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

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

1. INTRODUCTION

On 21 June 2012, when Turkish authorities initialled the text of the EU-Turkey readmission agreement they had been negotiating with the European Commission since 2005, the Council of the European Union adopted conclusions in which it invited the European Commission ‘in parallel to the signature of the readmission agreement between Turkey and the EU, to take steps towards visa liberalisation as a gradual and long-term perspective’. The European Parliament also recommended this approach to the Commission in its resolution of 18 April 2013 on the 2012 progress report on Turkey.

The EU-Turkey readmission agreement was signed on 16 December 2013. In parallel, the EU and Turkey launched a visa liberalisation dialogue. The aim of this dialogue is to move towards ending the visa requirement for Turkish citizens travelling to the Schengen area for a short-term visit.

While the dialogue is underway, the European Commission is examining relevant Turkish legislation and administrative practices. This is done on the basis of the ‘Roadmap towards the visa-free regime with Turkey’, a document produced by the Commission in close consultation with relevant experts from EU Member States. It sets out the benchmarks the Commission will use to decide whether and when it will be appropriate to propose to the Council and the European Parliament that the visa requirement currently imposed on Turkish citizens be lifted, by amending Regulation (EC) No 539/2001.

The requirements in the Roadmap are grouped into five blocks: document security, migration management, public order and security, fundamental rights and readmission of irregular migrants.

The Commission will report regularly to the Council and the Parliament on Turkey’s progress in fulfilling the Roadmap requirements. These reports will also serve as guidance to the Turkish authorities on the specific areas which need to be addressed. In order to prepare this first report, the Commission carried out several visits to Turkey between 16 March and 20 June 2014 to collect information on legislation and procedures in the areas covered by the Roadmap. The Commission was assisted by the EU Delegation in Turkey, and by experts from EU Member States and the relevant EU agencies (Frontex, Europol, EASO).

This report examines the state of play and progress under every benchmark and provides the Commission’s assessment on whether Turkey fulfils the requirements set out in the roadmap.

The following progress assessments are made per benchmark:

- ‘*requirement fulfilled*’;
- ‘*almost fulfilled*’ (i.e. only some limited work still needs to be done to entirely fulfil the requirement);
- ‘*fulfilled partially, but with good prospects for further progress*’, (i.e. much work still needs to be done, but the results achieved and the work done by the Turkish authorities are substantial, and developments so far are encouraging);
- ‘*only partially fulfilled*’ (i.e. much work still needs to be done to fulfil the requirements of the benchmark, no particular positive developments to address them were observed);
- ‘*requirement not fulfilled*’ (i.e. Turkey is far from meeting this benchmark).

In all the areas where the Commission assesses that the requirements of a benchmark are not yet entirely fulfilled, the report provides some suggestions on measures which, in the Commission's opinion, would help to address the weaknesses identified.

In conclusion, it should be reminded that this report focusses on the Turkey's performance in fulfilling the benchmarks of the 'Roadmap towards the visa free regime', which were set with the purpose of identifying the conditions allowing to make progress in a safe manner towards visa liberalisation. This report, therefore, is not intended to assess the overall progress made by Turkey in preparing for EU membership: this remains the subject of the 'Progress Report on Turkey', which is annually presented by the Commission, and whose last edition was published on 8 October 2014¹.

¹ The Commission's 2014 Progress Report on Turkey SWD(2014) 307 accompanying the Communication 'Enlargement Strategy and Main Challenges 2014-15', COM(2014)700 of 8.10.2014

2. BLOCK 1: DOCUMENT SECURITY

2.1. General assessment

Turkey has kept up with technical and policy developments in the international community in the area of travel and identity documents, and is planning to take additional steps forward. Turkey does not yet entirely fulfil all the requirements of Block 1 of the Roadmap, but it is already well advanced in addressing most of them, and has the technical capacity to reach this objective, provided that the relevant reforms and technical arrangements are put in place in good time.

2.2. Detailed comments on the benchmarks in the document security block

- *Turkey should continue issuing machine readable biometric travel documents in compliance with ICAO standards and follow ICAO recommended practice, phasing out of any non-ICAO compliant passports, and gradually introducing international passports with biometric data, including photo and fingerprints, in line with the EU standards, especially Council Regulation 2252/2004;*

In line with the standards set by the International Civil Aviation Organisation (ICAO), in 2010, Turkish authorities stopped issuing non-ICAO compliant passports (i.e. passports which do not include any biometric data) and started issuing only ICAO compliant passports (i.e. passports including very strong security features and some biometric data; in Turkey's case, a digital photo showing the holder's face). A few Turkish non-ICAO compliant passports are still circulating, but all of these will expire by 25 November 2015.

The Turkish authorities have not yet started to introduce passports in line with the standards set by the EU Council Regulation 2252/2004 (i.e. passports including very strong security features and several pieces of biometric data, including fingerprints as well as a digital photo). The Commission recommends that Turkish authorities start systematically issuing new passports that include the fingerprints of the passport holder.

This would be technologically possible for the Turkish authorities, as they already systematically collect and store fingerprints of all citizens applying for a passport (although these are not, to date, included in the passport chip). Therefore the Commission considers that this benchmark is **fulfilled partially, but with good prospects for further progress**.

- *Implement appropriate administrative measures ensuring the integrity and security of the personalisation and distribution and validation process for international passports and other breeder documents;*

The system in place in Turkey is in line with ICAO standards and appears reliable, efficient and solid.

Nevertheless, the Commission considers that this requirement is only **almost fulfilled**; as during the expert missions some weaknesses were noted, which, although minor, deserve attention to avoid creating problems in the future.

In particular, the way in which expired passports are destroyed by the police should be improved, so as to further reduce the quantity of physical parts of the document which may

be fraudulently re-used to forge false passports. It is also recommended that the security of the storage facility for blank passports in Ankara be strengthened.

- *Establish training programmes and adopt ethical codes on anti-corruption targeting the officials of any public authority that deals with visas, breeder documents or passports;*

Adequate procedures, training and control systems are in place in Turkey. The Commission therefore considers that this benchmark is **fulfilled**.

- *Promptly and systematically report to Interpol/LASP database on lost and stolen passports ;*

The system in place for meeting this requirement appears to be adequate. Therefore the Commission considers that this benchmark is **fulfilled**.

- *Ensure a high level of security of breeder documents and ID cards and define strict procedures surrounding their application and issuance;*

The identity cards currently in circulation are not, physically, very secure documents and are relatively easy to falsify. However, the probability of false identity cards being used in administrative procedures, including issuing a passport, is negligible. This is due to the existence of a solid and reliable civil registry system in Turkey, in which all citizens are registered and given an identification number. This system, managed effectively by the Population Department in the Ministry of the Interior, and its electronic database (MERNIS), which all relevant Turkish authorities can consult, provide a reliable basis for identifying Turkish citizens.

A weakness in the current system is that identity cards are issued with indefinite validity, so the picture of the holder may become obsolete in the course of time. In the absence of a reliable picture, in some cases it could be very difficult to be certain whether a person showing an identity card is actually its legitimate holder.

As a result, the Commission considers this Roadmap requirement **almost fulfilled**.

In order to completely fulfil the requirement, the Commission recommends that the Turkish authorities introduce provisions ensuring that no identity card may continue to be valid if its picture becomes out-of-date. Alternative means to achieve an equivalent result would be to introduce a time limit on the validity of existing identity cards, or to replace them with a new card that includes biometric data from the holder which do not risk becoming obsolete.

- *Regularly exchange passport specimens, visa forms and information on false documents, and cooperate on document security with the EU;*

Several Member States already report regularly receiving passport specimens from the Turkish authorities. However, no Member State has reported receiving information about falsified travel documents detected by the Turkish authorities. Therefore the Commission considers that this requirement is **only partially fulfilled**.

The Commission recommends that the Turkish authorities provide all EU Member States

with regular and timely information on passport specimens and visa forms issued by Turkey.

It also recommends that they share timely information with all Member States on false travel documents and visas detected by the Turkish law enforcement agencies and travel companies operating in Turkey. In that respect, particular focus should be placed on detections at Istanbul's 'Atatürk' airport, which has become now a key point of departure and transit for passengers travelling to the EU.

The Turkish authorities are also encouraged to develop mutual assistance and operational cooperation with the EU Member States, and particularly with EU Member State police liaison officers deployed in Turkey, to improve the capacity of both Turkish and EU Member State law enforcement agencies to detect false travel documents and visas.

- *Adopt and implement measures ensuring the integrity and security of the civil status and civil registration process, including the integration and linking of the relevant databases and the verification of scanned data against the civil status database, paying particular attention to the amendment of individuals' basic personal data.*

The system in place for meeting this requirement is adequate. The Commission considers that this requirement is **fulfilled**.

3. BLOCK 2: MIGRATION MANAGEMENT

3.1. General assessment

Turkish borders are difficult to control, due to their length and to their challenging geographical and environmental features. In recent years, they have become even more complex to manage due to the situation in Syria and Iraq. Being traditionally the point of destination and transit of irregular migratory flows from various areas of the world, Turkey was recently exposed to unprecedentedly large refugee flows, including the arrival of around 1.5 million Syrians fleeing the conflict in their country.

The Turkish authorities have launched a full reform of the migration management system, through the 2013 adoption of the Law on Foreigners and International Protection, which came into force on 11 April 2014. The Law also established a new, specialised civilian single authority (the General Directorate for Migration Management of the Ministry of Interior) in charge of migrants and refugees, previously dealt with by the police.

From a legal and institutional perspective, this reform helps Turkey make a step towards EU and international standards in the area of migration management, as well as towards fulfilling the Roadmap requirements. This Law and other aspects of this reform must now be implemented. Similar reforms are also needed in other areas under Block 2, notably border management and visa policy.

3.2. Detailed comments on the benchmarks under the migration management block

3.2.1. Border management

- *Carry out adequate border checks and border surveillance along all the borders of the country, especially along the borders with EU member states, in such a manner that it will cause a significant and sustained reduction of the number of persons managing to illegally cross the Turkish borders either for entering or for exiting Turkey;*

The number of irregular migrants managing to cross Turkish borders irregularly, undetected by the Turkish border agencies, remains relatively high. However one has to recognise that the Turkish authorities in charge of border management are making significant efforts to address the situation, and are deploying substantial human, financial and technical resources on this endeavour.

The Commission considers that Turkey **fulfils only partially the requirements of this benchmark, but has good prospects for further progress.**

The Commission recommends that the Turkish authorities continue working to improve their performance in this area, particularly through reforming and strengthening their border agencies. The following measures could, in the Commission's opinion, help the Turkish authorities make substantial progress in fulfilling this benchmark :

- A proper risk analysis should be carried out for the entire border, particularly those areas most exposed to irregular migration pressure and to the risk of use of fraudulent

documents. This analysis should help to assess the specific resources and most appropriate methods needed for each border area.

- Land forces should use more flexible monitoring procedures to better tackle smugglers in all the border areas they are responsible for.
 - Operational cooperation between the police and the customs service should be strengthened. The investigative tools and information available in the customs service should be increasingly used to support the police. Border crossing points should be organised and managed so as to ensure that enough time and staff, and appropriate space and means, are provided to also check people.
 - Gendarmerie activity in patrolling the areas adjacent to the border and coastal areas should be increased. This will enhance the probability of intercepting irregular migrants who have crossed the eastern borders of the country bypassing checks by land forces, and those preparing to irregularly exit the country along its borders with Greece and Bulgaria.
 - The police should place more emphasis on detecting forged travel documents and genuine travel documents used by impostors, notably at Istanbul's Atatürk airport, but also at any other Turkey's borders. Not only the travel documents detected should be systematically seized, and the persons using them prosecuted, but investigations should also always be launched to identify and dismantle the criminal networks that procured the document.
 - Passport checks should become systematic for passengers in international transit areas of Turkish airports, especially for passengers travelling to the EU.
 - The option, currently available to certain categories of people, to cross the Turkish border by using non-ICAO-compliant identity cards, should be reconsidered.
- *Adopt and effectively implement legislation governing the movement of persons at the external borders, as well as legislation on the organisation of the border authorities and their functions, in accordance with the 'National Action Plan for the Implementation of Turkey's Integrated Border Management strategy', approved on by Turkish authorities on 27th March 2006, and in line with the principles and best practices enshrined in the EU Schengen Border Code and the EU Schengen Catalogue;*

The Commission considers that this requirement is **not fulfilled**, because the 'National Action Plan for the Implementation of Turkey's Integrated Border Management strategy' has only been implemented in a very limited fashion, and one of its key components has not been implemented at all. This component proposed setting up a single, non-military, specialised border organisation, and transferring all the responsibilities and resources for border management to it. These are currently distributed among several different agencies (i.e. the customs, the police, the coastguard, and the land forces).

The Commission therefore recommends that the Turkish authorities adopt all measures necessary to implement the Action Plan, in particular the legislation required to set up the new border organisation.

Furthermore, for the period until this single, non-military and specialised border organisation can be established, the Commission recommends that Turkish authorities improve the way in which the different existing border agencies operate and cooperate with each other, in order to ensure modern and integrated border management. In particular, the Commission recommends that the Turkish authorities:

- review the way in which land forces operate in relation to border management, to ensure that troops in charge of monitoring the land borders are restricted as little as possible by any conflicting rules and obligations deriving from their being part of the army and are increasingly allowed to:
 - ❖ fully cooperate with the other relevant law enforcement and border agencies;
 - ❖ develop more flexible patrolling techniques; and
 - ❖ organise their work and focus their activities on the priority task of combating cross-border smuggling;
 - adopt measures to ensure that the border agencies cooperate more closely with each other as well as with the gendarmerie. Such measures could *inter alia* include:
 - ❖ using and creating interoperable communication tools;
 - ❖ exchanging liaison officers, to share technical resources and information;
 - ❖ providing mutual access to their respective databases, to allow each other under exceptional circumstances to operate in their respective reciprocal area of authority;
 - ❖ developing shared ways of working or carrying out joint operations on the basis of jointly developed threat analyses;
 - ❖ sharing statistics;
 - ❖ developing common training programmes;
 - ❖ setting up procedures allowing the patrols from the different institutions to communicate directly among themselves and to take the initiative to act together whenever needed;
 - ❖ establishing mechanisms for the timely exchange of information and intelligence at operational level, as well as for the coordination and cooperation of the operations, so as to ensure that irregular migrants transiting areas of competence of several agencies can be more easily intercepted through an efficient use of the resources available to all of them
 - ❖ strengthening the coordinating role of the Integrated Border Management Bureau.
- ***Take the necessary budgetary and other administrative measures ensuring the deployment at the border crossing posts and along all the borders of the country, especially on the borders with the EU member states, of well-trained and qualified border guards (in sufficient number), as well as the availability of efficient infrastructure, equipment and IT technology, including through a more extensive use of surveillance equipment, in particular electronic means, mobile and fixed, video surveillance, infrared cameras and other sensor systems;***

The Turkish authorities are deploying significant human resources, technical means, and infrastructure along the borders of the country. They show a clear determination to continuously improve staff readiness in the border agencies and improve the quality of the equipment at their disposal. The work done by the land forces carrying out surveillance along Turkey's land borders and the professionalism of the coastguard are particularly impressive. The police has a database, the POLNET, which is an effective tool for recording the entry and exit of passengers across borders and for checking their rights to do so.

However, there is significant scope for improvement, so the Commission considers this benchmark only **partially fulfilled, but with good prospects for further progress**.

In particular the Commission recommends that the Turkish authorities take the following measures:

- The use of conscripts to monitor the 'green borders' should be progressively limited to auxiliary tasks only. This may also require increased use of technical monitoring tools (in particular, the use of car-mounted radar, unmanned air-vehicle and thermal cameras, and centralised monitoring of surveillance data).
 - Training for staff operating along the 'green borders' should vary from the normal army curricula, focusing on border management issues.
 - The rotation of land forces' professional staff should be limited to border brigades in order to allow specialisation, culture and methodology on border work to develop. If this is not possible, incentives should be offered to those wishing to specialise themselves in this area. The same applies to the police, with the aim of developing real specialists in detecting forged travel documents and impostors.
 - An integrated system of coastal radars should be progressively developed to monitor the sea borders, allowing a real situational picture to be produced. This should be complemented by increased use of air-surveillance, so as to ensure a rapid reaction to irregular departures of migrants from Turkey's territorial waters.
- *Enhance cooperation and information exchange between the staff and bodies in charge of border management, the custom service and the other law enforcement agencies, in view of enhancing the capacity to collect intelligence, to use human and technical resources efficiently, and to act in a coordinated manner;*

The Commission considers that this requirement is **only partially fulfilled**, in particular because the measures currently taken by Turkish authorities guarantee only loose coordination among border agencies, based on regular meetings at senior level, without proper institutional mechanisms to ensure that the different bodies actually work together in an integrated manner.

In order to fulfil the requirement of this benchmark, the Turkish authorities are invited to implement the measures already recommended for previous requirements, ensuring that law enforcement agencies and the land forces cooperate more closely, and allowing to establish an integrated border management.

- *Establish training programmes and adopt ethical codes on anti-corruption targeting*

the border guards, customs and other officials involved in the border management;

The Commission considers that this requirement is **partially fulfilled with good prospects for further progress**. The Turkish authorities have regulations setting out the ethical codes which must be respected by every member of the public administration and the law enforcement agencies.

However, the Commission recommends that Turkey:

- develop versions of that general ethical code that more specifically address the situation faced by officers in charge of border management;
 - develop appropriate training modules to raise awareness of these; and
 - set up monitoring mechanisms.
- *Implement in an effective manner the Memorandum of Understanding signed with FRONTEX, including by developing joint cooperation initiatives and exchanging data and risks analysis;*

The Commission considers that this requirement is currently **fulfilled**.

Turkish authorities are however encouraged to continue and deepen implementation of the triennial cooperation agenda they agreed with Frontex within the framework of their Memorandum of Understanding.

- *Ensure that border management is carried out in accordance with the international refugee law, in full respect of the principle of non-refoulement and effectively allowing the persons in need of international protection to have access to asylum procedures.*

In recent years the Turkish authorities have granted international protection to more than one million asylum seekers from Syria and many other countries. No push-back cases were reported. As a result, the Commission considers that this requirement is currently **fulfilled**.

- *Ensure adequate cooperation with the neighbouring EU Member States, aiming in particular at reinforcing the management of the borders with EU Member States.*

Recent improvements in border cooperation at the land borders between the Turkish authorities and the Greek and Bulgarian authorities to prevent irregular migration allow the Commission to consider that this requirement is **partially fulfilled**.

In order to fully meet this benchmark, the Commission recommends that the Turkish authorities take the following measures:

- Deepen and consolidate cooperation with the Greek and Bulgarian authorities along the land borders, including through regular meetings that include the Turkish land forces, establishing secure communication channels and putting in place a stable and structured mechanism for coordination and information sharing, notably by helping set up a tripartite contact centre based at the ‘Capitan Andreevo’ border crossing point.

- Develop operational cooperation with the Greek authorities in the Aegean region, in order to ensure that the cooperation at sea includes the prevention of irregular migration by way of exchanging information, and makes use not only of formal communications taking place between the headquarters of the two coastguards involved, but also of operational exchanges between officers operating at local level. With reference to this latter point, it would be particularly helpful to set up a system of information sharing and reciprocal early warnings between all local authorities involved in the prevention of and combating illegal migration.
- As recommended in Block 1, ensure that the Turkish police cooperate with, share information with and provide mutual assistance to EU Member State police liaison officers in detecting false and fraudulent documents potentially used by passengers departing from or transiting through Turkey to airports in the EU.

3.2.2. Visa policy

- *Enhance training on document security at the consular and border staff of Turkey, and develop and use the Turkish Visa Information System;*

In light of the attention already paid by the Turkish authorities to the curricula for training border and consular staff in detecting forged identity documents, and the fact that several databases that include visas issued already exist and can all be consulted by the police, the Commission considers that this benchmark is **partially fulfilled and with good prospects for further progress**.

Nevertheless, the Commission recommends that the Turkish authorities:

- develop better training for border and consular staff, particularly to improve their capacity to recognise passports and visas from Schengen and OECD countries, as well as the new high-security Turkish visas which are about to be introduced; and
 - continue working towards fully integrating the current databases on visas, to ensure that any law enforcement agency in Turkey working on border management or combating irregular migration can quickly check the authenticity of a Turkish visa on the travel document of a foreigner who wishes to enter or who has entered Turkish territory.
- *Abolish issuance of visas at the borders as an ordinary procedure for the nationals of certain non-EU countries, and especially for countries representing a high migratory and security risk to the EU;*

Turkish authorities still issue visas at the border for the citizens of 89 countries, many of which are potential sources of irregular migration to the EU. However, the new Law on Foreigners and International Protection, which came into force in April 2014, has eliminated the legal possibility for Turkey to issue visas at the borders as an ordinary procedure, and, based on declarations by the Turkish authorities, the border visa system is likely to be discontinued soon (probably by the end of 2014). Taking this into account, the Commission considers that this benchmark is **fulfilled partially, but with good prospects for further progress**. The Commission recommends that the Turkish authorities bring this change into force as early as possible.

- *Put in use the new Turkish visa stickers with higher security features, and stop using stamp visas;*

While the Turkish authorities still use visa stamps, which are easy to falsify, they have now completed the technical preparations for new visa stickers with high-security features and have announced their upcoming introduction. Therefore the Commission considers that this benchmark is **fulfilled partially, but with good prospects for further progress**.

The Commission recommends that the Turkish authorities end the use of stamp visas, start using the new more secure visa stickers instead and, in due course, expand the use of the latter and replace any other kind of visa currently in use.

- *Introduce airport transit visas;*

The Commission considers that this requirement is **almost fulfilled**, as the new Law on Foreigners and International Protection provides the Turkish authorities with the legal ability to ask foreigners who wish to transit through Turkey by plane on a journey to a further destination, and thus who plan to enter the international area of a Turkish airport, to obtain a transit visa from a Turkish consulate, prior to travel.

The Commission recommends that the Turkish authorities implement the relevant provisions of the new law.

- *Amend the rules on the basis of which Turkey allows the entry into its territory to the nationals of the main countries representing important sources of illegal migration for the EU, in the aim of making the access more difficult for those willing to enter the Turkish territory with the purpose to subsequently attempt to illegally cross the external borders of the EU;*

As previously mentioned, the nationals of 89 countries, many of which are considered a potential source of irregular migration, are currently allowed to enter Turkish territory simply by obtaining a visa at the Turkish border. However, the Turkish authorities have announced their intention to discontinue the border visa system.

Once this happens, the citizens of these countries will continue, in principle, to be able to obtain a visa easily, applying through the e-visa system. This system was set up as a pilot in 2013 and came into normal use in April 2014, but it shares the weaknesses of the border visa system.

However, based on the e-visa system's current rules, the opportunity to obtain an e-visa will not be open to all. Instead, citizens of countries (with a few exceptions) that are considered potential sources of irregular migration will only be able to apply for an e-visa for Turkey if they, at the time of applying for the visa, already hold valid visas or residence permits issued by OECD and Schengen countries.

In light of this, the Commission considers that, for the time being, this benchmark is only **fulfilled partially, but there are good prospects for further progress**.

In order to make progress in fulfilling this benchmark, the Commission recommends that the Turkish authorities:

- immediately end the opportunity to obtain visas at the border for nationals of countries that are potential sources of irregular migration;
- continue to apply strict rules and take a selective approach to issuing visas through the e-visa system;
- closely monitor how people entitled to enter Turkey through the e-visa system or without needing a visa make use of these measures; and
- put in place appropriate measures to respond in a timely manner to potential abuses, if these are shown to be widespread among particular nationalities or categories of people.

With reference to the last point, and in order for the Commission to be able to assess Turkey's progress in fulfilling this benchmark, the Turkish authorities will need to submit regular information on:

- the number of visas issued by them to nationals of particular countries, with an indication of the kind of visas issued (border visas, e-visas, or embassy visas);
- the number of irregular migrants of particular nationalities intercepted within Turkey, with an indication of what kind of visas they had, if any; and
- the number and kinds of forged and fraudulent visas and residence permits from OECD and Schengen countries identified by the Turkish authorities among holders of Turkish e-visas.

Should a substantial increase be seen in the number of irregular migrants with a particular nationality apprehended in Turkey or along the EU-Turkish border, the Commission will also need information from the Turkish authorities on the kind of measures Turkey has taken or is planning to take in order to address this problem.

- ***Pursue the alignment of Turkish visa policy, legislation and administrative capacities towards the EU acquis, notably vis-à-vis the main countries representing important sources of illegal migration for the EU;***

As explained above, the Turkish authorities have announced their intention to end the issuing of visas at borders and to replace visa stamps with high-security visa stickers, in line with the rules and features in use in the Schengen system. Once the border visa system is discontinued, Turkey's negative visa list will be a substantial step towards alignment (though it will still not be fully aligned) with the negative visa list used by the Schengen countries.

However, none of these reforms have yet been enacted.

Based on the available information, it appears that the checks made by Turkish consular authorities on visa applicants are limited, compared with those applied in EU Member States. A visa is normally granted when the authorities verify that the applicant fulfils certain requirements (for instance, that his/her entry on the Turkish territory is not banned due to legal or security reasons, and that he/she is able to demonstrate that he/she has sufficient funds to cover the financial costs of his/her stay in Turkey and his/her return home). No additional documentation is collected, nor is a more substantive analysis undertaken that might, for example, detect whether the visa applicant plans to enter Turkey intending to subsequently stay in Turkey as an irregular migrant, or use Turkey as a springboard to irregularly cross the EU border.

In light of this, the Commission considers this benchmark to be **only partially fulfilled**.

In order to make progress in fulfilling this benchmark, the Commission recommends that the Turkish authorities enact all the reforms they have announced, and revise their visa issuing system and training for consular staff who issue visas, taking inspiration from the Schengen visa system. In order to assess Turkey's progress in fulfilling this recommendation, the Commission will need:

- copies of the instructions issued to Turkish consular and border staff on the criteria and procedures to be followed in accepting or refusing visa applications, including the list of documents to be submitted by visa applicants; and
- detailed statistics on the visa requests that were accepted and refused, and the reasons for refusal.

The Turkish authorities are also encouraged to continue work on aligning Turkey's negative visa list with the negative list used by the Schengen countries, and in any case to avoid any further differentiation.

- *Allow non-discriminatory visa-free access to the Turkish territory for the citizens of all the EU Member States.*

The Commission considers that this benchmark is **not fulfilled**, because currently only citizens of 19 of the 28 EU Member States are entitled to travel to the Turkish territory without a visa.

Concerns remain with regard to the *de facto* discrimination of applicants of the Republic of Cyprus. The latter are required to obtain a visa to travel to the Turkish territory, and can obtain it by applying to the Turkish e-visa system, but the website for applications to the e-visa system refers to the Republic of Cyprus as the 'Greek Cypriot Administration of Southern Cyprus'.

The Commission recommends that the Turkish authorities end this discriminatory treatment in order to fulfil this benchmark.

3.2.3 Carriers' responsibility

- *Adopt and effectively implement the legislation on carriers' responsibility defining sanctions.*

Carriers operating in Turkey are already required to return passengers to their point of departure if they have been refused admission into Turkish territory by the Turkish authorities, and this requirement was confirmed in the new Law on Foreigners and International Protection. Taking this into account, the Commission considers that this benchmark is **fulfilled partially, with good prospects for further progress**.

In order to build a more stringent system, prevent irregular arrivals in the Turkish territory and make progress in fulfilling this benchmark, the Commission recommends that the Turkish authorities create a sanctions scheme for negligent carriers, taking EU and international best practice into account.

3.2.4. International Protection

- *Adopt and effectively implement legislation and implementing provisions, in compliance with the EU acquis and with the standards set by the Geneva Convention of 1951 on refugees and its 1967 Protocol, thus excluding any geographical limitation, so as to ensuring the respect of the principle of non-refoulement, taking into account also the European Convention on Human Rights, the possibility to lodge an asylum request and to obtain the refugee status protection or a subsidiary form of protection for any person in need of international protection, and allowing the UNHCR to effectively fulfil its mandate on the Turkish territory without restrictions;*

The Commission considers that, through the adoption and the entry into force in April 2014 of the new Law on Foreigners and International Protection, Turkey has taken a significant step towards fulfilling this benchmark, as this law provides for the establishment of a national asylum procedure and protection statuses that are in line, overall, with international and EU standards.

The law also reduces to a very marginal level the impact of the ‘geographic limitation’ that Turkey applies to the 1951 Geneva Convention and which the Turkish authorities have decided, for the time being, to keep applying. This limitation restricts the Convention’s scope in Turkey to ‘people who have become refugees as a result of events occurring in Europe’. The new law however gives also any person not covered under the ‘geographical limitation’ (referred to as ‘conditional refugees’ in the law) access to a Turkish international protection status. The status offered to ‘conditional refugees’ is somewhat less beneficial than the status offered to those who are covered by the ‘geographic limitation’, but the differences are not huge. Where the law leaves a margin of discretion as to its implementation, these differences have the potential to become almost symbolic.

However, the Commission notes that, as these rules are new, there is no track record of implementation. Some key aspects of the situation faced by asylum seekers and beneficiaries of international protection in Turkey are not covered in the legislation, but will depend on provisions in secondary legislation which have not yet been adopted.

In light of this, the Commission considers that this benchmark is **fulfilled partially, but with good prospects for further progress**.

In order for the Commission to be able to upgrade its assessment, the Turkish authorities will need to ensure that:

- all the secondary legislation necessary to effectively and fully implement the law is adopted; and
- the provisions of the law are effectively and consistently implemented throughout the country.

With reference to the first point, it will be particularly important to ensure that:

- the provisions of the law, notably the possibility of accessing an international protection status determination procedure and acquiring an international protection status, are also effectively applied to applicants and refugees (recognised by UNHCR) who were already present on Turkish territory when the law came into force;

- those declared beneficiaries of ‘temporary protection’ in accordance with the law will be granted, by secondary legislation that will be adopted, rights comparable to those provided by the EU Temporary Protection Directive and the possibility of accessing individual international protection status determination procedures, if required; and
 - ‘conditional refugees’ are granted a status that does not differ in practice from the one given to refugees covered under the ‘geographic limitation’, offering both groups work permits, social assistance and opportunities to integrate, in line with the approach in the EU Qualification Directive.
- *Establish a specialised body responsible for the refugee status determination procedures with the possibility for an effective remedy in fact and law before a court or tribunal as well as for ensuring the protection and assistance of asylum seekers and refugees and provide that body and its staff with adequate working capacity and training;*

Two significant steps towards fulfilling this requirement have been the creation of the General Directorate for Migration Management and the entry into force of the Law on Foreigners and International Protection, which *inter alia* includes provisions for reviewing rejected international protection applications and related decisions, such as detention orders, both at administrative and judicial level.

The General Directorate is still being set up, particularly at provincial level, and its responsibility for implementing the law is still largely delegated to other public-sector bodies acting under its authority. The necessary institutional arrangements to implement the new legislation have not all yet been made, in particular with regard to delegating powers from the centre to regional and provincial authorities.

In light of this, the Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress**.

In order for the Commission to improve its assessment, the Turkish authorities should ensure that:

- the provisions of the law with regard to lodging appeals at administrative and judicial level against the rejection of an application for international protection, and related decisions such as detention orders, are effectively and consistently implemented throughout the country, including with regard to the independence and impartiality of judicial review;
- the General Directorate for Migration Management finishes making its intra-institutional arrangements and has adequate staffing, particularly at provincial level, and that it takes on responsibility for carrying out asylum procedures in practice;
- there is a clear division of responsibilities for securing the rights of applicants for and beneficiaries of international protection, respectively.

The Commission also recommends that the Turkish authorities set up an integrated and reliable system to identify applicants for and beneficiaries of international protection. The system should provide comprehensive and harmonised statistical information.

- *Provide adequate infrastructures and sufficient human resources and funds ensuring a decent reception and protection of the rights and dignity of asylum seekers and refugees;*

Applicants and beneficiaries of international protection in Turkey are not normally offered accommodation by the authorities. However, the Turkish authorities are offering high-quality accommodation in refugee camps to 220 000 Syrian refugees. The Commission considers that Turkey fulfils the requirements of this benchmark **partially and with good prospects for further progress**.

Under the current circumstances, it would not be realistic to expect the Turkish authorities to provide accommodation for all asylum seekers and beneficiaries of international protection present in Turkey. Nevertheless, the Commission recommends that the Turkish authorities:

- set up an adequate number of reception centres also for non-Syrian applicants and beneficiaries of international protection who do not have any other accommodation, providing accommodation at least for those in the most vulnerable groups, taking inspiration from the standards set out in the Reception Conditions Directive and the Qualification Directive;
- write policies and put in place institutional tools to prevent discrimination against those who receive international protection and to ensure equal access to accommodation for all beneficiaries of international protection, taking inspiration from the standards set out in the Qualification Directive.

- *Persons who are granted a refugee status should be given the possibility to self-sustain, to access to public services, enjoy social rights and be put in the condition to integrate in Turkey.*

Turkey has taken a significant step towards fulfilling this requirement through the entry into force of the Law on Foreigners and International Protection, which includes provisions on the rights of beneficiaries of international protection to access public education, healthcare and the labour market, and the measures it has taken to provide funding to implement the provisions on education and healthcare in practice.

However, for various reasons, effective access to these rights is not guaranteed in the same way everywhere and for everyone in Turkey. In light of this the Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress**.

The Commission recommends that the Turkish authorities:

- ensure that all beneficiaries of international protection, including the beneficiaries of temporary protection and ‘conditional refugees’ as defined by the new law, can effectively and systematically exercise their rights relating to identity cards and access to the labour market, so as to support self-sufficiency and integration;
- design and implement policies facilitating access to rights for beneficiaries of international protection, who risk becoming socially marginalised, particularly those living in non-state accommodation;
- monitor and verify, including by collecting statistical information, the real capacity of beneficiaries of international protection to access public services and benefit from the social assistance options provided for in law.

3.2.5. Illegal Migration

- *Adopt and implement legislation providing for an effective migration management and including rules aligned with the EU and the Council of Europe standards, on the entry, exit, short and long-term stay of foreigners and the members of their family, as well as on the reception, return and rights of the foreigners having been found entering or residing in Turkey illegally;*

In light of the recent adoption and entry into force of the Law on Foreigners and International Protection, the Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress** .

In order to enable the Commission to upgrade this assessment, the Turkish authorities will need to ensure that the provisions of this new law are effectively and comprehensively implemented throughout the country, and that all relevant secondary legislation is adopted.

- *Set up and start to apply a mechanism for the monitoring of migration flows, with data both on regular and illegal migration; establish bodies responsible for collection and analysis of data on migration stocks and flows; and develop a situational picture on illegal migration flows at national, regional and local level, as well as on the different countries of origin of the illegal migration, including implementation of risk analysis and intelligence;*

In light of the General Directorate for Migration Management's new role in collecting and analysing statistics on migration, and the Turkish authorities' cooperation with Frontex, the Commission considers this benchmark **partially fulfilled**.

The Commission recommends that the Turkish authorities provide the General Directorate for Migration Management with the necessary resources to start practically carrying out its task of collecting and analysing statistical data relating to all relevant aspects of migration.

The Commission also recommends that the Turkey continues its cooperation with Frontex and starts developing an analysis of the risk posed by different countries as sources of irregular migration towards Turkey.

- *Address the pull factors facilitating illegal migration flows into the country, and take measures improving the capacity to investigate cases of organised or facilitated illegal migration;*

This requirement is **fulfilled partially, but with good prospects for further progress**.

The Commission recommends that the Turkish authorities implement recently adopted reforms to the visa and asylum system, abolish Turkish passports without biometric identifiers, and strengthen Ministry of Labour's capacity to inspect and prevent irregular migrants joining the labour market.

In order for the Commission to assess progress in fulfilling this requirement, it will need to see that Turkish law enforcement agencies have an increased capacity to identify and arrest irregular migrants and facilitators of irregular migration, and also to carry out more complex

investigations allowing the detection and dismantling of criminal networks that smuggle migrants.

- *Effectively seek to conclude and implement readmission agreements with the countries that represent sources of important illegal migration flows directed towards Turkey or the EU Member States;*

The Turkish authorities have some readmission agreements in place, but very few of these are with countries that are significant sources of irregular migration. In some cases, the authorities have negotiated or proposed negotiating readmission agreements with such countries, but unfortunately have not achieved results, particularly as some of the agreements that were signed by Turkey were subsequently not ratified. Turkey has border cooperation agreements with some of its neighbours that include provisions on the readmission of irregular migrants, but these provisions are rarely implemented. In light of this, the Commission considers that Turkey has only **partially fulfilled** this benchmark.

The Commission recommends that the Turkish authorities make their best efforts to ensure that:

- the readmission agreements signed to date come into force;
- readmission provisions in the border cooperation agreements they have with some neighbouring countries are effectively implemented;
- progress is made on negotiating and concluding readmission agreements with at least some of the countries that are key sources of irregular migration to Turkey.

- *Ensure sufficient financial and human resources for effective migration management, including also adequate training programs;*

The Commission considers that this benchmark is **almost fulfilled**.

In order to make further progress, the Turkish authorities will need to:

- complete the creation and set up of the General Directorate for Migration Management;
- continue allocating enough resources to the General Directorate to allow it to fulfil its responsibilities.

- *Ensure effective expulsion of illegally residing third-country nationals from its territory;*

The Commission considers that this benchmark is **almost fulfilled**.

The Commission recommends that the Turkish authorities strengthen their capacity to detect the nationality of irregular migrants they have intercepted, reducing the risk that some of them avoid expulsion by providing false information on their origins.

- *Establish the conditions allowing a voluntary return to the third country nationals expelled from its country and willing to use this modality ;*

Taking into account the provisions of the Law on Foreigners and International Protection, and the limited pilot programmes for assisted voluntary return already carried out in Turkey, the Commission considers that this benchmark is **fulfilled partially but with good prospects for further progress**.

In order for the Commission to upgrade its assessment, it will need to receive:

- information allowing it to verify how the new provisions introduced in Turkish legislation to allow for the voluntary return of irregular migrants are actually implemented;
- statistical data concerning the number of voluntary returns authorised and actually implemented by the Turkish authorities.

➤ *Provide adequate infrastructure (including detention centres) and strengthen responsible bodies to ensure effective expulsion of illegally residing and/or transiting third country nationals from the Turkish territory, while offering all the needed legal aid, as well as social and psychological assistance, and decent and fair detention conditions and removal procedures, to the returnees.*

The Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress**.

In order to make further progress towards fulfilling the benchmark, the Commission recommends that the Turkish authorities continue their work to build and equip centres to host irregular migrants in a decent manner while they undergo readmission and removal procedures.

The Commission also recommends improving practical access for these people to legal aid, social and psychological assistance and decent and fair detention conditions procedures, particularly by working with specialised organisations, allocating appropriate funding, and deploying well-trained and motivated staff.

4. BLOCK 3: PUBLIC ORDER AND SECURITY

4.1. General assessment

The situation in Turkey in this area is varied and sometimes contradictory.

Law enforcement agencies are resourceful and active. They are usually staffed with highly professional and committed specialists, and they make huge efforts in the fight against crime, with many and significant achievements. However, results in detecting and dismantling the criminal organisations operating in the country or involved in transnational networks are below expectations.

The country has significant and well established tools for police and judicial cooperation with international partners, including EU Member States and EU agencies. However, the results of that cooperation are below the level needed for both the EU and Turkey. Difficulties are created by various factors, including differences between EU and Turkish legislation, the different agreements to which the parties have acceded, and differences in the approach taken on certain issues.

In many cases, Turkish officials prepared draft laws and agreements — whose implementation would strengthen cooperation or make better use of Turkey's law enforcement agencies' potential — for approval or signature by the government, but these have remained on hold for years, for reasons unknown to the Commission.

Many significant steps forward appear to be within reach and quickly achievable, provided that they are supported by political will for reform.

4.2. Detailed comments on the benchmarks under public order and security block

4.2.1. Preventing and fighting organised crime, terrorism and corruption

- *Continue and complete implementation of its National Strategy and Action Plan for the fight against organised crime (in particular cross-border aspects) and ensure adequate human and financial resources for its implementation;*

Turkey provides considerable financial, technical and human resources to combat organised crime. As documented, *inter alia*, by the report on anti-smuggling and organised crime 2013 issued by the Turkish police, its law enforcement agencies are achieving significant results in this area.

However, information is still lacking to the Commission on the specific measures taken by Turkish authorities to implement the Action Plan for the fight against organised crime, or on how such measures and the overall strategy on organised crime can help effectively address the threat represented by criminal organisations operating in Turkey. Furthermore, an analysis of the way in which criminal organisations are structured and are operating in Turkey does not seem to be available. As a result, the Commission considers the requirements of this benchmark only **partially fulfilled**.

In order for the Commission to be able to upgrade its assessment, the Turkish authorities will need to provide:

- information on the specific measures actually taken to implement the Action Plan;
 - information that allows the Commission to understand the nature and size of the criminal organisations based in Turkey, with a focus on those operating nationally or transnationally, with indications of their typical geographic and economic areas of activity; and an explanation of the approach the Turkish authorities are developing to dismantle these criminal organisations and combat their activities.
- *Sign and ratify the Council of Europe's Convention on Action against Human Trafficking as well as adopt and effectively implement legislation, including provisions aligned on the standards set by this Convention as well as by the EU acquis related to the prevention of the trafficking in human beings, the prosecution of traffickers, and the protection and assistance of their victims;*

Turkey's penal code and the Law on Foreigners and International Protection include provisions allowing for prosecution of traffickers in human beings and assistance to victims of human trafficking. However, a comprehensive legal framework on trafficking in human beings has not yet been created, and the relevant Council of Europe Convention has been signed but not ratified.

In light of this, the Commission considers that this requirement is **only partially fulfilled**.

The Commission recommends that the Turkish authorities:

- ratify the Council of Europe Convention on Action against Human Trafficking; and
 - adopt a law to comprehensively address trafficking in human beings, in line with the standards set by the Convention and the EU *acquis*.
- *Provide adequate infrastructures and sufficient human resources and funds ensure decent reception and protection of the rights and dignity of victims of trafficking, and supporting their social and professional reintegration;*

The Commission considers that this benchmark is **partially fulfilled**, thanks to the work already being done in Turkey to provide support to the victims of trafficking in human beings.

The Commission recommends that the Turkish authorities:

- increase the support they provide, to cope with the number of victims being rescued, in particular by opening and running additional shelters;
 - develop programmes to support victims in reintegrating into society, both socially and professionally; and
 - ensure that staff who work with the victims of trafficking receive appropriate training.
- *Ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS 198) and transpose its provisions into the internal legislation and adopt and effectively enact legislation allowing to meet the requirements of this Convention as well as the recommendations of the Financial Action Task Force (FATF) on*

establishing a system on the freezing of assets and a definition of the financing of terrorism;

Although Turkey has not yet ratified the relevant Convention, it has developed national legislation and administrative capacities to combat money laundering and terrorism financing. As a result the Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress.**

The Commission recommends that the Turkish authorities:

- ratify and start to implement the Convention;
- revise national legislation to ensure full alignment with the Convention's provisions;
- set up a system to centralise the collection of statistics on confiscation of the proceeds of crime; and
- fully implement recommendations made by the Financial Action Task Force.

The Turkish authorities are also encouraged to consider setting up an Asset Recovery Office for the confiscation and recovery of proceeds of crime

➤ *Ratify the Council of Europe Convention on Cybercrime and adopt legislation and implement measures allowing to enact this Convention;*

In light of Turkey's recent ratification of the Convention, which the Turkish authorities have not yet started to implement, and the sizeable capabilities developed by the law enforcement agencies to combat cybercrime, the Commission considers this requirement **fulfilled partially but with good prospects for further progress.**

The Commission recommends that the Turkish authorities start to implement the Convention, and revise national legislation to make it fully compliant with the Convention's provisions, focusing in particular on Articles 9, 16, 17 and 18 of the Convention.

➤ *Continue implementing the National Strategy and the Action Plans against Drugs and Drug Addiction and develop cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA);*

The Turkish authorities appear to be very engaged in the fight against drugs trafficking. In addition, they are working with the EMCDDA, and are implementing the Strategy and the Action Plan.

The Turkish Drug Report 2013 published by the Turkish Ministry of Interior informed quite comprehensively on the phenomena of drug trafficking and drug addiction in Turkey, as well as on the policies developed by Turkish authorities to counter these phenomena. However no detailed information was provided by the Turkish authorities on the specific measures taken to implement the Action Plan.

The cooperation agreement with the EMCDDA was ratified by Turkey on 29 June 2012, but the official document of has never been deposited by Turkish authorities, which prevents the agreement coming into force in Turkey.

In light of the above, the Commission considers that this benchmark is **fulfilled partially, but with good prospects for further progress.**

In order to be able to issue an upgraded assessment, the Commission will need to receive detailed information on measures taken by the Turkish authorities to effectively implement the current Action Plan against Drugs and Drug addiction.

The Commission also recommends that the Turkish authorities continue to improve the (already high) quality of their annual reporting, and enable the cooperation agreement with the EMCDDA to come into force by depositing the official document of ratification.

➤ *Continue implementing the National Strategy and the Action Plan on Fight against Corruption and the recommendations of GRECO (I, II and III. Evaluation Round).*

The Commission considers that this benchmark is only **partially fulfilled**, because, based on the limited information received from the Turkish authorities, only some of the recommendations made by GRECO have been appropriately followed up, and only some of the measures set out in the action plan to fight against corruption have been implemented.

The Commission recommends that the Turkish authorities:

- follow up on all of GRECO's recommendations;
- complete the implementation of the Action Plan against Corruption;
- provide detailed information on the measures taken to implement these two recommendations.

As the current Strategy and the Action Plan against corruption will expire in 2014, the Commission also recommends that the Turkish authorities adopt and start implementing a new strategy and action plan.

These documents should follow from a thorough analysis of prevention and the fight against corruption and should include:

- strict deadlines for implementing the planned measures;
- budgetary allocations;
- institutions and people responsible for carrying out actions; and
- indicators of success.

Civil society should be part of the process of drafting and monitoring of these documents, while the overall monitoring of and reporting on implementation of the action plan should be entrusted to a public-sector body or a working group empowered to act with the necessary degree of independence.

4.2.2. Judicial cooperation

- *Implement and comply with international conventions concerning judicial cooperation in criminal matters (in particular the Council of Europe Conventions on Extradition (no 24 of 1957, including the not yet implemented Additional Protocols of 1975, 2010 and 2012), Mutual Assistance in Criminal Matters (no 30 of 1959, including the not yet implemented Additional Protocol of 2001), and the Transfer of Sentenced Persons (no 112 of 1983, including the not yet implemented*

Additional Protocol of 1997);

Turkey is already party to many of the conventions and protocols mentioned in this benchmark, is implementing them, and intends to sign more of them. The Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress**.

The Commission recommends that the Turkish authorities sign, ratify and start implementing the three Protocols to the Convention on Extradition, the Protocol to the Convention on Mutual Assistance in Criminal Matters, and the Protocol to the Convention on the Transfer of Sentenced Persons, to which Turkey is not yet party.

- *Take measures aimed at improving the efficiency of judicial cooperation in criminal matters of judges and prosecutors with the EU Member States and with countries in the region;*

Turkish authorities and experts have been working to prepare a single comprehensive legal act, setting out clearly and simply the procedures to be followed by the Turkish authorities to request and provide international judicial cooperation in criminal matters in the most efficient and effective manner. Such act however up to now has not yet been adopted.

In light of this, the Commission considers that this requirement is **fulfilled partially, but with good prospects for further progress**.

In order to make progress towards the fulfilment of this benchmark, the Commission encourages Turkey to consider adopting such comprehensive legal act.

Moreover the Commission recommends that Turkey continue introducing relevant administrative, technical and legal measures, including training, to ensure that the Turkish authorities can respond more quickly to requests for legal assistance in criminal matters.

- *Develop working relations with Eurojust*

Turkish authorities are making good use of any possible opportunity for developing relations offered to them by Eurojust. However, Turkey's ability to develop fully fledged cooperation with Eurojust is structurally limited by the absence of national legislation on data protection that is in line with the EU *acquis*. Therefore, Eurojust is not able to share personal and confidential information relevant to specific judicial cases with the Turkish authorities.

In light of this, the Commission considers that this requirement is only **partially fulfilled**.

The Commission recommends that the Turkish authorities adopt and start implementing national legislation on data protection in line with the EU *acquis*.

Meanwhile, the Commission recommends them also to provide information about the actions they plan to carry out to develop their working relations with Eurojust.

- *Continue implementing the 1980 Hague Convention on civil aspects of the international child abduction, and accede to the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, as well as to the 2007 Hague Convention on the International Recovery of Child*

Support and Other Forms of Family Maintenance;

Turkey implements the 1980 Hague Convention, although proceedings are frequently subject to delay. It is not a party to the 1996 and 2007 Conventions, although it is a party to other conventions which address similar matters in a different manner. As a result of this situation, the Commission considers that this requirement is only **partially fulfilled**.

The Commission recommends that the Turkish authorities:

- accede to the 1996 and 2007 Hague Conventions;
- take effective measures to ensure an acceptable reduction in delays to proceedings resulting from the 1980 Hague Convention.

With reference to this last point, the Turkish authorities are encouraged to give particular consideration to reforming the procedure by which the Hague Convention is currently being implemented, to ensure a speedier start and a shorter duration for judicial proceedings (notably for appeals), and to have these proceedings heard by specialised courts.

The Turkish authorities are also invited to give due consideration to appointing a judge as contact point in the International Hague Network of Judges, so as to facilitate cooperation on matters covered by the Hague Conventions.

- ***Provide effective judicial cooperation in criminal matters to all the EU Member States, including in extradition matters inter alia by promoting direct contacts between central authorities.***

Turkey's ability to offer EU Member States full cooperation in extradition matters is primarily hampered by some structural limitations and, in particular, its constitutional choice not to allow the extradition of its citizens. Similarly, EU citizens cannot be extradited to Turkey. Within these limitations, and taking into account the principle of reciprocity and the applicable international conventions, the Turkish authorities are however ready, in principle, to cooperate with the EU Member States in extraditing non-nationals. There are also provisions in the Turkish legal order enabling Turkey to launch national prosecutions or to enforce foreign sentences against Turkish citizens who fled to Turkish territory after committing crimes abroad.

Another limitation to Turkey's ability to cooperate with EU Member States in criminal matters consists in the observed reticence by Turkish authorities to give a positive follow up to requests of judicial cooperation submitted by some EU Member States, whose judicial authorities rejected in the past requests of judicial cooperation submitted by Turkey. The Turkish authorities follow this approach even in cases in which the rejection by a Member State was due to technical reasons, notably to the existing difference in the legislation and safeguards between the EU Member State and Turkey on the specific crime subject to the request. Albeit this important limitation, the Turkish authorities are providing effective cooperation in criminal matters to most of the EU Member States, although the scope and efficiency of the cooperation offered to them may vary significantly.

In light of the above, the Commission considers this benchmark **fulfilled partially**.

The Commission recommends that the Turkish authorities:

- take a cooperative stance towards the authorities in Member States who approach them on matters of judicial cooperation in criminal matters, building up a good level

of reciprocal information exchange on the respective applicable legislation and procedures, and refraining from a strict application of the principle of reciprocity;

- continue the reform of the Turkish criminal justice system and legislation, so as to ensure its further harmonisation with the EU and European standards, while maintaining the independence of the judiciary and strengthening procedural safeguards;
- help the authorities in Member States to identify and apply procedures under Turkish legislation, which would allow the prosecution of crimes committed on EU territory by Turkish nationals having subsequently fled to Turkey;
- offer judicial cooperation in criminal matters to all EU Member States without discrimination, including to the authorities in the Republic of Cyprus.

4.2.3. Law enforcement cooperation

- *Take necessary steps to ensure effective and efficient law enforcement cooperation among relevant national agencies - especially border guards, police, customs officers, through full inter-agency collaboration in the field of intelligence and information exchange - as well as cooperation with the judicial authorities;*

Turkish law enforcement agencies do not routinely share their resources and work tools and do not share access to their respective databases and intelligence. However, they have established mechanisms of coordination and information sharing, they share access with the judiciary to all the relevant judicial proceedings through the UYAP database system and the police and the customs service have improved their cooperation through a protocol to allow data sharing. As a result, the Commission considers this benchmark **almost fulfilled**.

The Commission recommends that the Turkish authorities continue developing cooperation between the law enforcement agencies and other relevant public-sector bodies and, in particular, to improve their capacity to produce shared threat assessments, carry out joint operations, and increasingly make use of each other's skills when launching and carrying out investigations.

- *Reinforce regional law enforcement services cooperation and implement bilateral and multilateral operational cooperation agreements, including by on time sharing of relevant information with competent law enforcement authorities of EU Member States;*

In light of Turkey's participation in various international organisations on police matters, particularly Interpol, and the fact that it has concluded security agreements with most of the EU Member States, the Commission considers this requirement **almost fulfilled**.

The Commission recommends that the Turkish authorities offer police cooperation, including in Interpol matters, to the authorities in all EU Member States, including in the Republic of Cyprus.

- *Improve the operational and special investigative quality and capacity of law enforcement services to more efficiently serious cross-border crime, including identity and travel document fraud;*

Turkish law enforcement agencies appear to be well equipped with the capacities referred to in this benchmark. The Commission considers this benchmark **fulfilled**.

➤ *Effectively cooperate with OLAF and Europol in protecting the euro against counterfeiting;*

The Turkish authorities effectively and regularly cooperate with the relevant EU and EU Member State institutions in protecting the euro against counterfeiting. The Commission considers that this benchmark is **fulfilled**.

➤ *Strengthen the capacities of the Turkish Financial Crimes Investigation Board (MASAK) and develop its cooperation with other Financial Intelligence Units within the EU Member States;*

MASAK is a relatively young institution, but in light of its significant range of activity and the cooperation it has already developed with financial intelligence units in EU Member States, the Commission considers this requirement **partially fulfilled, but with good prospects for further progress**.

The Commission recommends that the Turkish authorities take some additional measures to further build MASAK's capacity and develop work tools allowing it to increase the quality, the quantity and the spectrum of its investigations, notably through:

- improving MASAK's capacity to collect, process and analyse data on suspicious transactions, with the view to conducting more effective and successful investigations;
- collecting and producing statistics on the numbers of suspicious transactions that lead to money laundering prosecutions, and the numbers of convictions achieved;
- conducting an internal resource review on the adequacy of systems, staffing and resource levels in MASAK;
- carrying out a national risk assessment to identify methods of money laundering in Turkey, identify high-risk financial products and businesses and work with the regulated sectors to minimise these threats. This risk assessment could be used to develop a new Turkish Anti-money laundering (AML) Action plan;
- analysing the supervisory processes in place for AML and for countering terrorism financing (CFT) to ensure compliance and alignment with EU Member State practices;
- devising a system to evaluate the competency of compliance officers working on AML/CFT; and
- conducting joint training on AML/CFT with Turkish law enforcement agencies.

➤ *Continue implementing the Strategic Agreement with Europol;*

The Commission considers that this requirement is **almost fulfilled**.

The Commission recommends that the Turkish authorities continue working to develop all forms of cooperation possible under the strategic agreement.

- *Conclude and fully and effectively implement an Operational Cooperation Agreement with Europol.*

This requirement is **not fulfilled**.

In order for Turkey to make progress towards signing an operational cooperation agreement with Europol, the Commission recommends that the Turkish authorities adopt and start implementing national legislation on data protection in line with the EU *acquis*.

4.2.4 Data protection

- *Sign, ratify and implement relevant international conventions, in particular the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981 and its Additional Protocol no 181;*

The Commission considers that this requirement is **not fulfilled**.

The Commission recommends that the Turkish authorities ratify and implement the Convention and its additional protocol.

- *Adopt and implement legislation on the protection of personal data in line with the EU standards, in particular as regards the independence of the authority in charge of ensuring the protection of personal data.*

The Commission considers that this requirement is **not fulfilled**.

The Commission recommends that the Turkish authorities adopt and start implementing national legislation on data protection in line with the EU *acquis*.

5. BLOCK 4: FUNDAMENTAL RIGHTS

5.1. General assessment

To the extent that this is relevant for assessing the progress made towards visa liberalisation, it is possible to state that Turkey has made good progress and taken significant steps in the areas covered by the benchmarks under this block. In several cases, reforms and new approaches are already under way. The Commission encourages Turkey to continue these.

5.2. Detailed comments on the benchmarks under the fundamental rights block

5.2.1. Freedom of movement of the citizens

- *Ensure that freedom of movement of citizens of Turkey is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Carry out related full investigations when needed;*

As freedom of movement is broadly guaranteed in Turkey and there appear to be no major obstacles to this freedom in practice, the Commission considers that this requirement is **fulfilled**.

5.2.2. Conditions and procedures for the issue of identity documents

- *Provide information about the conditions and circumstances for the acquisition of Turkish citizenship;*

Turkey has provided adequate information about the conditions for acquiring Turkish citizenship. Therefore, the Commission considers that Turkey has **fulfilled** this requirement.

- *Provide information about the conditions for changing personal data;*

Turkey has provided adequate information about the conditions for amending personal data. Therefore, the Commission considers that Turkey has **fulfilled** this requirement.

- *Ensure full and effective access to travel and identity documents for all citizens including women, children, people with disabilities, persons belonging to minorities, internally displaced people, and other vulnerable groups;*

Turkish legislation provides for access to travel and identity documents for all citizens. Therefore, the Commission considers that Turkey has **fulfilled** this requirement.

- *Ensure full and effective access to identity documents for the refugees and stateless persons residing in Turkey.*

The Commission considers that this requirement is **almost fulfilled**.

The Commission recommends that the Turkish authorities continue working to ensure both timely registration and access to proper identity documents for all applicants and beneficiaries of international protection present in the country.

- *Provide accessible information on registration requirements to foreigners wishing to reside in Turkey, and ensure equal and transparent implementation of respective legislation.*

In light of the provisions of the new Law on Foreigners and International Protection, the Commission considers that this requirement is **fulfilled**.

5.2.3. Citizens' rights and respect for and protection of minorities

- *Develop and implement policies addressing effectively Roma social exclusion, marginalisation and discrimination in access to education and health services, as well as its difficulty to access to identity cards, housing, employment and participation in public life;*

The Commission considers that this requirement is only **partially fulfilled**.

The Commission recommends that the Turkish authorities:

- adopt a comprehensive strategy and action plan for improving the situation of Roma in Turkey, taking inspiration from the provisions of the 2011 EU framework for national Roma integration strategies and involving Roma civil society organisations in implementing and monitoring the strategy;
- provide the relevant government department with appropriate resources to effectively coordinate implementation of the strategy and action plan;
- increase the collection of qualitative and quantitative data on Roma integration and on progress made through implementing this comprehensive Roma strategy and action plan;
- ensure that, as part of the planned housing measures for Roma people, integrated social inclusion programmes accompany housing measures; and
- adopt legislation on anti-discrimination, taking inspiration from the EU *acquis* on equal treatment of people regardless of racial or ethnic origin.

- *Ratify Additional Protocols Nos 4 and 7 to the European Convention on Human Rights (ECHR);*

As Turkey has signed but not ratified Protocols Nos 4 and 7 to the Convention, the Commission considers this requirement **partially fulfilled**.

The Commission recommends that the Turkish authorities ratify and implement these two Protocols.

Turkey could also conduct a study to check the compliance of its domestic legislation with the provisions in the above-mentioned Protocols. If the study reveals substantial gaps, the Commission recommends that Turkey adopt appropriate measures.

- *Revise - in line with the 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 Commission considers this requirement only **partially fulfilled**.

The Commission recommends that the Turkish authorities:

- continue implementing the action plan on preventing ECHR violations and providing the necessary human and financial resources in order to ensure it is implemented and monitored;
- continue their constructive engagement in the ‘Incal’ group of cases, in order to ensure that the Committee of Ministers ultimately ends its supervision of this group of cases;
- take measures to ensure the effective implementation of individuals’ rights to apply to the Constitutional Court and to strengthen the Ombudsman and the National Human Rights Institutions;
- continue reviewing and amending anti-terror legislation, taking inspiration from EU standards and working with representatives from civil society organisations;
- take all necessary steps to ensure that law enforcement officials, judges and prosecutors interpret the current legislation consistently, taking into account the provisions of the ECHR and the case-law of the European Court of Human Rights, including awareness-raising, training, and setting an independent and impartial body to investigate police offences.

6. BLOCK 5: READMISSION OF IRREGULAR MIGRANTS

6.1. General assessment

Implementation in this area requires substantial further work. Some positive initiatives already taken by Turkey deserve recognition, notably the ratification of the EU-Turkey readmission agreement and the creation of a new administrative structure responsible for managing the readmission process.

However, the agreement has entered into force only on 1 October 2014 and therefore a track record of its implementation could not yet be collected. Furthermore, a key provision of the agreement, relating to the readmission of migrants who are third-country nationals, will only start to apply three years after that date, and therefore it will not be possible to comprehensively assess the implementation of this block of requirements until then. Another key requirement in this block, relating to the full implementation of existing readmission obligations with individual EU Member States, can be assessed at this time but is unfortunately not being fulfilled satisfactorily.

6.2. Detailed comments on the benchmarks under the readmission block

- *Fully and effectively implement the readmission obligations existing with the Member States;*

Because of the poor rate of acceptance by Turkish authorities of readmission requests sent by Greece and the fact that, in 2013, they unilaterally decided to discontinue cooperating with Bulgaria on readmission matters (which they had done until that point), the Commission considers that this requirement is **not fulfilled**.

The Commission recommends that Turkey implement all of its readmission obligations towards Member States and maintain a good level of cooperation in this area of work.

- *Ratify the EU-Turkey readmission agreement initialled on 21 June 2012;*

As the readmission agreement has been ratified by Turkey, this requirement is **fulfilled**.

- *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;*

As the readmission agreement with the EU has entered into force only on 1 October 2014, and some key provisions of the agreement will start applying only three years after that date, the Commission considers that this benchmark is **not fulfilled**.

- *Establish and implement internal procedures allowing for the rapid and effective identification and return of Turkish citizens, third-country nationals and stateless persons who do not, or no longer, fulfill the conditions for entry to, presence in, or residence on the territories of one of the Member States, and for the facilitated*

transit of persons to be returned to their country of destination, in a spirit of cooperation;

Turkey has internal procedures for returning irregular migrants, and these are normally smoothly implemented as regards Turkish citizens. No evidence was available of procedures to ensure that readmission of irregular migrants, particularly those that are nationals of third countries, takes place within the required deadlines. The Commission considers that this requirement is therefore **only partially fulfilled**.

The Commission recommends that the Turkish authorities develop the internal procedures mentioned in this requirement, including those to ensure the smooth implementation of accelerated border procedures, and keep the Commission updated on progress.

The Turkish authorities should complete the recruitment and training of staff in the General Directorate for Migration Management, which now leads on readmission and return operations relating to third-country nationals. The authorities should also clearly set out the General Directorate's responsibilities and the way it will work with the relevant staff in other law enforcement agencies and border authorities who lead on dealing with irregular migrants.

- *Strengthen the capacity of the competent authority to process readmission applications within the timeframe given in the readmission agreement and reduce the number of pending readmission requests, including those related to third country nationals;*

The implementation of the readmission agreement between the EU and Turkey has begun only very recently. Furthermore, for three years after its entry into force the agreement will be implemented only partially due to the non-applicability of some of its provisions. For these reasons, it is not yet possible to assess how closely the deadlines set under the agreement to process readmission applications are respected, and therefore the Commission considers that this requirement is **not fulfilled**.

- *Ensure that applications for readmission are processed in compliance with the domestic and the EU data protection requirements;*

As Turkey has not yet adopted legislation on data protection in line with EU standards, this requirement is **not fulfilled**.

- *Compile and share in a timely manner with the competent authorities of Member States and the European Commission detailed statistics on readmission;*

As implementation of the readmission agreement between the EU and Turkey has not yet begun, it is not yet possible to see how statistics on readmission are compiled and shared, and therefore the Commission considers that this requirement is **not fulfilled**.

7. STATISTICS

7.1. General assessment

The statistical indicators in the Roadmap selected to monitor changes in Turkey's risk profile show a moderately positive trend, with two exceptions. One exception is cooperation in the area of readmission, which remains poor. The other exception is the increasing number of people arriving in the EU from Turkey that are found to be using forged and fraudulent travel documents.

7.2. Detailed comments on statistics

➤ ***The visa refusal rate for applicants from Turkey;***

The visa refusal rate in Turkey has been slightly but steadily decreasing.

- In 2010, 6.73 % of C-type visas requested were rejected (slightly above the average rate of refusal by EU Member State Embassies worldwide of 5.79 %).
- In 2011, 5.04 % of C-type visas requested were rejected (slightly less the average rate of refusal by EU Member State Embassies worldwide of 5.5 %).
- In 2012, 4.51 % of C-type visas applied for were rejected (slightly less the average rate of refusal by EU Member State Embassies worldwide of 4.77 %).
- In 2013 780846 C-type visas were requested, and 36901 were refused; a 4.7 % rejection rate (slightly less than the average rate of refusal by EU Member State Embassies worldwide of 4.8 %).

While there was a decrease in the visa refusal rate, the number of Schengen visa applications made in Turkey continued to increase (by 61 % between 2009 and 2013), to 780846 applications for C-type visas issued in 2013.

➤ ***The rate of refused entry into the common Schengen area for Turkish citizens;***

The number of Turkish citizens refused entry into the Schengen area decreased from 1 889 in 2011, to 1 763 in 2012, and to 1 715 in 2013.

➤ ***The number of Turkish citizens found to be illegally entering into or staying in the territory of the Member States;***

The number of Turkish citizens found to be illegally entering the territory of an EU Member State decreased from 700 in 2011, to 416 in 2012, and to 317 in 2013.

The number of Turkish citizens found to be illegally staying in the territory of an EU Member State decreased from 7 803 in 2011, to 7 220 in 2012, and to 6 744 in 2013.

In both of the above cases, a positive trend can be seen.

➤ ***The total number of asylum applications from Turkish citizens in the EU Member***

States;

The number of asylum applications from Turkish citizens has been decreasing since 2008. Application numbers fell from 7 115 in 2008, to 7 030 in 2009, 6 360 in 2010, 6 505 in 2011, 6 210 in 2012, and 5 625 in 2013. Although the number is relatively high for a stable and democratic country such as Turkey, the trend for this requirement is positive.

However, the proportion of positive asylum decisions has increased from 11 % in 2008 to 19.3 % in 2013, which implies that the number of Turkish nationals recognised as needing international protection has been increasing.

- *The number of readmission applications, including applications of third country nationals, submitted by the Member States to Turkey and which were rejected by the latter;*

The number of irregular migrants returned to Turkey in 2011, 2012 and 2013 by EU Member States, was, respectively, 2 643, 2 161 and 1 777, of whom 1 866, 1 666 and 1 445 were Turkish nationals.

The number of irregular migrants (mostly non-Turkish nationals) for whom the Greek authorities made readmission requests in 2011, 2012 and 2013 was 18 758, 20 464 and 3 413, respectively. The number of requests that the Turkish authorities rejected or did not reply to positively was extremely high, amounting to 17 206 (91 %) in 2011, 19 641 (96 %) in 2012 and 3 079 (90 %) in 2013.

- *The number of third-country nationals, arrived directly from the territory of Turkey, found trying to illegally cross the EU external borders or illegally staying within the EU*

The number of third-country nationals arriving directly from Turkish territory into the EU amounted to 56 201 in 2011, 36 307 in 2012, and 24 262 in 2013. These numbers are relatively high, but there is a downwards trend.

- *The number of third-country nationals, arrived to the EU or trying to cross the external borders of the EU, coming directly from the territory of Turkey, that were found with illegal travel documents*

The number of people (including Turkish and third-country nationals) coming directly from Turkish territory that were found at any EU border crossing point with illegal documents amounted to 629 in 2011, 927 in 2012 and 1 693 in 2013. The numbers are increasing. The largest proportion of these people (84 % of the total, in 2013) had arrived from Turkey by plane.

- *The number of operations carried out by Turkish law enforcement agencies against criminal organisations dealing with trafficking of human beings and smuggling of migrants, as well as the number of apprehended traffickers and smugglers.*

It was not possible to obtain clear statistics on the overall results achieved on these issues by the Turkish authorities as a whole, but only separate statistics related to the results achieved by some of the law enforcement bodies. The Report on Anti-Smuggling and Organised Crime

2013, issued by the Turkish police, listed 312 and 335 operations carried out in 2012 and 2013 respectively, related to combating migrants' smuggling, as well as 24 and 17 operations related to combating trafficking in human beings. These operations led to the prosecution of, respectively, 1036 and 918 smugglers of migrants, and 140 and 89 traffickers in human beings.

8. CONCLUSIONS

The EU-Turkey visa liberalisation dialogue has effectively started with the Commission's presentation of the 'Roadmap towards visa-free regime with Turkey' on 16 December 2013.

This first report on the implementation of the Roadmap, which is the result of the first year of discussions, shows that Turkey is already well advanced on implementing several of the benchmarks in the Roadmap and has the capacity to make further progress on fulfilling all the benchmarks, provided that the Turkish authorities develop its cooperation with the EU and all its Member States in the relevant areas, and launch and implement several essential legislative and administrative reforms. However, the legal and administrative situation and developments in Turkey, as well as its overall cooperation with the EU, have not yet reached a stage that would enable the Commission to propose to the Council and the European Parliament, that the Schengen visa requirement for the Turkish citizens be lifted.

Detailed indications on areas where reforms and cooperation are needed have been provided in this report. The following list summarises the most prominent issues.

- On document security, Turkey will need to start issuing new passports that include biometric data, in line with the EU *acquis*, and develop effective information sharing and cooperation with EU Member States in detecting forged and fraudulent travel documents.
- On migration management, Turkey will need to ensure the effective and comprehensive implementation of the new Law on Foreigners and International Protection, including through adopting appropriate secondary legislation, and will need to complete the setting up of the General Directorate for Migration Management.
- Measures should be taken in Turkey to make progress on setting up a more modern, effective and integrated border management system, and to ensure the strengthening of the visa system, as well as the development of stronger border cooperation with EU Member States.
- The EU-Turkey readmission agreement has entered into force on 1 October 2014. The EU expects now its full and effective implementation vis-à-vis all Member States. Meanwhile, the bilateral readmission obligations already in place between Turkey and the EU Member States should be more effectively respected.
- On public order and security, the Turkish authorities need to sign, ratify, and start implementing several international conventions, to implement them on the basis of a cooperative approach, to adopt national legislation in line with European and international standards, and continue the reform of Turkey's justice system, in view of safeguarding its independence and efficiency. This will help support Turkey's law enforcement agencies in the fight against organised crime, and help develop police and judicial cooperation with their counterparts in the EU Member States.
- Progress on data protection, in particular, will allow, *inter alia*, for improved relationships with Europol and Eurojust.
- In the area of fundamental rights, Turkey should continue to revise anti-terrorism legislation and work on ensuring that this legislation is implemented, in line with provisions in the ECHR and the case-law of the European Court of Human Rights.

- Turkey will also need to adopt and implement a comprehensive strategy and action plan to improve the situation for people with Roma heritage living in Turkey and will need to adopt legislation to prevent discrimination and facilitate social inclusion.

The Commission is confident that the Turkish authorities will make their best efforts to develop and implement these reforms and cooperation, and invites them to keep the Commission informed of any development relevant to the fulfilment of the requirements of the benchmarks.

The Commission remains committed to making use of all available EU financial and technical resources, notably *inter alia* those available under the Instrument for Pre-accession Assistance, to support Turkey on this endeavour.

The Commission is doing this out of a desire for partnership and burden-sharing, but also due to its awareness of the fact that most of the measures which would support Turkey's progress towards visa liberalisation as set out in the Roadmap and recommended in this report will also — if properly implemented — promote further alignment of Turkey's legislation, administrative capacities and practices with EU standards.

The Commission will continue to monitor the progress Turkey makes in implementing the benchmarks in the 'Roadmap towards the visa-free regime', and the specific recommendations in this report. It will issue a second report within the next twelve months.