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PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

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

Introduction

The Commission's progress reports¹ on the implementation of the EU-Turkey Statement² have charted a consistent trend, showing a steady delivery of results in the face of many challenges.

A core goal of the Statement is to break the business model of smugglers exploiting migrants and refugees taking the potentially fatal risk of irregular crossings from Turkey into Greece. The substantial fall in both crossings and fatalities since the entry into force of the Statement is testament to its effective delivery. However, as some individuals continue to make the crossing, while returns from Greece to Turkey proceed at a slow pace, additional pressure is put on the reception facilities on the Greek islands. While the overall scale of flows towards Greece remains far less than before the Statement, this deserves careful monitoring.

There has also been progress on other elements of the Statement. The structures are in place that should allow effective returns to Turkey once proceedings on the admissibility or merits of asylum applications are concluded. The pace of resettlement of Syrian refugees from Turkey has been accelerating. The EU has now allocated over EUR 2.2 billion of the EUR 3 billion Facility for Refugees in Turkey.

During the period covered by this Report, an attempted coup shook Turkey on 15-16 July, claiming 241 lives and leaving some 2,200 people wounded. The failed coup represented a direct attack on democracy in Turkey. The EU strongly condemned the coup and expressed its full support and solidarity to Turkey and its democratic institutions, as a candidate country and a key partner of the EU and also called on the Turkish authorities to observe the highest standards in the rule of law and fundamental rights.

In a series of high-level visits and notably on the occasion of the High Level Political Dialogue on 9 September, the EU set out this position and confirmed its determination to continue working with a democratic, inclusive and stable Turkey on all fronts. Cooperation in the area of migration was actively discussed with the Turkish counterparts who reaffirmed the commitment of Turkey to continue the implementation of the EU-Turkey Statement.

This commitment is reflected in the developments set out in this Report. It sets out the continued trend of progress, and the measures needed to deepen the delivery of the Statement and to consolidate the work still further.

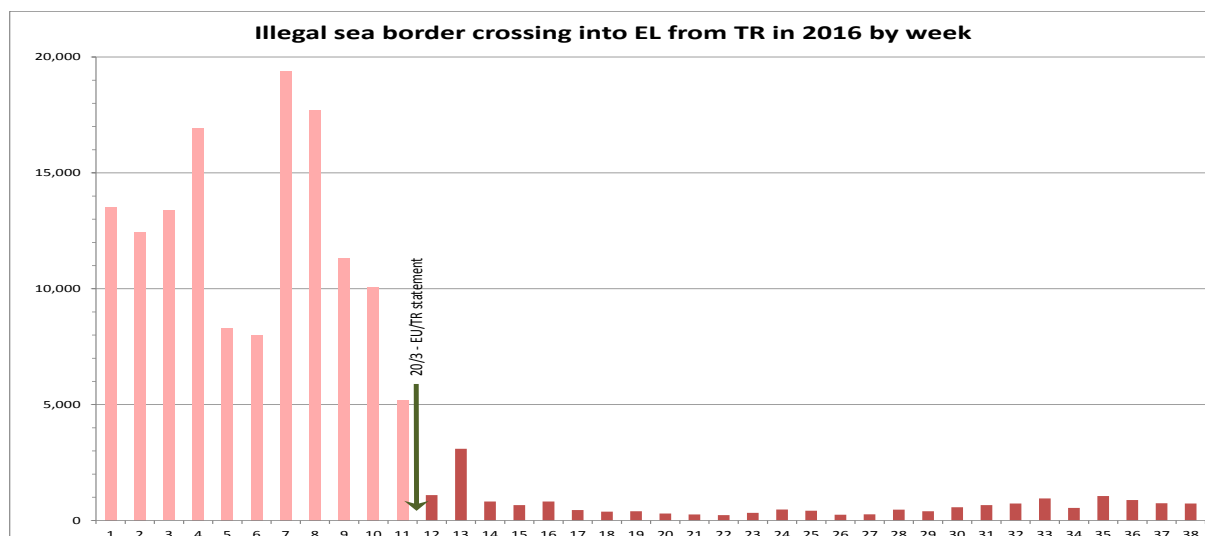
1. Current situation

Since the Second Report of 15 June 2016, the total number of arrivals from Turkey to the Greek islands was 9,250³ – representing an average daily arrival of around 81. Although an increase was recorded in August, the numbers remain low in comparison to summer 2015 (on average, almost 2,900 people were arriving every day June-September 2015), as well as in comparison to the month that preceded the implementation of the Statement (when average arrivals exceeded 1,700 a day). Linked to this, the 11 fatalities recorded in the Aegean Sea since the Statement, while highly regrettable, represents a substantial fall in the loss of life, given that over 270 people died in the course of 2015.

¹ COM(2016) 231 final of 20 April 2016 ("the First Report") and COM(2016) 349 final of 15 June 2016 ("the Second Report").

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

³ Data available from Frontex, from the period 1 June to 22 September.



Enhanced coordination and cooperation

The *Commission's EU Coordinator* continues to ensure a day-to-day follow-up with the Greek and Turkish authorities, EU Agencies, international organisations, and other Member States. The *EU Agencies* are providing substantial and critical support. But they rely heavily on the provision of experts by Member States, and this is consistently falling short of needs. As of 26 September the European Asylum Support Office had deployed 83 interpreters in Greece and 70 Member State experts, out of which 41 are deployed in the hotspots. Due to the need of 100 experts in the hotspots, there is currently a shortfall of 59 experts to support the implementation of the EU-Turkey Statement. As for border support, as of 25 September, Frontex had 699 officers deployed in Greece, including a total of 675 officers⁴ concerned with the implementation of the EU-Turkey Statement. Nevertheless, for the period of September to December 2016, there are still shortfalls⁵. The high turnover needs to be taken into consideration, as expertise is lost on each rotation and resources have to be diverted to training.

Europol has stationed 8 specialists in Greece to assist in investigations against migrant smuggling. In addition, 10 guest officers were recently seconded by Member States to carry out second-line security checks in the hotspots. While this level of deployment is considered sufficient for current requirements, the need for adjustments based on the future development of the flows will have to be closely monitored.

The EU is providing financial assistance to support the *Turkish Coast Guard* to prevent and better counter irregular migration flows, including the procurement of six search and rescue vessels, as well as linked training. The first vessels should be delivered in February 2017.

Despite changes in the law enforcement authorities, military and public administration following the attempted coup – including a reorganisation of the Turkish Gendarmerie and

⁴ Tasks include fingerprinting and registration, debriefing, screening, interpreting, first line plus advanced level document checking, border surveillance (land patrols), security and Frontex Support Officers, present at the hotspots of Lesbos, Chios, Samos, Leros and Kos, as well as readmission experts and escort officers present at Lesbos and Chios.

⁵ For September 2016, a total of 17 readmission experts/police escorts are still needed, the same for October 2016. For November and December 2016, a total of 80 readmission/police escorts are still needed for each month.

Coast Guard to come under civilian control – patrolling activities by the relevant Turkish authorities seem to be ongoing at a similar level. The Turkish Coast Guard also continued to respond at sea to requests for assistance issued by the Greek authorities.

The Turkish Liaison Officers present on the Greek islands were recalled from the Greek islands after the attempted coup. Their return has not yet taken place. A Turkish Liaison Officer in the Netherlands also liaises with Europol on issues including migrant smuggling.

Frontex cooperation with NATO activity in the Aegean Sea

NATO contributes to international efforts to stem illegal trafficking and irregular migration through intelligence, surveillance and reconnaissance in the Aegean Sea. Operations by Frontex and NATO include early warning and surveillance activities and the sharing of operational information with the Greek and Turkish Coast Guards. Frontex and NATO Maritime Command signed standard operating procedures in July 2016 and are developing a common situational picture. The goal is to enable NATO activity in the Aegean to further increase the high detection rate and to speed up information exchange on migrant smuggling incidents, routes and methods.

Information initiatives

The Task Force for a Migrants' Information Strategy set up by the Commission has been working to identify the information sources used by refugees and migrants, to define and target key messages, and to prepare and disseminate content. Together with a high profile media consortium, an online central "information hub" to reach millions of refugees worldwide is on track to go live early next year.

In cooperation with the EU Agencies, the International Organisation for Migration, the UNHCR and the Greek authorities, the Commission organised an information campaign between 25 July and 5 August 2016: 101 sessions were organised on the five Greek islands which informed over 2,300 migrants and their families about asylum procedures in Greece for those who arrived from Turkey after 20 March, about return to Turkey under the EU-Turkey Statement, and about Assisted Voluntary Return.

Key challenges and next steps

- Member States should urgently increase their support to Greece through EU Agencies. The current shortfall of 59 experts for the European Asylum Support Office and shortages until the end of 2016 (up to 194 experts over the period) for Frontex must be filled before the European Council on 20-21 October. Experts should be deployed for longer periods to provide continuity.
- Cooperation needs to be deepened to optimise the use of intelligence by all EU, NATO, Greek and Turkish authorities.

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

Since the Second Report of 15 June 2016, 116 persons who entered Greece irregularly have been returned in the framework of the Statement,⁶ including 22 Syrians, which brings the total number of migrants returned to Turkey following the EU-Turkey Statement to 578. Other nationalities included Pakistanis, Algerians, Egyptians, Moroccans, Yemenis, Iraqis, Lebanese and Palestinians. 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.

The goal of ensuring returns under the Statement has mostly been hampered by the slow pace of processing of asylum applications at first instance by the Greek Asylum Service (even with the help of the European Asylum Support Office) and of processing of appeals by the newly-established Greek Appeals Authority. Progress in setting up the appropriate bodies and workflows to manage the high number of asylum applications has been held back by shortfalls in resources (including European Asylum Support Office interviewers). Further efforts are urgently needed by the Greek administration to build a substantially increased and sustained capacity to return arriving migrants, which is considered to be the key deterrent factor for irregular migrants and smugglers.

Readmission and return activities were temporarily interrupted in the period following the attempted coup in Turkey but resumed in early September. In the absence of Turkish Liaison Officers on the islands (see above), this work has been coordinated directly with the Turkish authorities.

Work continues with the goal of increasing voluntary returns from the islands. With EU support through the International Organisation for Migration Assisted Voluntary Returns programme, since 1 June 1,976 migrants returned voluntarily from Greece to their country of origin, with 230 from the Greek islands. A total of 4,678 migrants have used the programme from Greece in 2016.

Legal steps

Greece adopted legal provisions to put in place the new Appeal Authority and new Appeal Committees, to examine at second-instance appeals lodged since 20 July against the first instance decisions of the Greek Asylum Service.⁷ The work of these Committees is essential to ensure the due process in assessing asylum applications in line with EU and international standards. The Appeal Committees now need to have the resources required to operate at full pace to speed up the processing of these appeals to ensure that they meet the goal of handling around 500 cases assigned each month (100 per Committee) and should prioritise asylum cases lodged on the Greek islands falling within the context of the EU-Turkey Statement.

⁶ In total, over 1,600 irregular migrants have been returned from Greece to Turkey in the course of 2016, out of which 70 persons were returned on 26 September from the island of Lesbos.

⁷ Each new Appeal Committee has three members: two judges of the Administrative Court and one Greek citizen with a background in legal, political, humanitarian or social sciences and with relevant experience (proposed by UNHCR or the National Committee for Human Rights).

The first decisions on appeals were issued in mid-August. But the process has been slow. According to the latest available figures⁸, the total number of appeals against first instance decisions on admissibility and on merits by the Asylum Service was 1,013. Out of the 311 appeal decisions so far on admissibility, six second-instance appeal decisions have confirmed⁹ the first-instance inadmissibility decisions. 305 second-instance appeal decisions reversed the first-instance inadmissibility decisions. As regards examination on merits, 40 second-instance appeal decisions have confirmed the first-instance negative decisions on merits and two reversed such negative decisions.

The new Appeal Committees have so far issued at least 35 decisions regarding cases on the islands – at least three on admissibility¹⁰ and 32 on merits¹¹. A higher level of appeal to the Hellenic Council of State has now been launched by a Syrian seeking to challenge the decision establishing the Appeal Committees.

In *Turkey*, legal developments have included the application of the rules on work permits which have led to the receipt of 10,584 applications for work permits from Syrian nationals. Over 8,000 have been approved so far, which already represents a doubling of the figure for the whole of 2015.

Regarding the *EU-Turkey Readmission Agreement*, no progress has been recorded in the implementation of the third-country nationals provisions. The Turkish Council of Ministers has not yet taken the decisions authorising the application of these provisions. There has been some progress in the implementation of the provisions of the EU-Turkey Readmission Agreement with regard to the readmission of Turkish nationals.

Operational steps

The steady – though considerably reduced – flow of arrivals and the slow pace of return has put the reception capacities on the islands under increasing stress.¹² As a consequence, the Greek hotspots are increasingly overcrowded, creating difficult and sometimes dangerous conditions, as seen recently with a fire on the island of Lesbos. The total number of migrants present on the islands is 13,863 on 27 September, significantly larger than the reception capacity of only 7,450.

The situation can only be alleviated by reducing the number of people required to stay on the islands. In the first instance, this needs the faster processing of asylum applications under the border procedure applicable to applications on the islands, to allow for increased returns to Turkey of those whose asylum applications are deemed inadmissible or unfounded.

The reality of the current overcrowding also points to the need for a swift expansion of reception facilities, including the provision of winter conditions. Unaccompanied Minors should also be urgently transferred to dedicated facilities: Unaccompanied Minors are a top priority for the Commission which has made funding available for additional reception

⁸ As of 18 September.

⁹ At least three of these decisions were appealed before the Greek Administrative Court.

¹⁰ Confirming the first-instance inadmissibility decisions.

¹¹ Confirming the negative first-instance decisions in 31 cases and reversing it in one case.

¹² Whereas all measures of deportation, readmission or return of the applicant are suspended by law between lodging an appeal against a first-instance decision and notification of the second-instance decision, an appeal before the Greek Administrative Court has no automatic suspensive effect.

capacity and has been encouraging Member States to relocate a higher number of Unaccompanied Minors.

The Greek authorities appointed the head of the Reception and Identification Service. But at local level, the management of the hotspots continues to be hamstrung by the failure to nominate and deploy permanent Greek hotspot coordinators, as foreseen since the start of 2016. This is needed without further delay to ensure the overall management of the hotspots, including from a security point of view. New Standard Operating Procedures for the hotspots should also be officially adopted as a matter of priority, taking full account of the EU-Turkey Statement.

The European Asylum Support Office conducted a comprehensive security assessment of their working areas in three hotspots to identify key areas where safety and security could be strengthened. Results included the hiring of a private security company, infrastructure works to ensure a secure perimeter, and the provision of medical kits and fire extinguishers.

The Greek authorities have reported the presence of a total of more than 60,000 registered migrants on all its territory. Between 9 June and 30 July, 27,592 migrants present in the mainland in Greece were pre-registered into the asylum procedure, including 1,225 Unaccompanied Minors. This was a considerable administrative undertaking for the Greek authorities, supported by EU funds and the expertise of the European Asylum Support Office, UNHCR and the International Organisation for Migration.¹³

EU financial assistance to Greece

Since the Second Report of 15 June 2016, the Commission has awarded more than EUR 90 million in emergency funding under the Asylum, Migration and Integration Fund and the Internal Security Fund to improve Greece's reception capacity and assistance to migrants and refugees.¹⁴ This recent emergency assistance comes on top of previously awarded emergency funds: since the start of 2015, around EUR 352 million have been awarded through these EU funds to support actions in Greece. As for the EUR 509 million allocated to Greece for the period 2014-2020 through its national programmes, these national programmes are being revised to be better adapted to Greece's current needs. Substantial EU funding (approximately EUR 198 million) is being provided to humanitarian partners through the recently created EU Emergency Support Instrument. This support aims to cover the basic humanitarian needs of migrants and refugees, including shelter, sanitation, and voucher schemes to purchase food and other necessities. It includes special support to children's education and Unaccompanied Minors.

Key challenges and next steps

- Speeding up the processing of asylum applications from registration to appeal, in line with EU and international law;
- Stepping up urgently the pace of returns to Turkey;
- Scaling up and adjusting for winter reception capacities on the Greek islands;

¹³ Syrians accounted for 54% of the pre-registered asylum seekers, Afghanis for 27% and Iraqis 13%.

¹⁴ This EU funding supported for example projects in construction, shelter, and health care with partners including the Ministry of Interior and Administrative Reform, the Ministry of Defence, and the Ministry of Health.

- Adoption by the Greek authorities of the Standard Operating Procedures for hotspots and nomination of permanent coordinators in hotspots;
- Ensuring the transfer of Unaccompanied Minors to dedicated facilities;
- Turkey to authorise the application of the third-country nationals provisions of the EU-Turkey Readmission Agreement.

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

State of play

According to the latest figures, as of 26 September, 1,614 Syrians have been resettled to the EU under the 1:1 framework whereby the EU resettles a Syrian from Turkey to the EU for every Syrian returned to Turkey from Greek islands. Out of these, 1,103 Syrians have been resettled from Turkey since the Second Report of 15 June 2016 to 12 Member States (Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, the Netherlands, Portugal, Spain and Sweden).¹⁵ This takes the number of Member States receiving resettlements under the scheme to 13.¹⁶ In addition, while resettlement was interrupted in mid-July in the aftermath of the attempted coup, it restarted again in August. The number of persons that have undergone the necessary procedures and are ready to be resettled is 509. As a result, the pace of resettlement is considerably advanced compared to returns from the Greek islands. And this pace needs to be maintained.

Member States are ready to carry out further resettlements. On 2 September, the Turkish authorities submitted to the UNHCR a list of 5,700 Syrian refugees referred for possible resettlement (though not all these files will be effective, for example due to duplications or possible drop-offs). The UNHCR expects to submit the first 300 cases to Member States by the end of September. The importance of having a continuous provision of new referrals has been raised with the Turkish authorities, who have responded that they are working on the next list of referrals.

Legal steps

To support the implementation of the Statement, in March 2016 the Commission tabled a proposal to allow Member States to meet their relocation obligations for the unallocated 54,000 places by admitting Syrian nationals in clear need of international protection present in Turkey, through resettlement or other forms of legal admission.¹⁷ The proposal also foresees that Member States making use of this option will receive a financial contribution in the form of a lump sum of EUR 6,500 per Syrian legally admitted to their territory from Turkey. Following an opinion from the European Parliament on 15 September 2016, the Council is about to adopt the proposal.¹⁸

Operational steps

The EU Resettlement Team, working within the EU Delegation in Ankara, continues to coordinate and assist Member States' operations and liaises with the International Organisation for Migration, UNHCR and the Turkish General Directorate for Migration

¹⁵ This Third Report covers the persons resettled between 14 June and 26 September 2016.

¹⁶ Luxembourg had participated in the previous reporting period.

¹⁷ COM(2016) 171 final.

¹⁸ The adoption is foreseen for the Competitiveness Council on 29 September.

Management. All parties have been working together to address any technical issue arising during the process which could result in delays of resettlement operations and impact on the total number of refugees resettled to the EU. The common interview center in Ankara facilitates interviews with Syrian candidates for resettlement.

Key challenges and next steps

- Maintaining the pace of resettlement;
- Adoption by the Council of the Commission's proposal concerning the 54,000 unallocated places.

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

Efforts to control the flows in the Aegean Sea have not so far resulted in a major development of alternative routes from Turkey. Nevertheless, the fact that there remains a significant flow of people arriving in Member States like Austria and Germany raises the possibility that people continue to find a way out of Turkey. Some boats have made the longer journey to other Member States: 24 boats leaving from Turkey reached Italy in the reporting period. On land, there have been increases in detected irregular crossings at Turkey's land borders with Bulgaria and Greece.

It is therefore important to continuously monitor the situation, and to take preventative measures. Reinforcing communication and exchange of information between Turkish authorities and their counterparts in the EU will be an important factor in addressing any emerging risks. Within the EU, measures have been taken to protect vulnerable borders. For example, following the request from the Bulgarian authorities for additional support, Frontex has been gradually reinforcing its presence at the Bulgarian borders with Turkey (as well as with Serbia). As of 26 September, 177 experts were deployed in Bulgaria but there is still a considerable shortfall compared to the 345 experts agreed as required. The Commission continues to urge all Member States to contribute to meet the Frontex calls. In addition, the Commission has recently awarded up to EUR 108 million of emergency assistance to Bulgaria to strengthen border surveillance and migration management at this Member State's external borders to Turkey, Serbia and the former Yugoslav Republic of Macedonia. Further applications by Bulgaria for additional emergency assistance of up to EUR 52 million are still under examination. The impending launch of the European Border and Coast Guard should act as a major support to the effectiveness and consistency of the EU's external border.

5. Voluntary Humanitarian Admission Scheme

Discussions on 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, UNHCR and the International Organisation for Migration. Turkey's comments on the Standard Operating Procedures provided in June were discussed in Council and followed up with a technical meeting in Ankara. Further exchanges with Member States and Turkey will take place to finalise the Standard Operating Procedures.

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, the Second Report of 15 June 2016 described seven benchmarks that remain to be met:

- 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.

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.¹⁹ The Commission and Turkey have continued an engaged dialogue to find solutions, including the legislative and procedural changes needed on all the outstanding benchmarks.

In parallel, discussions continued between the co-legislators on the Commission's proposal²⁰ 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 Second Report of 15 June 2016, the total amount allocated under the Facility for both humanitarian and non-humanitarian assistance has reached EUR 2.239 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 1.252 billion. Of the money contracted, the Commission is making all necessary efforts to ensure an acceleration of disbursements under the Facility, which have reached EUR 467 million.²¹

Since the Second Report of 15 June 2016, the Commission has continued its efforts to address the most critical needs of refugees and host communities in Turkey.

¹⁹ Notably in high-level meetings, including on 30 June with First Vice-President Timmermans, on 1 September with Commissioner Avramopoulos and 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.

²⁰ COM(2016) 279 final of 4 May 2016.

²¹ 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.

Under the *humanitarian assistance* envelope of the Facility,²² EUR 595 million has been allocated so far, of which EUR 512 million has been contracted. Out of this, EUR 407 million has been disbursed. In June, the Commission published a Humanitarian Implementation Plan. Under this Plan, in addition to the EUR 74 million contracted by the end of July to scale up activities in the field of protection, winterisation, health and education, a EUR 348 million contract has been signed with the World Food Programme, which will work in partnership with Turkish organisations to implement an "Emergency Social Safety Net" – the EU's largest-ever humanitarian programme.²³ This will provide electronic cards to allow as many as one million of the most vulnerable refugees to cover their basic needs in terms of food, shelter and education through predictable, monthly top-ups, a system which is cost-effective and efficient as well as more dignified for the individuals concerned. The implementation of this programme is the key priority for the coming months in this area, alongside winterisation, protection, and non-formal education and health.

Under the *non-humanitarian assistance envelope*, the Commission adopted in July 2016 a Special Measure on Education, Health, Municipal Infrastructure and Socio-Economic Support to refugees in Turkey, allocating a total amount of EUR 1.415 billion. Two major contracts have now been signed with the Turkish Ministry for Health and the Turkish Ministry of National Education for a total of EUR 600 million.²⁴ These will provide sustainable access to education and health for refugees. They come on top of two contracts signed in August: a direct agreement with the Turkish Directorate General for Migration Management – worth EUR 60 million – to support migrants upon their return from Greece to Turkey;²⁵ and the contract with the International Organisation for Migration – worth EUR 20 million – to develop the capacities of the Turkish Coast Guard for search and rescue operations (see above). Further projects to help build schools, hospitals and utilities will be signed over the next few months. In total, around EUR 1.6 billion has been allocated for non-humanitarian assistance, of which EUR 740 million has now been contracted. EUR 60 million of this has already been disbursed, with the advance payments under the new contracts for health and education set to increase this to EUR 240 million by the end of October.²⁶ The next steps will include preparations for contracting a number of delegation agreements with International Financial Institutions to support municipal and social infrastructure, as well as bottom-up projects under the EU Regional Trust Fund in Response to the Syrian Crisis in new areas such as increased access for refugees to higher education, vocational training and the labour market.

²² 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.

²³ See http://europa.eu/rapid/press-release_IP-16-2971_en.htm.

²⁴ The Facility will support operational costs, reimbursing only real costs incurred, based on evidence submitted as part of a solid audit trail. All contracts with the Turkish authorities are compatible with EU rules and regulations and do not involve entrusting the Turkish authorities with budget implementation responsibilities; the Commission will continue to be responsible throughout the process.

²⁵ Covering expenses incurred since 4 April in the provision of food, health care and accommodation.

²⁶ For a detailed overview of projects funded: http://ec.europa.eu/enlargement/news_corner/migration/20160913-frit-table.pdf

Key challenges and next steps

- Ensuring the speedy processing of all the programmes targeted;
- Ensuring their effective and financially sound delivery in full cooperation with the Turkish authorities.

8. Upgrading the Customs Union

The Customs Union between the EU and Turkey has been the bedrock for the close economic and trade relations which has seen Turkey rise to become the EU's fifth main trading partner in the world, with the EU being Turkey's main trading partner by far. However, the first EU-Turkey High Level Economic Dialogue last April underlined the potential to go still further to grasp the untapped potential in bilateral preferential trade relations and improve the functioning of the Customs Union. Preparatory work paving the way to negotiations to modernise and extend the Customs Union is advancing well. The recent public consultation saw strong support for upgrading the Customs Union and improving its functioning,²⁷ and this will be fed into an impact assessment looking at options for the future in view of a possible draft negotiating directive to be presented by the Commission by the end of 2016.

9. Accession process

Accession negotiations on *Chapter 33 (financial and budgetary provisions)* were opened on 30 June in accordance with the EU-Turkey Statement. Preparatory work continues to make progress on five other Chapters, without prejudice to Member States' positions in accordance with the existing rules.

In the key areas of the *judiciary and fundamental rights, and justice, freedom and security (Chapters 23 and 24)*, the Commission is updating 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, respect of fundamental freedoms, including freedom of expression. The Commission will monitor developments and examine them in detail in the forthcoming Report on Turkey, to be issued in November as part of the Enlargement package.

This builds on the preparatory work undertaken by the Commission and the European External Action Service on *energy (Chapter 15)*, *education and culture (Chapter 26)*, and *foreign, security and defence policy (Chapter 31)*.

10. Humanitarian conditions inside Syria

The humanitarian situation inside Syria remains dire. According to UN figures, 4.8 million Syrians have fled the country, and 6.1 million have been internally displaced, with an estimated 13.5 million people requiring assistance inside Syria today. Out of this number, some 5.5 million people are in hard-to-reach areas and over half a million in areas currently

²⁷ http://trade.ec.europa.eu/consultations/index.cfm?consul_id=198.

under siege, including in eastern Aleppo. Supporting the humanitarian needs of these people is heavily dependent on the joint work of the EU and Turkey and the delivery of cross-border assistance from neighbouring countries like Turkey and Jordan.

The EU has been particularly active in providing cross-border assistance from Turkey into Northern Syria: In 2015, more than EUR 43 million were dedicated to cross-border operations from Turkey into besieged and hard-to-reach areas. In 2016, a further EUR 140 million were allocated to life-saving activities in Syria for activities of partner organisations in sectors such as health, protection, education and first line response, focusing on the most vulnerable areas. The Commission funds a system of first line emergency response, enabling partners to quickly mobilise pre-positioned stocks to deliver aid in newly accessible areas or respond to sudden displacements of population, including with aid delivery convoys.

Recent events have starkly underlined that hopes of a durable ceasefire in Syria remain elusive and that humanitarian access remains difficult and sporadic, despite the fact that safe access is normally guaranteed as part of the inter-agency convoys September Plan approved by the Government of Syria. Even worse, the direct attack on a UN/Syrian Red Crescent humanitarian convoy near Aleppo on 19 September, in blatant violation of international humanitarian law, sets an unacceptable precedent and jeopardises the safe delivery of humanitarian aid everywhere. The EU and Turkey will continue to work together to ensure that access is provided immediately by all possible routes.

11. Conclusion

Despite challenging circumstances, the implementation of the EU-Turkey Statement has continued to deepen and to accelerate. The reduction in attempts to cross the Aegean and in deaths at sea since the EU-Turkey Statement has confirmed the core strategy behind the decision of the EU and Turkey to sign the Statement.

Progress has also been made on other elements. The authorities in both Turkey and the Member States have successfully put in place a system which is delivering a steady pace of resettlement of Syrians from Turkey. The Facility for Refugees in Turkey has allocated the bulk of its EUR 3 billion provision and substantial sums are already contracted and even disbursed. The system to implement the rules governing the return of irregular migrants and asylum seekers from Greece to Turkey is now established, even if the time required for concluding asylum procedures and appeals has meant significant delays in the start of returns of those persons whose applications are inadmissible or unfounded.

However, the humanitarian situation in Syria and the difficult conditions faced by migrants on the Greek islands are reminders of the imperative to carry through the Statement, to accelerate its implementation and to ensure results. It is therefore essential that:

- Resources are immediately provided to ensure the effective processing of asylum applications on the Greek islands, with Member States to respond in full to calls from the European Asylum Support Office to support their work at first instance, and the Greek authorities to ensure that the Appeal Committees can work swiftly, as well as to step up pace of returns;
- The swift pace of contracting under the Facility for Refugees in Turkey and implementation of projects to support refugees on the ground continues;

- 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 Fourth Report on the progress made in December 2016.