

**FIRST MEETING OF THE EU-TURKEY VISA LIBERALIZATION
DIALOGUE
AGREED MINUTES**

Today, 16 December 2013, a delegation of the European Commission, led by Ms Cecilia Malmström, Commissioner for Home Affairs and a delegation of the Republic of Turkey, led by Mr Ahmet Davutoğlu, Minister of Foreign Affairs, and, met in Ankara and held the first session of the EU-Turkey Visa Liberalization Dialogue.

The two parties exchanged views along the following lines:

- 1) The Commission side presented the "Roadmap towards a visa-free regime with Turkey", explaining that this document includes a list of criteria on the basis of which the Commission services will assess the expediency for the Commission to present to the Council and to the Parliament the proposal to lift the Schengen visa obligations currently imposed on the Turkish citizens.
- 2) The Turkish authorities reacted to this presentation by expressing comments and questions on some of the requirements included in the Roadmap. These comments and questions were annotated in the margin of the Commission's text (see annotated Roadmap in annex). The two sides discussed the comments expressed by the Turkish side on the Roadmap. The Commission side noted that these comments were of various nature and degree of relevance; and therefore had to be addressed in different manner. In any case it recognized their importance and accepted to take them into serious consideration and discuss them. On this basis, the two sides agreed that the Visa Liberalization Dialogue would be conducted on the basis of the annotated Roadmap.
- 3) The representative of the Commission expressed the view that the Visa Liberalization Dialogue between the EU and Turkey represented the most appropriate tool allowing to the two sides to present each other their respective concerns and expectations in the fields of migration and mobility, and to address and satisfy them in the most balanced and comprehensive manner, and in a spirit of true partnership.

She noted that, through the Dialogue, it would be possible not only, to the EU side, to clarify the specific aim and reasoning lying behind each of the requirements set in the Roadmap and to take stock of the effective progress made by Turkey in complying with them, but also, to Turkey, to draw the attention of the EU side on any circumstances and reasons, allowing to consider any of these requirements no longer relevant for the exercise, or justifying the possibility to satisfy it through measures alternative, though equivalent, to those recommended in the Roadmap.

In that context, the Commission side expressed the persuasion that the EU-Turkey Visa Dialogue, similarly to what had happened in past Visa Dialogues held by the EU with other candidate countries, would certainly bring the successful completion of the Turkish visa liberalization process to its shortest possible duration.

- 4) The representative of the Commission and the representative of Turkey confirmed that the EU-Turkey Readmission Agreement will be signed in parallel with the present first session of the Visa Liberalization Dialogue, on the basis of the text which had been initialled by the representatives of the two sides on the 21 June 2012, and said that they not only looked forward to see that agreement ratified as soon as possible, but also expected it to be subsequently applied in all its provisions.

Both sides agreed on the quick establishment of the Joint Readmission Committee foreseen by the article 19 of the Agreement, once the latter has entered into force. The two sides agreed also that this Committee, inter alia, will have to address the practical aspects of the application of the agreement between Turkey and those EU Member States not having with Turkey a common land frontier, or land, sea and air communications, as well as the implementation of the article 7 (1) of the agreement.

- 5) The Commission, finally, took note of the declaration made by the Turkish side as regard its readiness to consider the possibility to denounce and terminate the validity of the Readmission Agreement -in line with its article 24- if, by the time of the entry into force of its provisions related to the readmission of third country nationals, the Commission has not presented to the Council and to the Parliament the proposal to lift the visa obligations imposed on Turkish citizens, in order to provide them with visa free regime within a reasonable time .

In response to this, the Commission representative underlined that those provisions were due to enter into force only three years after the ratification of the agreement and expressed the conviction that within that time frame the Dialogue did have the capacity to rapidly produce successful results, provided of course that both the sides would engage into it in an effective and constructive manner.

Annex: Annotated Road Map Towards a Visa-Free Regime with Turkey

**ANNOTATED ROADMAP
TOWARDS A VISA-FREE REGIME WITH TURKEY
(REV.1)**

12 JULY 2013

A. The Dialogue

Within the broader dialogue and cooperation framework between the EU and its Member States and Turkey in Justice and Home Affairs matters, the dialogue between the European Commission and Turkish authorities in view of preparing, fostering and monitoring the visa liberalisation process will be initiated in parallel with the signature of the readmission agreement, and will be based on the present Roadmap.

The Roadmap identifies the areas where Turkey will have to undertake legislative and administrative reforms with a view to establishing a secure environment for visa-free travel. Bearing in mind such objective, this Roadmap seeks to identify the legislation and all other measures that Turkey needs to adopt and implement and the requirements it needs to fulfil to achieve visa liberalisation.

Turkey looks forward, within the framework of the Visa Dialogue, to discuss the contents of the Roadmap, by demonstrating that some of the problems feared by the European Union are exaggerated, not relevant for the visa liberalization, are no longer justified, or can adequately be prevented or addressed through measures alternative to those suggested in the Roadmap. Besides, many requirements of the Roadmap related to the visas contained under the title “Visa policy” are already met by the new Law on Foreigners and International Protection.

The Roadmap addresses the following four blocks:

- Documents security;
- Migration and border management
- Public order and security;
- Fundamental rights.

In addition, the Roadmap includes a specific set of requirements in the area of readmission of illegal migrants, which Turkey is expected to fulfil and which will be specifically monitored by the Commission.

This dialogue is tailor-made to allow Turkey to focus its reform efforts and fulfil the EU’s requirements. The pace of movement towards visa liberalisation will depend on Turkey’s progress in adopting and implementing the measures and fulfilling the requirements set out in this Roadmap, including full and effective implementation of the readmission agreement and effective cooperation vis-à-vis all EU Member States on JHA issues as these issues are outlined in the present roadmap.

Once the critical mass of the requirements set out in the Roadmap is sufficiently fulfilled, the readmission agreement for third country nationals and the visa liberalization for Turkish citizens will be implemented simultaneously. Implementation of the requirements of this Roadmap will be monitored by the Commission and Turkish authorities.

Turkey expects that the European Union will handle the Visa Dialogue in a fair, non-formalistic and result-oriented manner, so as to ensure that all the progress made by Turkey will be duly taken into account, and the duration of the visa liberalization process will not be prolonged in an unjustified manner.

Within this process, effective cooperation will be established between Turkey and the EU on JHA issues.

EU makes available financial resources with a view to meet common challenges through a new financial mechanism complementing the existing financial cooperation (IPA).

Turkey expects the Commission to table, in due time, the official proposal for the amendment of EC Regulation 2001/539 so as to include Turkey in the list of countries which are exempt from the Schengen visa requirement.

In case the foregoing amendment is not realized at the same time of the entry into force of the Readmission Agreement for third country nationals, Turkey will consider to take the necessary steps according to Paragraph 5 of Article 24 of the Readmission Agreement.

For the non-Schengen EU members, Turkey will initiate the implementation of the Readmission Agreement only when these countries lift visa requirements for Turkish citizens.

The dialogue will be conducted by Senior Officials from the European Commission and Turkey, who may decide to organise technical meetings at expert level for specific items. Progress on the issues covered by the visa liberalisation dialogue will be reported to the Council and the European Parliament.

B. Methodology

Reinforced consultation

The Commission will fully associate the Council to each step of the dialogue through reinforced consultation. This will include the following:

1. The full involvement of the Council in following the implementation of this Roadmap;
2. The full participation of Member States' experts in assessing Turkey's progress in fulfilling the requirements set out in this Roadmap;
3. Utilising the expertise of EUROPOL, EUROJUST, FRONTEX, EASO, and EMCDDA in assessing Turkey's progress in meeting these requirements.

Monitoring and reporting

The Commission will present to the Council, as well as the European Parliament, regular reports detailing its assessment of Turkey's fulfilment of the requirements set out in this Roadmap. These reports will address requirements related to the different blocks of the dialogue, as well as the specific set of requirements in the area of readmission of illegal migrants.

These reports will draw upon the following sources: information provided by Turkey; assessment missions undertaken by the Commission services, EEAS and EU Member States' experts to assess Turkey's progress in the different blocks of the visa dialogue as well as the specific set of requirements in the area of readmission of illegal migrants; and data provided by EUROPOL, EUROJUST, FRONTEX, EASO, EMCDDA, and other EU agencies and bodies.

The Commission's bi-annual regular reports will evaluate the following:

1. Turkey's record in adopting or amending its legislation in line with the EU *acquis* the legislation set out in this Roadmap;
2. Turkey's record in implementing the legislation and all other measures set out in this Roadmap;
3. Turkey's record regarding the implementation of the readmission agreement and the impact of its visa policy on illegal immigration within the EU Member States; and
4. The expected migratory and security impacts of the liberalisation of the visa regime with Turkey¹

On the basis of these regular reports, the Justice and Home Affairs Council every six months will assess, and may express its opinion on the progress made by Turkey in fulfilling the requirements as set out in this roadmap, including on the implementation of the readmission agreement. The Commission will take into utmost consideration the political discussions in the Council. The Commission will also inform the European Parliament once a year of the progress of the visa dialogue.

The Commission shall regularly inform Turkey on the discussions in the Council and the European Parliament concerning the assessment of the implementation of the Roadmap requirements. Monitoring and reporting process regarding the implementation of the Roadmap shall be of a technical nature.

Outcome of the dialogue

Progress will be founded on a performance based approach and conditioned on an effective and consistent implementation by Turkey of the requirements set by this Roadmap vis-à-vis the EU and its Member States.

¹ [1] The Commission will continue to monitor and report to the Council and to the European Parliament on Turkey's progress in adopting and implementing the measures and fulfilling the requirements set out in this Roadmap, taking into account, inter alia, a set of performance indicators specified in the Final Remarks

Once all requirements set out in this Roadmap have fully been met, the Commission will present a proposal to the European Parliament and the Council to lift the visa obligation for Turkish citizens via an amendment of Council Regulation (EC) 539/2001.

This proposal will cover only the holders of biometric travel documents. Pursuant to Article 77(2)(a) of the Treaty on the Functioning of the European Union, the European Parliament and the Council shall decide in accordance with the ordinary legislative procedure.

I. Requirements related to the Readmission of illegal migrants

Turkey should fulfil the following requirements:

- Fully and effectively implement the readmission obligations existing with the Member States.
- Ratify the EU-Turkey readmission agreement initialed on 21 June 2012.
- 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;
- 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, fulfil 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 co-operation;

The readmission of third-country nationals and stateless persons by Turkey shall be applicable for persons who have transited directly through Turkey to EU Member States defined by article 4 of the Readmission Agreement.

Turkish Constitution guarantees the admission of all Turkish citizens into the country without any reservations. However for Turkish citizens who initiated a legal procedure in the Member States, Turkey understands that the readmission shall be realized upon the exhaustion of domestic remedies.

- 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 with reference to those related to third country nationals;
- Ensure that applications for readmission are processed in compliance with the domestic and the EU data protection requirements;
- Compile and share in a timely manner with the competent authorities of Member States and the European Commission detailed statistics on readmission;

- 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 EU should provide effective assistance to Turkey for the conclusion of readmission agreements with the third countries.

II. Requirements related to Document Security; Migration management; Public Order and Security; Fundamental Rights

BLOCK 1: Document Security

Passports/travel documents, ID cards and breeder documents:

Turkey should fulfil the following requirements:

- Continue issuing machine readable biometric travel documents in compliance with ICAO standards and follow ICAO recommended practice, phasing out of any non- ICAO compliant passport, and gradually introducing international passports with biometric data, including photo and fingerprints, in line with the EU standards, especially Council Regulation 2252/2004;
- Implement appropriate administrative measures ensuring the integrity and security of the personalisation and distribution and validation process, for international passports and other breeder documents;
- 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;
- Promptly and systematically report to Interpol/LASP data base on lost and stolen passports;
- Ensure a high level of security of breeder documents and ID cards and define strict procedures surrounding their application and issuance;
- Regularly exchange passport specimens, visa forms and information on false documents, and cooperate on document security with the EU,
- 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.

BLOCK 2: Migration management

Border management

Turkey should fulfil the following requirements:

- 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;
- 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;

Turkey will consider the principles and best practices enshrined in the EU Schengen Border Code and the EU Schengen Catalogue.

- 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 phrase "all the borders" stated in 2nd and 3rd paragraphs above by definition, includes "borders with EU member states" as well. Turkey stresses that the sea borders between Turkey and Greece have not been delimited. Therefore it is expected that the Commission take this fact into account in its assessments.

- 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;
- Establish training programmes and adopt ethical codes on anti-corruption targeting the border guards, customs and other officials involved in the border management;
- Implement in an effective manner the Memorandum of Understanding signed with FRONTEX, including by developing joint cooperation initiatives and exchanging data and risks analysis;
- 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.

The International Refugee Law is irrelevant in this context. Turkey already respects and ensures with its new Law on Foreigners and International Protection, compliance with the non-refoulement principle as well as access to asylum procedures for the persons in need of international protection.

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

In the document titled “A Broader Dialogue and Cooperation Framework on Justice and Home Affairs Between the EU and its Member States and Turkey”, in the section “Improving border management” on page 2, it is clearly stated that Turkey’s neighboring EU Member States are Greece and Bulgaria. This confirms Turkey’s understanding of its neighboring Member States. Turkey understands the reference made in this paragraph is only to the land borders.

Visa policy

Turkey should fulfil the following requirements:

- Enhance training on document security at the consular and border staff of Turkey, and develop and use the Turkish Visa Information System;
- Abolish issuance of visas at the borders as an ordinary procedure for the national of certain non-EU countries and especially for countries representing a high migratory and security risk to the EU;

Turkey has already started to decrease the number of visas issued at the borders.

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

The airport transit visa was already introduced into the Turkish legislation through the adoption of the Law on Foreigners and International Protection.

- 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;
- Pursue the alignment of the EU 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;

The alignment of the Turkish Visa regime to that of the EU will be possible only upon Turkey's accession to the EU.

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

Turkey will abolish the existing visa requirement for the citizens of all the EU Member States only in parallel with the acquisition by Turkish citizens of the right of visa-free travel to within the EU territories, including non-Schengen countries.

Carriers' responsibility

Turkey should fulfil the following requirements:

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

International Protection

Turkey should fulfil the following requirements:

- 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;

Turkey will consider to lift geographical limitation to the Geneva Convention upon her accession to the EU.

- 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;
- 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;
- 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.

The Law on Foreigners and International Protection ensures access to rights and cohesion/harmonization activities for applicants and beneficiaries of international protection. The cohesion/harmonization activities are, by the Law, envisaged to be on a voluntary basis.

The implementation of the Readmission Agreement should not pose any legislative and practical obstacles to the right of asylum seekers to submit asylum or protection applications in EU member states. During the period on which the Turkey-EU readmission agreement is in force, the scope of the agreement, with reference to irregular migrants that are third country nationals and that reached the EU territory directly coming from the Turkish territory, should be clearly limited to those, that either did not lodge an international protection to the authorities of the EU Member State which apprehended them, or whose asylum request lodged to the authorities of an EU Member State was thoroughly assessed by the latter against its merit and eventually rejected. Therefore, as

the Agreement is being concluded in a moment when Turkey is not considered by the EU as a “safe third country of asylum”, the scope of the Agreement should not be interpreted broadly so as to include asylum seekers whose applications are denied on the basis of “safe third country” principle.

Illegal Migration

Turkey should fulfil the following requirements:

- 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;
- 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 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;
- 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;

The EU shall provide effective assistance to Turkey for the conclusion of readmission agreements with the third countries.

- 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;
- Ensure sufficient financial and human resources for effective migration management, including also adequate training programs;
- Ensure effective expulsion of illegally residing third country nationals from its territory;
- Establish the conditions allowing a voluntary return to the third country nationals expelled from its country and willing to use this modality;
- 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 EU shall provide sufficient financial resources and technical assistance to Turkey on fight against illegal migration such as the possibility to benefit from the existing EU instruments and programmes (i.e. the Asylum and Migration Fund and the Internal Security Fund) serving EU Member States.

BLOCK 3: Public order and security

Preventing and fighting organised crime, terrorism and corruption

Turkey should fulfil the following requirements:

Turkey will sign and ratify the Council of Europe Conventions directly related to the implementation of the Readmission Agreement and visa liberalisation process.

- Continue and complete the 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;
- 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;
- Provide adequate infrastructures and sufficient human resources and funds ensuring a decent reception and protection of the rights and dignity of victims of trafficking, and supporting their social and professional reintegration;
- 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;
- Ratify the Council of Europe Convention on Cybercrime and adopt legislations and implement measures allowing to enact this 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);
- Continue implementing the National Strategy and the Action Plan on Fight against Corruption and the recommendations of GRECO (I, II and III. Evaluation Round).

Judicial co-operation

Turkey should fulfil the following requirements:

Turkey will sign and ratify Council of Europe Conventions and other international conventions directly related to the judicial cooperation in criminal matters within the framework of the visa liberalisation process.

- Implement and comply with international conventions concerning judicial cooperation in criminal matters (in particular the Council of Europe Convention on extradition (n.24 of 1957, including the not yet implemented additional protocols of 1975, 2010 and 2012), on mutual assistance on criminal matters (n.30 of 1959 , including the not yet implemented additional protocol of 2001), and on the transfer of sentenced persons (n.112 of 1983, including the not yet implemented additional protocol of 1997);
- Take measures aimed at improving the efficiency of judicial co-operation in criminal matters of judges and prosecutors with the EU Member States and with countries in the region;
- Develop 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 co-operation 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 others form of maintenance;
- 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.

Law enforcement co-operation

Turkey should fulfil the following requirements:

- Take necessary steps to ensure effective and efficient law enforcement co-operation among relevant national agencies - especially border guards, police, customs officers through full interagency collaboration in the field of intelligence and information exchange - as well as cooperation with the judicial authorities;
- Reinforce regional law enforcement services co-operation 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;
- Improve the operational and special investigative quality and capacity of law enforcement services to tackle more efficiently serious, as well as cross-border crime including identity and travel document fraud;
- Effectively cooperate with OLAF and EUROPOL in protecting the Euro against counterfeiting;
- 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;
- Continue implementing the Strategic Agreement with EUROPOL;

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

Data protection

Turkey should fulfil the following requirements:

- 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 n.181;
- 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.

BLOCK 4: Fundamental Rights

Freedom of movement of the citizens of Turkey:

Turkey should fulfil the following requirements:

- 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.

Conditions and procedures for the issue of identity documents

Turkey should fulfil the following requirements:

- Provide information about the conditions and circumstances for the acquisition of Turkish citizenship
- Provide information about the conditions for changing personal data;
- 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;
- Ensure full and effective access to identity documents for the refugees and stateless persons residing in Turkey.
- Provide accessible information on registration requirements to foreigners wishing to reside in Turkey, and ensure equal and transparent implementation of respective legislation.

Citizens' rights and respect for and protection of minorities

Turkey should fulfil the following requirements:

- Develop and implement policies addressing effectively the condition of the 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;
- Ratify the additional Protocols n.4 and 7 to the European Convention on Human Rights (ECHR);
- 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.

Turkey has sufficiently fulfilled the political criteria and started the accession negotiations with the EU. Turkey considers therefore that this title is not directly related with the visa dialogue.

The right of free movement of the Turkish citizens within their country is a constitutionally guaranteed right and is applied without any discrimination.

Turkey will consider ratifying Protocol n.4 upon accession to the EU. The procedure regarding the ratification of the Additional Protocol n.7 is under consideration. The recently adopted "Law on Foreigners and International protection" addresses already the issues relevant for the visa dialogue contained in the two protocols.

Reference to Roma under the section "respect for and protection of minorities" contradicts with the concept of "minorities" in Turkey, which finds its definition in the Lausanne Peace Treaty.

Final remarks

The present Roadmap includes a list of reforms to be adopted and effectively implemented by Turkey so that the visa obligation may be lifted. These reforms are necessary to ensure the freedom of movement in a secure and predictable manner and were developed on the basis of information available at the time of drafting.

Turkey will be required to undertake continuous, targeted information campaigns aiming to clarify the rights and obligations of visa-free travel, including information on rules regulating access to the EU labour market and liability for any abuse of rights under the visa-free regime.

The Commission will continue to monitor and report to the Council and Member States, as well as the European Parliament, on Turkey's progress in adopting and implementing the measures and fulfilling the requirements set out in this Roadmap, taking into account, *inter alia*, the following performance indicators:

- The visa refusal rate for applicants from Turkey
- The rate of refused entry into the common Schengen area for Turkish citizens;

It is difficult to obtain objective data.

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

It is difficult to obtain objective data.

- The total number of asylum applications from Turkish citizens in the EU Member States;
- 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.

In the case of justified rejections of Turkey with regard to readmission applications of third country nationals, submitted by the Member States to Turkey, any increase in the number cannot be considered as relevant performance indicator to assess if Turkey fulfills her responsibilities.

- 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 territory.

The number of third-country nationals, arrived directly from the territory of Turkey, found trying to illegally cross the EU external borders determined unilaterally cannot serve as an objective performance indicator. In addition, any increase in the numbers of third-country nationals, arrived directly from the territory of Turkey, found trying to illegally cross the EU external borders should not be interpreted as failure of responsibilities by Turkey.

- 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 third country nationals, arrived directly from the territory of Turkey, found trying to illegally cross the EU external borders determined unilaterally cannot serve as an objective performance indicator.

- 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.

The increase or decrease in the number of operations by itself cannot be considered as an objective performance indicator.

A substantial improvement in these performance indicators, over the course of the visa dialogue, will be used as an indicative reference in the Commission's assessments of the expected migratory and security impacts of the liberalisation of the visa regime with Turkey, including at the time when the Commission will present its legislative proposal to lift the visa obligation for Turkish citizens. The Commission will present a proposal to the European Parliament and the Council for the lifting of the visa obligation, by amending Council Regulation (EC) 539/2001 upon fulfilment of all the requirements of the Roadmap.

Following the relevant procedure laid down in the Treaty on the Functioning of the European Union, the European Parliament and the Council will take the decision in accordance with the ordinary legislative procedure. Such an amendment would cover only the holders of biometric travel documents issued in accordance with ICAO and EU standards.