



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Civil Liberties, Justice and Home Affairs*

---

**2012/0122(NLE)**

19.4.2013

**\*\*\***

## **DRAFT RECOMMENDATION**

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))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Renate Sommer

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

## CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	6



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**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))**

**(Consent)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2012)0239),
  - having regard to the draft Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation,
  - having regard to the request for consent submitted by the Council in accordance with Article 79(3) and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C7-0000/2013),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0000/2013),
1. Consents to the conclusion of the Agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Turkey.

## 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.