



EUROPSKI PARLAMENT

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PREPORUKA

o nacrtu Odluke Vijeća o potpisivanju Sporazuma između Europske unije i Republike Turske o ponovnom prihvatu osoba koje borave bez dozvole (10697/2012 – C7-0029/2014 – 2012/0122(NLE))

Odbor za građanske slobode, pravosuđe i unutarnje poslove

Izvjestiteljica: Renate Sommer

Oznake postupaka

- * Postupak savjetovanja
- *** Postupak suglasnosti
- ***I Redovni zakonodavni postupak (prvo čitanje)
- ***II Redovni zakonodavni postupak (drugo čitanje)
- ***III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

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NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

o nacrtu Odluke Vijeća o potpisivanju Sporazuma između Europske unije i Republike Turske o ponovnom prihvatu osoba koje borave bez dozvole (10697/2012 – C7-0029/2014 – 2012/0122(NLE))

(Suglasnost)

Europski parlament,

- uzimajući u obzir nacrt Odluke Vijeća (10697/2012),
 - uzimajući u obzir nacrt Sporazuma između Europske unije i Republike Turske o ponovnom prihvatu osoba koje borave bez dozvole (10693/2012),
 - uzimajući u obzir zahtjev Vijeća za davanje suglasnosti u skladu s člankom 79. stavkom 3. i člankom 218. stavkom 6. podstavkom 2. točkom (a)(v) Ugovora o funkcioniranju Europske unije (C7-0029/2014),
 - uzimajući u obzir članak 81. i članak 90. stavak 7. Poslovnika,
 - uzimajući u obzir preporuku Odbora za građanske slobode, pravosuđe i unutarnje poslove i mišljenje Odbora za vanjske poslove (A7-0097/2014),
1. daje suglasnost za sklapanje sporazuma;
 2. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji te vladama i parlamentima država članica i Republike Turske.

EXPLANATORY STATEMENT

Background

The land route through Turkey to Greece is currently the route most frequently used by migrants and refugees travelling to the European Union from all over the world. This makes Turkey the main transit country for illegal immigration into the European Union. In order to make it possible for migrants who had entered the European Union illegally to be returned, the European Union and Turkey agreed to open negotiations on a readmission agreement in November 2002. Under this agreement, the parties would be obliged to readmit their own nationals, as well as third-country nationals without residence documents and stateless persons; the agreement also lays down procedural and technical criteria for readmission.

The first round of negotiations took place in May 2005. The negotiations came to an end on 14 January 2011. The outcome of the negotiations was endorsed by the Justice and Home Affairs Council on 24 February 2011. The Commission then submitted a proposal to the Council on the conclusion and signing of the agreement. The Council subsequently mandated the Commission to sign the agreement on the European Union's behalf. The conclusion of the agreement requires the consent of the European Parliament in accordance with Article 218(6)(a) TFEU.

Turkey has also done no more than initial the agreement so far, since the Turkish side suddenly decided to make its signature of the agreement conditional on the European Union drawing up a roadmap for visa liberalisation. The action plan for gradual visa liberalisation subsequently drawn up by the Commission ties visa liberalisation to legislative and administrative reforms in Turkey with regard to the security of identity documents, cooperation with European Union border authorities and action to safeguard fundamental rights. The action plan was approved by the Council on 30 November 2012.

Rapporteur's position

The readmission agreement would make a significant contribution to curbing illegal immigration into the European Union via Turkish territory. At the same time, it would help to combat cross-border crime, particularly human trafficking, and relieve the pressure on Greece and hence on the European Union as a whole.

Bearing in mind that the European Union has responded to Turkey's wishes with a visa action plan, Turkey must now fulfil its pledges and sign the agreement without delay. The new approach taken by Turkey, i.e. to delay ratifying the readmission agreement until the European Union introduces practical visa facilitation measures for Turkish citizens, is not acceptable. Turkey cannot use mass illegal migration through its territory to Greece as a means of exerting pressure on the European Union.

However, it is also evident that Turkey generally does not accept the integrity of the European Union. This became abundantly clear when Turkey refused to have any dealings with the Cyprus Council Presidency in the second half of 2012. In taking this attitude, Turkey as a candidate country contravened a basic pillar of the institutional negotiating framework, which

is founded on the principles of sincere cooperation and mutual solidarity.

Turkey is equally adamant in its refusal to fulfil its commitment to implement the additional protocol to the EEC-Turkey Association Agreement vis-à-vis all the Member States, in full and without discrimination. Turkey is still not prepared to recognise the Republic of Cyprus as an independent state. However, this means that it does not recognise the entirety and integrity of the European Union either. This attitude will continue to block the accession negotiations.

The Commission's latest progress report on Turkey lists clear and recurrent shortcomings, including in the areas of freedom of expression and freedom of the press, independence of the judiciary and religious freedom. Turkey now has the highest number of imprisoned journalists in the world. As well as journalists, students, trade unionists and representatives of non-governmental organisations are also being arrested for making statements critical of the government, and prosecuted and convicted under anti-terrorism legislation. Along with other shortcomings, this sweeping restriction on freedom of opinion and freedom of the press contravenes the Copenhagen political criteria for the pre-accession process; Turkey was supposed to have met these criteria even before the opening of accession negotiations, but it still does not comply with a single point. This seriously hampers any constructive dialogue with the European Union, since the Copenhagen criteria describe the set of fundamental values on which the European Union is based.

In this situation, your rapporteur welcomes the Commission's decision to link the drafting of an action plan for visa liberalisation to strict criteria. The emphasis placed on the fact that this is a 'gradual process' with a 'long-term perspective' also matches the open perspective characterising the accession negotiations. The visa action plan represents a significant move on the European Union's part to meet Turkey's wishes, without entailing any automatic mechanism.

Your rapporteur regrets that, despite this concession by the European Union, the Turkish side is continuing to delay ratification of the readmission agreement by insisting that the action plan, and thus the visa facilitation measures, must be implemented beforehand. In view of Turkey's shortcomings as described above, your rapporteur considers this new demand to be disproportionate. It is vital that Turkey should comply with the agreements reached and send a positive message to the European Union by signing the readmission agreement. Moreover, existing bilateral agreements must be implemented vis-à-vis all the Member States, without exception or restriction, prior to the entry into force and application of the readmission agreement.

Your rapporteur takes the view that cooperation with the European Union in coping with migration flows, combating human trafficking and operating border controls needs to be intensified, and effective cooperation between Turkey and all the Member States in matters of justice and home affairs policy must be guaranteed. In this context, she calls on the Turkish Government to submit the planned legislative package on Frontex-related border security to Parliament.

Your rapporteur is convinced that signature of the readmission agreement will benefit Turkey as well as the European Union. The agreement will ultimately smooth the path for visa

liberalisation and represents a significant milestone in bringing Turkey closer to the European Union. Moreover, Turkey will benefit from financial and technical support from the European Union under the agreement in order to build up its border police and install border surveillance equipment. These capacities will assist Turkey in securing its borders with fragile neighbouring countries such as Syria, Iran and Iraq.

Given such considerations, the rapporteur recommends that the European Parliament consent to the agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation. Your rapporteur expects the Council likewise to take up a clear position vis-à-vis Turkey, and calls on Turkey to refrain from making fresh additional demands and sign the agreement without further delay.

MIŠLJENJE MANJINE

u skladu s člankom 52. stavkom 3. Poslovnika
koje su podnijeli Judith Sargentini, H el ene Flautre, Franziska Keller, Jean Lambert i Tatjana
Zdanoka u ime kluba Zeleni/EFA

Klub Zeleni/EFA dosljedno glasuje protiv sporazuma o ponovnom prihvatu jer se njima ne jam ci potpuno poštovanje Ugovora EU-a te europskog i me unarodnog prava u pogledu temeljnih prava i azila, pogotovo u svjetlu nedavnih izvješća o odbijanju tra itelja azila na kopnenim i morskim grani nim podru jima EU-a.

Sporazumi o ponovnom prihvatu ne bi trebali uklju ivati klauzulu o dr avljanima trećih zemalja, pogotovo u slu aju Turske koja je jedna od glavnih tranzitnih zemalja prema EU-u. Neovisno i prakti no praćenje provedbe sporazuma o ponovnom prihvatu klju no je kako bi se osiguralo da se osobe kojima je potrebna me unarodna zaštitu, osobito Sirijci, ne vraćaju u zemlje gdje mo da nemaju pristup zaštitu ili gdje im mo da prijete progone te da se poštuje pravo tra itelja azila na pristup teritoriju EU-a te na pošten i u inkovit postupak za odobrenje azila. Za provođenje takvog prakti nog nadzora potrebno je uspostaviti mehanizme za razmjenu informacija o osobama koje su vraćene.

Iako Turska prihvaća mnogo izbjeglica iz Sirije, zadr ava geografsku rezervu na Konvenciju o izbjeglicama iz 1951., prema  emu je UNHCR pravno odgovoran za odre ivanje izbjegli kog statusa podnositelja zahtjeva koji nisu Europljani i za tra enje trajnih rješenja za osobe kojima je priznat izbjegli ki status.

Osim toga, potpisivanje sporazuma o ponovnom prihvatu ne bi trebao biti preduvjet za pokretanje postupka liberalizacije viznog re ima.

23.4.2013

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision concerning the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation

(COM(2012)0239 – C7-0000/2013 – 2012/0122(NLE))

Rapporteur: Ria Oomen-Ruijten

SHORT JUSTIFICATION

After 8 years of negotiations the European Commission and Turkey reached an agreement in June 2012 on the text of an Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation, subject to its signature and conclusion. The Committee on Civil Liberties, Justice and Home Affairs (LIBE) is the lead committee. Given its responsibility for accession negotiations (ANNEX VII of the Rules of Procedure) and its long-standing interest in Turkey, the Committee on Foreign Affairs (AFET) requested authorisation to draft an opinion.

The proposed decision concerning the conclusion of the agreement sets out the necessary internal arrangements for the practical application of the Agreement. In the Explanatory Memorandum attached to the proposal, the Commission points out that the readmission obligations are drawn up in a fully reciprocal way, comprising own nationals as well as third-country nationals and stateless persons. A derogation for Denmark from the decision has been agreed.

Giving that a large number of irregular immigrants enter EU territory via Turkey it is important to intensify cooperation on migration management, the fight against human trafficking and border controls. The agreement should also have an impact on the gradual visa liberalisation process in a long term perspective and would be an important step on the roadmap towards a visa-free regime. Turkey is the only candidate country which does not have visa liberalisation. The Committee urges Turkish authorities to ensure that, until this agreement enters into force, existing bilateral agreements are fully implemented. It should also be noted that in its resolution of 29 March 2012 on the Commission's 'Turkey 2011 progress report' (P7_TA(2012)0116) Parliament "urged Turkey to sign and implement the EU-Turkey readmission agreement" and "took the view that, once the readmission agreement

is signed, the Council should mandate the Commission to initiate the visa dialogue and define the roadmap for visa liberalisation". In the draft resolution on the Commission's 'Turkey 2012 progress report' currently under discussion in AFET this policy line is reaffirmed.

Therefore, the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation remains of crucial importance.

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose that Parliament give its consent.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	23.4.2013
Result of final vote	+: 34 -: 5 0: 0
Members present for the final vote	Sir Robert Atkins, Bastiaan Belder, Elmar Brok, Arnaud Danjean, Andrzej Grzyb, Anna Ibrisagic, Liisa Jaakonsaari, Jelko Kacin, Tunne Kelam, Maria Eleni Koppa, Andrey Kovatchev, Paweł Robert Kowal, Eduard Kukan, Vytautas Landsbergis, Sabine Lösing, Ulrike Lunacek, Francisco José Millán Mon, Annemie Neyts-Uyttebroeck, Ria Oomen-Ruijten, Ioan Mircea Pașcu, Mirosław Piotrowski, Hans-Gert Pöttering, Cristian Dan Preda, György Schöpflin, Geoffrey Van Orden, Sir Graham Watson, Boris Zala
Substitute(s) present for the final vote	Charalampos Angourakis, Reinhard Bütikofer, Andrew Duff, Roberto Gualtieri, Elisabeth Jeggle, Carmen Romero López, Sampo Terho, Ivo Vajgl
Substitute(s) under Rule 187(2) present for the final vote	Maria Badiá i Cutchet, María Auxiliadora Correa Zamora, Cornelia Ernst, Peter Šťastný

REZULTAT KONAČNOG GLASOVANJA U ODBORU

Datum usvajanja	22.1.2014
Rezultat konačnog glasovanja	+: 34 -: 7 0: 1
Zastupnici nazočni na konačnom glasovanju	Edit Bauer, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Philip Claeys, Carlos Coelho, Ioan Enciu, Tanja Fajon, Monika Flašíková Beňová, Kinga Göncz, Nathalie Griesbeck, Ágnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Véronique Mathieu Houillon, Anthea McIntyre, Roberta Metsola, Louis Michel, Claude Moraes, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Kyriacos Triantaphyllides, Axel Voss, Renate Weber, Josef Weidenholzer, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra
Zamjenici nazočni na konačnom glasovanju	Michael Cashman, Jean Lambert, Antonio Masip Hidalgo, Raúl Romeva i Rueda, Salvador Sedó i Alabart, Marie-Christine Vergiat