represents half of the EUR 3 billion total for 2016-2017. The humanitarian actions planned for agreement at the next Steering Committee in March will bring the total allocation close to the EUR 3 billion.

The last Steering Committee meeting held on 12 January 2017 acknowledged that funding coordinated by the Facility was continuing to have a significant direct impact on the ground. A number of achievements to date illustrate the positive effects of the projects: over 250,000 refugees have already received support via the Emergency Social Safety Net, 5,200 Turkish language teachers have been recruited and trained, and 1,800 school principals have received training on the integration of Syrian students²⁹. The Commission is working closely with the Turkish authorities and other partners to further accelerate contracting, implementation and disbursement.

Humanitarian assistance

The Commission has continued to implement its humanitarian strategy under the Facility³⁰. Contracting has increased to EUR 551 million (out of EUR 595 million allocated to date) through 28 humanitarian projects

²⁶ COM(2016) 290 final of 4 May 2016.

²⁷ 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.

²⁸ Funds will only be fully disbursed, in tranches, until the completion of the projects, in accordance with the principles of sound financial management. 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.

²⁹ First trainings under the direct grant with the Turkish Ministry of National Education – worth EUR 300 million – which started in October 2016.

³⁰ 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.

with 19 partners, covering the response to basic needs, protection, education, health, food and shelter. Out of the EUR 551 million contracted, EUR 411 million has been disbursed to date.

Since the Fourth Report, the implementation of the Emergency Social Safety Net has accelerated significantly. Approximately 200,000 applications have been received, corresponding to almost one million vulnerable refugees who have applied to receive the monthly cash transfer of 100 Turkish Lira per person. Among this caseload, about one third has been found eligible according to the criteria of the Emergency Social Safety Net. By the end of February 2017, a total of over 250,000 refugees have already received support through this programme. Discussions are ongoing with World Food Programme, Turkish Red Crescent and relevant Turkish ministries to readjust the targeting criteria and possibly the transfer value so as to maximise the coverage and impact of this EU's largest-ever humanitarian programme.

In the field of protection, the comprehensive response plan has been finalised and a broad range of protection interventions is already ongoing. Most recently, a EUR 5 million contract with the NGO Mercy Corps was signed in late December 2016. The project aims at improving the protective environment for 50,000 refugees by enhancing their capacities (self-protection) and building community safety nets to facilitate safe access to services such as health, documentation, income support (e.g. the Emergency Social Safety Net), legal advice, education, translation and transport.

A EUR 34 million contract was recently signed with the United Nations International Children's Emergency Fund on conditional cash transfer for education. This project will be linked to the Emergency Social Safety Net, and will contribute to increasing enrolment and improving attendance for the most vulnerable children.

Non-humanitarian assistance

Contracting under the non-humanitarian strand of the Facility has increased to EUR 944 million and disbursements, paid to implementing partners, to EUR 339 million. The resources mobilised (around EUR 1.6 billion) have been almost completely allocated.

Two further contracts for a total of EUR 200 million were signed with the German development bank KfW and the World Bank in December 2016, providing for the construction and equipment of 70 new schools in provinces with a high concentration of Syrian refugees. This should benefit 50,000 Syrian children. The contracts should also increase the implementation and management capacity of the Ministry of National Education³¹.

A further contract was signed under the EU Regional Trust Fund in Response to the Syrian Crisis on 2 February 2017. This project, worth EUR 5.9 million, is implemented by Spark, a Dutch NGO, and aims to increase participation and equal access to further and higher education of vulnerable Syrian youths. Its goals include providing 484 Syrian students with full scholarships at Bachelor level, including transport and subsistence allowances.

Overall, as a result of access to education projects under the Facility for school-aged refugees in Turkey, school kits have been purchased for 60,000 and incentives created for almost 8,000 Syrian volunteer teachers, school counsellors and other education personnel. The projects aim to provide formal education to 500,000 children and school transportation for 40,000 children.

The Commission is working on additional interventions under the Facility in the area of socio-economic support, municipal and health-related infrastructure which should be signed during the first half of 2017. Relevant contracts should be implemented with the help of International Financial Institutions.

The third Special Measure of July 2016 also provided for a Project Preparation Facility. Its objective, with a maximum budget of EUR 25 million, is to help identify future investment projects in priority areas (health, education and municipal infrastructure) in target provinces in Turkey. With the aim of signing the contracts

³¹ The projects come on top of a similar project – worth EUR 70 million – to build and furnish 26 additional schools, but which does not fall under the framework of the Facility.

by spring 2017, the Commission is currently reviewing the applications submitted to the project preparation facility and should ensure follow-up with the International Financial Institutions concerned in consultation with the Turkish authorities.

Work also continues on the Facility's Results Framework³² which is being finalised following the last Steering Committee meeting. As part of the Facility's monitoring and evaluation system, the Results Framework spells out the Facility's outputs and outcomes, and confirms the impact of its achievements. A communication strategy for the Facility has also now been finalised.

The first Annual Report on the Facility is presented in parallel to this Fifth Report and provides more information³³.

Key challenges and next steps

- Further speeding up contracting of all actions that have been programmed – including the remaining amount of the 2016 Humanitarian Implementation Plan – and their effective implementation in line with the principles of sound financial management;
- Implementing the Project Preparation Facility in Spring 2017;
- Publishing the 2017 Humanitarian Implementation Plan and concluding first humanitarian contracts for 2017 in second quarter 2017;
- Operationalising the Facility monitoring and evaluation system by Summer 2017;
- Rolling out Facility communication activities.

8. Upgrading the Customs Union

The Commission completed its internal preparatory work in December 2016 and published the Impact Assessment³⁴ and the related external study³⁵ which underlined the substantial economic benefits of an extended and modernised Customs Union for both the EU and Turkey. Turkey is the EU's 5th largest partner in trade in goods. The value of bilateral trade in goods has increased more than fourfold since 1996 and currently amounts to EUR 140 billion annually. The EU has a positive balance of EUR 17 billion. There is, however, still untapped potential in EU-Turkey trade and economic relations.

In December 2016³⁶, the Commission adopted a proposal to the Council to open negotiations with Turkey on an upgraded bilateral trade framework. This aims, in the first place, to extend the scope of the bilateral preferential trade relationship by covering new areas, in particular further liberalisation of trade in agricultural and fisheries products, extensive coverage of services, public procurement and rules to support business and investment, including on sustainable development. Secondly, the modernisation effort aims at improving the functioning of the Customs Union by addressing, through improved consultation mechanisms, Turkey's difficulties in aligning its trade policy and technical legislation relevant to the Customs Union to that of the EU. Another objective is to equip the Customs Union with a modern dispute settlement mechanism to address more effectively existing trade barriers and prevent future obstacles. The Council has started its examination of the proposal and once negotiating directives are adopted, negotiations will be launched with Turkey.

9. Accession process

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

³² 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 threefold: as an accountability mechanism, a performance monitoring tool, and an information management tool.

³³ COM(2017) 130 final of 2 March 2017.

³⁴ http://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2016/swd_2016_0475_en.pdf

³⁵ http://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2016/turkey_anx6_en.pdf

³⁶ http://europa.eu/rapid/press-release_IP-16-4468_en.htm

Technical work is continuing in the key areas of the judiciary and fundamental rights, and justice, freedom and security (Chapters 23 and 24). 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 2016.³⁷

10. Humanitarian conditions inside Syria

The ceasefire agreement, which has entered into force in Aleppo, appears to be partly holding, but a resumption of violence is reported with bombing, shelling or ground offensives in Eastern Ghouta, Idlib, Al Waer, Hama, Wadi Barada and Daraa while military operations against ISIS are continuing in Northern Syria.

The EU welcomes the cessation of hostilities; the ceasefire guarantors' commitment to facilitate humanitarian access; the renewal of the the United Nations Security Council Resolution allowing cross border aid activities, including from Turkey; and indeed all efforts to restore peace in Syria. On the humanitarian side, these steps could provide an opportunity for access in besieged and contested areas, although the cessation of hostilities and the renewal of the United Nations Security Council resolution have yet to result in a substantive expansion of access for humanitarian assistance and personnel. This is essential to help mitigate the seriously deteriorated living conditions for populations in both government and opposition-controlled areas. In all parts of Syria, the humanitarian situation is dire, the scale of destruction is massive; needs for basic services, protection and infrastructures are enormous and widespread in both urban and rural areas. Main priorities are the provision of health support, food aid, water, sanitation and hygiene, shelter, fuel and winter items. It remains critical to foster access to the people in need inside Syria for humanitarian actors (United Nations' agencies, international organisations and non-governmental organisations).

The EU and its Member States are collectively leading the provision of international aid to the Syria crisis. More than EUR 9.4 billion has been mobilised for relief and recovery assistance to Syrians inside the country, from any entry point possible, and to refugees and their host communities in neighbouring Lebanon, Jordan, Iraq, Turkey and Egypt. The EUR 445 million EU humanitarian assistance allocated to the Syria crisis for 2016, as well as EUR 425 million planned for 2017, addresses the needs inside Syria and those of Syrian refugees and host communities in neighbouring countries by supporting humanitarian partners in providing life-saving assistance including food and safe drinking water, non-food items, shelter, emergency medical treatments and protection to the most vulnerable people.

The EU will continue advocating for unhindered and unconditioned access to all those in need, the respect of international humanitarian law and for the protection of civilians countrywide.

11. Conclusion

Almost one year after the activation of the EU-Turkey Statement, its results have been consolidated and the trend of much reduced irregular and dangerous crossings, as well deaths in the Aegean Sea, has been confirmed.

³⁷ SWD(2016) 366 final.

Progress has been made on all the elements of the EU-Turkey Statement, however the implementation requires continuous efforts and commitment. Successful implementation depends mainly on the political determination of all sides to take the necessary action.

The impact of projects to support Syrian refugees and host communities under the Facility for Refugees in Turkey is already being felt on the ground. Nevertheless, the pace of contracting and of implementation of projects can still be further increased. Also the current resettlement of Syrian refugees from Turkey to Europe can be further boosted by quickly agreeing the Voluntary Humanitarian Admission Scheme procedures and deciding to activate it.

The EU and Member States' efforts to support the migration management and asylum processing capacity of the Greek administration will need to continue, in particular to ensure that the daily operation of the actual returns in full compliance with EU and international rules is fully implemented, as well as the pace of returns is stepped up. This requires continued engagement by the Greek authorities, EU Agencies and the Member States to ensure that the situation on the Greek islands improves urgently. The Joint Action Plan between the Commission and the Greek authorities as endorsed by the European Council provides the basis for this work.

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 Sixth Report on the progress made in June 2017.