

17 December 2014

Visa-free Turkey: Priorities for action

Excerpts from the Commission Report

| | |
|---|----|
| Priorities for Action According to the Commission | 2 |
| Block 1: Document security..... | 2 |
| Exchange of information on passports, visa forms, forged documents | 2 |
| Block 2: Migration management | 3 |
| Integrated Border Management | 3 |
| Visa-free access for EU citizens | 4 |
| Cooperation between all bodies at the border..... | 4 |
| Cooperation with neighbouring EU member states on border management | 4 |
| Pursuit of alignment of visa policy | 5 |
| Monitoring of migration flows | 6 |
| Readmission agreements with countries - sources of illegal migration..... | 6 |
| Block 3: Public order and security..... | 7 |
| Operational cooperation agreement with Europol | 7 |
| Conventions on data protection | 7 |
| EU standard personal data protection mechanisms | 7 |
| Fight against organised crime | 7 |
| Human Trafficking | 8 |
| Protection of victims of human trafficking..... | 8 |
| Fight against corruption and GRECO recommendations | 9 |
| Eurojust..... | 9 |
| Child protection | 10 |
| Judicial cooperation in criminal matters with EU member states | 10 |
| Block 4: External relations and fundamental rights..... | 11 |
| Roma policies | 11 |
| Protocols 4 and 7 of the ECHR..... | 12 |
| Protection of fundamental rights..... | 12 |
| Block 5: Readmission of irregular migrants | 13 |

On 16 December 2014, Turkey and the EU launched a visa liberalisation process. Between March and June 2014, the European Commission organised seven week-long expert missions to Turkey to examine to which extent Turkey meets the visa roadmap benchmarks. Their findings provided input into a report Commission report assessing Turkey's progress, which was [published](#) on 20 October 2014¹. This paper focuses on the requirements on which Turkey should work as a priority. These are the requirements that the Commission considers:

“not fulfilled (i.e. Turkey is far from meeting this benchmark)”

and

“only partially fulfilled (i.e. much work still needs to be done to fulfill the requirements of the benchmark, no particular positive developments to address them were observed).”

PRIORITIES FOR ACTION ACCORDING TO THE COMMISSION

Block 1: Document security

Exchange of information on passports, visa forms, forged documents

- *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.

¹ European Commission, Report on progress by Turkey in fulfilling the requirements of its visa liberalization roadmap, Brussels, 20 October 2014, COM (2014) 646 final, at http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/turkey_first_progress_report_en.pdf.

Block 2: Migration management

Integrated Border Management

- *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.

Visa-free access for EU citizens

- *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 ...

Cooperation between all bodies at the border

- *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.

Cooperation with neighbouring EU member states on border management

- *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.

Pursuit of alignment of visa policy

- *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.

Monitoring of migration flows

- *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.

Readmission agreements with countries - sources of illegal migration

- *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.

Block 3: Public order and security

Operational cooperation agreement with Europol

- *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*.

Conventions on 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.

EU standard personal data protection mechanisms

- *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*.

Fight against organised crime

- *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.

Human Trafficking

- *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*.

Protection of victims of human trafficking

- *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.

Fight against corruption and GRECO recommendations

- *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.

Eurojust

- *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.

Child protection

- *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.

Judicial cooperation in criminal matters with EU member states

- *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.

Block 4: External relations and fundamental rights

Roma policies

- *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.

Protocols 4 and 7 of the ECHR

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

As Turkey has signed but not ratified Protocols No. 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.

Protection of fundamental rights

- ***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.

Block 5: Readmission of irregular migrants

Readmission obligations with EU member states

- *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.

EU-Turkey readmission agreement

- *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**.

Processing of readmission requests

- *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**.

Data protection

- *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**.

Statistics

- *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**.

Internal procedures to identify and readmit irregular migrants from the EU

- *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.