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

**Third Report on progress by Turkey in fulfilling the requirements of its visa
liberalisation roadmap**

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1. INTRODUCTION

The European Union (the EU) launched the **Visa Liberalisation Dialogue** ("VLD") with Turkey on 16 December 2013, in parallel with the signature of the EU-Turkey Readmission Agreement.¹ The VLD is based on the *Roadmap towards a visa free regime with Turkey* (the Roadmap), a document setting out the requirements that Turkey needs to meet in order to enable the European Parliament and the Council to amend Regulation (EC) No 539/2001 which would allow Turkish citizens holding a biometric passport in line with EU standards to travel for short stays (i.e. of 90 days within any 180-day period) in the Schengen area without a visa. The 72 requirements listed in the Roadmap are organised in five thematic groups ("blocks"): document security; migration management; public order and security; fundamental rights and readmission of irregular migrants.

On 20 October 2014, the Commission adopted its *First report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap* (the First Report).² The First Report assessed the fulfilment of each requirement and issued recommendations for making further progress in all of them.

On 29 November 2015 an EU-Turkey Summit took place, where the two sides agreed on modalities to deepen their cooperation notably in managing the Syrian refugee crisis and addressing irregular migration. At the Summit, the Turkish side expressed its commitment to accelerate the fulfilment of the Roadmap, including by anticipating the application of all the provisions of the EU-Turkey Readmission agreement, with the objective of obtaining visa liberalisation by October 2016³. The commitment was welcomed by the EU.

On 4 March 2016 the Commission adopted its *Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap* (the Second Report) accompanied by a Commission Staff Working Document (CSWD).⁴ The CSWD described the progress made by Turkey since the First Report in fulfilling each requirement, while the Second Report listed recommendations for making further progress in all of them. In addition, the CSWD also included an assessment of the possible impacts of Turkey's visa liberalisation on the migratory situation of the EU.

On 7 and 18 March 2016, meetings of Heads of State or Government of the EU and Turkey took place. The latter meeting concluded with an EU-Turkey Statement⁵ (the Statement) which stipulates that "*the fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met. To this end Turkey will take the necessary steps to fulfil the remaining requirements to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal by the end of April on the basis of which the European Parliament and the Council can make a final decision*".

¹ http://europa.eu/rapid/press-release_IP-13-1259_en.htm.

² COM(2014) 646 final Report from the Commission to the Commission to the European Parliament and the Council on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap http://europa.eu/rapid/press-release_IP-14-1173_en.htm.

³ For the text of the statement adopted at the Meeting of EU heads of state or government with Turkey see <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/>.

⁴ COM(2014) 646 final Report from the Commission to the Commission to the European Parliament and the Council on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap http://europa.eu/rapid/press-release_IP-14-1173_en.htm.

⁵ For the full text of the statement adopted at the Meeting of EU heads of state or government with Turkey see <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

This Third Report presents the assessment of compliance as required in the Statement. It describes the main steps forward which Turkey has made since the Second Report to fulfil the requirements listed in the Roadmap. It also provides detailed recommendations on those measures which, by 4 May 2016, Turkey still needs to undertake in order to fulfil the last outstanding benchmarks of the Roadmap and to enable the European Parliament and the Council to adopt the legislative proposal made by the Commission.

The Third Report is accompanied by a Commission Staff Working Document (CSWD) giving factual information on the state of play of fulfilment of each requirement. The CSWD also includes the assessment of the possible impact of visa liberalisation for Turkey on the security situation of the EU.

The Third Report follows the structure of the Roadmap and therefore addresses, one by one, the five blocks indicating for each of them the requirements which are not yet entirely fulfilled, and the measures which should be taken by Turkey in order to meet these last outstanding requirements.

2. BLOCK 1: DOCUMENT SECURITY

Since the publication of the Second Report, Turkey made further progress in fulfilling the requirements under this block.

In particular, the Turkish authorities started to issue to Turkish citizens, at pilot level, new and more secure identity cards including biometric identifiers. The replacement of the old cards with the new ones for all citizens of Turkey will take around three years. The process is now well underway.

In addition to that, the Turkish authorities have started to cooperate with the EU Member States in sharing information on forged and falsified travel documents. The Turkish National Police (TNP) is now loading in a regular and timely manner into the Dial-doc database of Interpol, to which all Member States have access, information on the false and falsified travel documents identified in Turkey during border check activities. In parallel, in the main airports of Turkey (Atatürk airport in Istanbul and Antalya airport), the TNP has established dedicated bureaus tasked to exchange information and advice with the immigration liaison officers of the Member States on suspicious travel documents found on persons travelling to the EU. Furthermore, increased training opportunities have started to be offered by the TNP to its officers employed at the border crossing points with the aim to enhance their capacity to detect forged documents, with a focus on documents issued by EU Member States.

As a result of these developments, only one benchmark of Block 1 is not yet fully met by Turkey, namely the requirement to issue to its citizens biometric passports aligned with EU standards as outlined in Council Regulation 2252/2004, i.e. passports with a contactless chip including not only the facial image of the passport holder but also her/his fingerprints, and which is protected with a Supplementary Access Control (SAC) encryption system.⁶

The Turkish authorities have been working for months at technical level, including with the assistance of an EU-funded project, towards the fulfilment of this benchmark. However, the Turkish authorities have informed that for technical reasons, they will only be able to fully meet the benchmark as of October 2016. Given the acceleration of the visa liberalisation

⁶ As indicated in the Roadmap, once granted, the right to visa free travel will apply only to Turkish citizens holding biometric passports in line with the standards of Council Regulation 2252/2004.

process decided by the Heads of State or Government of the EU and Turkey, it is objectively not possible for the Turkish authorities to have fulfilled this benchmark in time.

However, as an interim solution as of June 2016 and until the end of the year, the Turkish Authorities agreed to issue to their citizens passports including both the facial image and the fingerprints of the passport holder in order to enable the passport holder to benefit of the possible visa-free regime if and when granted. These temporary passports, which will be issued only until the end of 2016 with a short validity duration, will differ from the passports required under the benchmark only as far as their chip will be protected with the Extended Access Control (EAC). This encryption system is in line with the standards of the International Civil Aviation Organisation (ICAO), and until the end of 2014 represented the standard also for the European Union.

The Turkish authorities are reminded that, before the visa-free travel regime can start, they should also share with all Member States the certificates enabling the latter to authenticate and read the information stored in the chip of the Turkish passports.

3. BLOCK 2: MIGRATION MANAGEMENT

Through a series of initiatives which were progressively launched by the Turkish authorities in the area of border management, migration management, international protection and visa policy, all the requirements under this block have been fulfilled.

Through actions in the area of **border management**, the Turkish authorities have managed to substantially reduce the number of persons irregularly crossing from the Turkish territory to the Greek islands. While in January and February 2016, the average daily arrivals were 1 987 and 1 942 respectively, in March and April they have been of 852 and 140. This result has been achieved partly through increased patrols of coastal areas and the Aegean waters, and partly by taking more stringent measures to limit the internal mobility of asylum seekers and refugees within Turkey. The implementation of the EU-Turkey Statement of 18 March 2016 has also played an important role in discouraging irregular departures of migrants.

In the coming months, it will be important that the Turkish authorities continue their efforts to prevent irregular departures, including by combating migrant smuggling organisations, and that the authorities remain vigilant about the possibility of appearance of new and alternative migratory routes towards the EU.

The Turkish authorities have ratified the Agreement on Establishing the Tripartite Border Cooperation Centre at the Capitan Andreevo border crossing point. This Agreement should be implemented as soon as possible. The Turkish authorities have formally communicated to their Greek counterparts their willingness to set up a secure communication line connecting the Coast Guards of the two countries. Discussions at technical level have begun. The establishment of such a communication line should facilitate the sharing of information on migrant smuggling and the coordination of the patrolling operations at sea.

The Turkish authorities also took the decision to establish the National Risk Analysis Center (NACORAC), the development of which will be supported by an EU-funded project. Other EU-funded projects already foreseen will contribute to strengthening border surveillance along the Eastern borders of Turkey to prevent undetected border crossings. Finally, Turkish authorities also adopted a Common Code of Conduct and Anti-Corruption Rules applicable to the personnel employed by border management agencies.

In the field of **asylum** Turkey has also taken very important measures.

First of all the General Directorate for Migration Management (DGMM), in charge of the management of the Turkish asylum system, is now processing without delays all new applications for international protection. The DGMM has also started to reduce the backlog of all old asylum requests which were pending an assessment, and whose overall amount had reached, at the end of February, the level of around 140 000. Thanks to the new proactive approach taken by the DGMM, and its mobilisation of additional human resources, the backlog was already reduced to approximately 100 000 pending asylum requests at the end of April. Although the DGMM is proceeding now at fast speed with the processing of asylum requests, it is objectively not possible for all the outstanding asylum requests to be processed by the end of June 2016, i.e. by the target date set by the EU-Turkey Statement of 18 March for the conclusion of the visa liberalisation process. However, the DGMM has elaborated and is implementing a roadmap on the basis of which it plans to complete its work by the end of 2016.

The Turkish authorities have also continued making progress in providing social assistance to the refugees hosted in the country. On 27 April 2015, the Turkish Government adopted a regulation granting to applicants and beneficiaries of international protection access to work permits on terms comparable to those it had already granted in January 2015 to refugees from Syria under temporary protection.

It will be important that in the near future, and taking advantage of the financial assistance provided by the EU and its Member States that has been increased since the operationalization of the Facility for the Refugees in Turkey (FRIT), the Turkish authorities continue putting in place measures facilitating the access of applicants and beneficiaries of international protection to social services, decent housing, vocational and linguistic training, and support any initiatives contributing to their social inclusion and economic self-reliance within the Turkish society.

Progress was also made by the Turkish authorities, during the reporting period, also in the field of **migration management**.

Implementation procedures and principles regulating the foreigners' voluntary return were adopted on 26 April 2016. The readmission agreement with Pakistan was ratified and entered into force on 20 April 2016. The conclusion of readmission agreements was also proposed by the Turkish authorities to fourteen countries of origin of irregular migration, including Afghanistan, Algeria, Bangladesh, Cameroon, Congo, Eritrea, Ghana, Iran, Iraq, Morocco, Myanmar, Somalia, Sudan and Tunisia. Negotiations with some of these countries started.

In the field of **visa policy**, on 2 May 2016, the Turkish Government adopted a decree stating that the citizens of all Member States will be able to enter Turkey from the date of lifting of the visa requirement for Turkish citizens. This ensures the end of the discriminatory visa requirement to which the citizens of eleven Member States are still subject.

The Turkish authorities also took several measures to strengthen their visa system towards countries deemed to be at high migratory risk.

They toughened the procedures and requirements for the issuance of visas by their embassies through adopting, on 26 April 2016, a Directive on Principles and Procedures Regarding Assessment of Visa Applications.

The Turkish authorities also decided to impose airport transit visas to the citizens of 18 countries (Afghanistan, Bangladesh, Cameroon, Congo, Democratic Republic of the Congo, Eritrea, Ghana, Ivory Coast, Mali, Myanmar, Nigeria, Pakistan, Somalia, South Africa, Sri Lanka, Sudan, Uganda) with a provision which will start applying as of 1 September 2016.

The Turkish e-visa system has also become much more secure. The possibility to benefit of this system has been limited either to nationals of countries which are not source countries of irregular migration flows, or to nationals of source countries who hold a valid visa or a residence permit issued by a Schengen country or by the United States, the United Kingdom or Ireland. The Turkish authorities have also put in place special desks, in most of the border crossing points of the country, where police staff with specialised training verifies the effective presence of these visas or residence permits in the passports of the e-visa holders.

In the nearest future, it will be of key importance that Turkey continues progressively to further align its visa system to the EU standards.

In the shorter-term, the Turkish authorities will have to continue monitoring the practical effects deriving from the fact that the list of the countries which are declared visa-free under the Turkish system remains different from the list established for the entry into the EU, and react in a timely manner in case it appears that this difference facilitates the arrival of irregular migration via Turkey towards the EU.

In January and February 2016, the Turkish authorities, noticing that this was the case for Syrians and Iraqis, imposed more effective visa obligations on these two nationalities. This contributed to putting an end to high irregular migration flows directed towards the EU. The Turkish authorities should be prepared to repeat the same in the future and to impose without delay visa obligations on additional visa-free countries as soon as it appears that many of the citizens of such a visa-free countries abuse the possibility to enter visa-free in Turkey. This is even more so if there is a risk of subsequent irregular migration towards the EU. The examples of Iran, Morocco and Lebanon, three visa-free countries from which in 2015 respectively, 23 087, 7 419 and 2 044 irregular migrants reached the EU via the Turkish territory, are of particular importance.

4. BLOCK 3: PUBLIC ORDER AND SECURITY

Since the adoption of the Second Report, the Turkish authorities took many measures under block 3 which led to important steps forward.

In particular, Turkey adopted a new strategy and an action plan for the fight against organised crime, which it now needs to fully implement especially as regards actions aiming at reducing cross-border crime, such as firearms trafficking. On 18 April 2016, Turkey also adopted a new strategy and multiannual action plan on the fight against drug trafficking, covering the period 2016-2018. On 30 April 2016, the Turkish authorities also adopted a national action plan on corruption.

Moreover, Turkey ratified the Council of Europe (CoE) Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, adopting also legislation to align its national framework to the provisions of this Convention. Implementation of this new legislation in line with the revised Financial Action Task Force standard is essential. Meanwhile, also with the assistance of an EU-funded project, Turkish authorities continued to strengthen the capacities of the MASAK – the Turkish Financial Intelligence Unit (FIU) to cooperate with the law enforcement agencies of Turkey in detecting and analysing money laundering and the financing of terrorism, and to cooperate with the Member State's FIUs in this area.

Turkey also ratified the Additional Protocol to the CoE Convention on the Transfer of Sentenced Persons, the three protocols under the CoE's Convention on extradition and one protocol under the CoE Convention on Mutual assistance in criminal matters, to which it was

not yet party.

Furthermore, Turkey ratified also the CoE Convention on Trafficking in Human Beings and adopted a by-law on trafficking in human beings. Moreover, Turkey ratified the CoE Convention on the Processing of Personal data and its protocol, and adopted a law on personal data protection which, however, is not fully in line with the EU acquis.

Turkey adopted a single comprehensive law defining the procedures to be followed by all the relevant Turkish authorities when implementing Turkey's international obligations related to judicial cooperation in criminal matters. Even if this law does not prescribe strict deadlines for the completions of the procedures described by the law, and does not include objective and transparent criteria for the acceptance or rejection of the request of cooperation, it nevertheless represents a clear improvement which should improve judicial cooperation in criminal matters between Turkey and the Member States.

Turkey also made concrete steps to upgrade its working relations with Eurojust and formally expressed the firm intention to conclude a cooperation agreement as soon as possible. Pending the conclusion of such an agreement, it will be important that the Turkish officers who were appointed as liaison officers to the Agency start giving effective follow up to the requests of information and cooperation they receive from the other parties.

In the field of judicial cooperation in civil matters, Turkey ratified on 25 April 2016 both the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Turkey has deposited the instruments of ratification of all the Conventions and Protocols ratified, except for the two above mentioned Hague Conventions, and for the Additional Protocol of the CoE Convention on Personal Data Protection, for which this procedure is still ongoing and should be completed as soon as possible.

Finally, Turkey took measures to address the problem of the delays experienced in the implementation of the 1980 Hague Convention on civil aspects of the international child abduction. Having understood that these delays arise mainly from the appeal stage and notably by the fact that, in the current system, all the appeals are concentrated in the Supreme Court in Ankara, the High Council of Judges and Prosecutors issued a decree on 25 March 2016 establishing Regional Civil Tribunals in Ankara, Antalya, Erzurum, Gaziantep, İstanbul, İzmir and Samsun. The tribunals will deal with the appeal cases and will be operational as of 20 July 2016.

Despite these considerable developments, the implementation of the requirements of block 3 is still less advanced than for blocks 1 and 2. Some important requirements of block 3 remain unfulfilled. To meet these outstanding requirements, Turkey is invited to take the following measures:

- to amend the newly adopted legislation on personal data protection to ensure that it is in line with the EU acquis notably to ensure that the data protection authority can act in an independent manner and that the activities of law enforcement agencies fall within the scope of the law;
- in turn, new legislation on personal data protection will allow Turkey to conclude the negotiations of an operational cooperation agreement with Europol;
- to adopt legislation giving an effective follow up to the recommendations issued by the CoE's Group of States against Corruption (GRECO) under all its evaluation

rounds, notably legislation on the funding of political parties, on immunities, on bribery, and on the independency of judiciary;

- to ensure judicial cooperation with all Member States, including by developing working relations with their liaison officers deployed in Turkey in order to facilitate the mutual understanding and implementation of the respective procedures, or, when such liaison officers are not available, through any other form of communication and cooperation suitable to both parties.

5. BLOCK 4: FUNDAMENTAL RIGHTS

The assessment of the situation under block 4 is similar to that of the situation under block 3: Progress was made in fulfilling several requirements, while further progress is needed on some outstanding requirements.

In particular, on 6 April 2016, a Law on Human Rights Institution and Equality, addressing *inter alia* the discrimination for ethnic and racial grounds, was adopted by the Parliament.

On 26 April 2016, the Government adopted the National strategy and an action plan addressing key obstacles to the social inclusion of the Turkish population with Roma and Roma-like background.

The Turkish authorities ratified Protocol 7 of the European Convention for Human Rights, and sent information showing that the Turkish national legislation already includes provisions equivalent to those required by Protocol 4, which they signed without ratifying.

Nevertheless, the most important benchmark under Block 4 remains to be addressed, i.e. the one requiring Turkey to *"revise - in line with the European Convention for Human Rights (ECHR) and with the European Court of Human Rights (ECtHR) case law, the EU acquis and EU Member States practices - the legal framework as regards organised crime and terrorism, as well as its interpretation by the courts and by the security forces and the law enforcement agencies, so as to ensure the right to liberty and security, the right to a fair trial and freedom of expression, of assembly and association in practice."*

The Turkish authorities will need to address this benchmark as a matter of urgency. In this respect, they are invited to better align Turkish legislation on terrorism with the EU, the CoE and the ECtHR standards, adopting also guidelines to ensure interpretation by the courts, the security forces and the law enforcement agencies in line with these standards, notably by better aligning the definition of terrorism with that set out in Framework Decision 2002/475/JHA as amended in order to narrow the scope of the definition, by introducing a criterion of proportionality.

6. BLOCK 5: READMISSION OF IRREGULAR MIGRANTS

Block 5 represents an area of the Roadmap where Turkey has made significant progress since the Second Report.

This is clearly a result of the commitment taken by Turkey at the summit of 18 March 2016. As a result, Turkey now accepts to readmit all irregular migrants who arrived to the Greek islands from Turkey after 20 March 2016. The importance of this step is not to be underestimated, as it contributed substantially to reduce the irregular migration flows departing from the Turkish territory towards the EU.

Another important development was the decision to advance to 1 June 2016 the entry into force of the provisions related to the readmission of third country nationals of the EU-Turkey readmission agreement, which were initially scheduled to apply as from 1 October 2017.

Turkey undertook preparatory work in view of establishing an electronic system of transmission and management of readmission requests with Member States. The system was tested at pilot level on 2 May 2016.

Turkish authorities also adopted a document defining the internal procedures to be followed in response to readmission requests, as recommended by the Roadmap.

Nevertheless, at the moment of issuing this Third Report, a key benchmark under this Block is not yet fulfilled, i.e. the requirement for Turkey to *"fully and effectively implement the EU-Turkey readmission agreement in all its provisions, in such a manner as to provide a solid track record of the fact that readmission procedures function properly in relation to all Member States"*.

There are two different reasons why this requirement is not yet fulfilled.

As regards the provisions of the EU-Turkey readmission agreement related to the readmission of nationals of the two sides, and which are in force already since 1 October 2014 the provisions have not been enforced in a systematic and coherent manner by all Turkish diplomatic missions in the EU. On 27 April 2016 the Turkish authorities have issued guidelines to the diplomatic missions with the view to ensuring that henceforth readmission requests are treated in line with the deadlines and the procedures prescribed by the agreement, and that reliable statistics of the cases handled are available.

On the other hand, as regards the provisions of the EU-Turkey readmission agreement which are related to the readmission of third country nationals, the reason why the Commission in this Report cannot yet declare this benchmark fulfilled is simply the fact that these provisions will enter into force only as of 1 June 2016.

7. CONCLUSIONS AND THE WAY FORWARD

While the EU-Turkey Summit of 29 November 2015 already set out an ambitious agenda for Turkish authorities aiming for visa liberalisation in autumn 2016, the EU-Turkey Statement of 18 March further accelerated the process. The Statement announced that *"the fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met. To this end Turkey will take the necessary steps to fulfil the remaining requirements to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal by the end of April on the basis of which the European Parliament and the Council can make a final decision"*.

Building on the new level of engagement and determination demonstrated by Turkey since the EU-Turkey Summit of 29 November 2015, in the last months the Turkish authorities have further intensified their efforts to fulfil that condition. The Commission acknowledges the good progress made by the Turkish authorities so far, and it encourages them to urgently step up these efforts to meet all requirements in order to obtain visa liberalisation by the end of June.

As indicated in this Report, however, the Turkish authorities have not yet managed to meet this ambitious objective, as 7 requirements out of 72 have not yet been fulfilled. Some of them are of particular importance.

Two of these seven outstanding requirements need for practical and procedural reasons a longer timeline for implementation, and this has made it impossible for them to be fulfilled in a complete manner by the time of the publication of this Report. This concerns the following two benchmarks:

- upgrading the existing biometric passports so as to include security features in line with the latest EU standards;
- fully implementing the provisions of the EU-Turkey readmission agreement, including those related to the readmission of third country nationals..

The Commission and the Turkish authorities have agreed on practical ways of implementing these benchmarks before their complete fulfilment.

The Commission invites the Turkish authorities to urgently undertake, following the publication of this report, the measures that are necessary to fulfil the other outstanding benchmarks of the Roadmap, namely:

- adopting the measures to prevent corruption foreseen by the Roadmap i.e. ensuring an effective follow-up to the recommendations issued by the Council of Europe's Group of States against Corruption (GRECO).
- aligning the legislation on personal data protection to EU standards notably to ensure that the data protection authority can act in an independent manner and that the activities of law enforcement agencies fall within the scope of the law;
- negotiating an operational cooperation agreement with Europol. This also depends upon the above changes to the data protection legislation. ;
- offering effective judicial cooperation in criminal matters to all EU Member States;
- revising the legislation and practices on terrorism in line with European standards notably by better aligning the definition of terrorism with that set out in Framework Decision 2002/475/JHA as amended in order to narrow the scope of the definition and by introducing a criterion of proportionality.

On the understanding that the Turkish authorities will fulfil as a matter of urgency and as they committed to do so on 18 March, the outstanding benchmarks of the Roadmap, the Commission presents together with this Report the proposal to amend Regulation 539/2001 to lift the visa requirement for Turkish citizens holding a biometric passport in line with EU standards.

In order to assist the co-legislators in their deliberations, the Commission will continue monitoring the steps which the Turkish authorities take to fulfil the outstanding requirements of the Roadmap.