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ANNEX 1

**to Commission Implementing Decision amending Commission Implementing Decision C(2016) 2435 final of 19 April 2016 adopting a Special Measure on migrants returned to Turkey, to be financed from the general budget of the European Union**

**1 IDENTIFICATION**

<b>Beneficiary</b>	Turkey
<b>CRIS/ABAC Commitment references</b>	2016 / 375 062
<b>Total cost</b>	EUR 60 million
<b>EU Contribution Budget line</b>	22.02 03 02
<b>Management mode/ Entrusted Entity</b>	Direct management by the European Commission
<b>Final date for contracting including the conclusion of delegation agreements</b>	31 December 2016
<b>Final date for operational implementation</b>	31 December 2020
<b>Programming Unit</b>	NEAR A5 – Turkey
<b>Implementing Unit/ EU Delegation</b>	EU Delegation to Turkey

## 2 Description of the Special Measure

### 2.1 PROBLEM ANALYSIS AND RATIONALE

Due to its geographical position Turkey is a major first reception and transit country for migrants and is hosting more than 2.9 million registered asylum seekers and refugees, the highest number in the world. Turkey is making commendable efforts to provide massive humanitarian aid and support to an unprecedented and continuously increasing influx of people seeking refuge and has already spent significant amounts of its own resources on addressing this crisis. Turkey is also the main transit country for irregular migrants on the Eastern Mediterranean route to the EU. In 2016 Turkey apprehended more than 174 000 irregular migrants mainly of Syrian, Afghani, Iraqi and Pakistani origin.

The EU and Turkey are determined to confront and surmount the migration challenges in a concerted manner. To this end, a policy document reflecting the understanding between the European Union and the Republic of Turkey to step up their cooperation on support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis (hereinafter: "the EU-Turkey Joint Action Plan"), agreed ad referendum by Turkey on 15 October 2015 and activated by the EU-Turkey Summit on 29 November 2015, aims to address the refugee crisis and migration management in a cooperative manner. The European Council Conclusions on 15 October 2015 welcomed "*the joint Action Plan with Turkey as a part of a comprehensive cooperation based on shared responsibility, mutual commitments and delivery*" and stated that "*the EU and its Member States stand ready to increase cooperation with Turkey and step up their political and financial engagement substantially within the established framework*". It was agreed that bold moves are needed to close down people smuggling routes, to break the business model of smugglers, to protect EU external borders and to take action to end the migration crisis in Europe. The European Council of 15 October 2015 agreed to step up the EU political and financial engagement to support Turkey in hosting more than 2.9 million refugees. In response, the Commission has established a coordination mechanism, the Facility for Refugees in Turkey (the Facility) which allows mobilising contributions from the EU budget and the Member States, amounting to initial additional resources of EUR 3 billion.

The assistance coordinated under the Facility should support the provision of humanitarian, development and other assistance to refugees and host communities, national and local authorities in managing and addressing the consequences of the inflows of refugees.

As indicated in the third Joint Action Plan implementation report<sup>1</sup>, the legislative and operational measures taken by the Turkish authorities to stem irregular migration appeared to have had some first impact on the migratory flows. Nevertheless, the number of people arriving irregularly to the EU from Turkey was still high for the period covered by the report (1 February – 2 March 2016) when winter conditions were expected to contribute to a decrease in the number of arrivals.

In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey decided at the occasion of the EU-Turkey Summit on 18 March 2016 to end the irregular migration from Turkey to the EU. To achieve this goal, one of the action points agreed is that all migrants not applying for asylum or whose application have been assessed unfounded or inadmissible, crossing from Turkey into

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<sup>1</sup> COM (2016) 144 final of 4.03.2016

Greek islands as from 20 March 2016, will be returned to Turkey. This measure has started to be implemented as of 4 April 2016.

The EU should support the efforts of Turkey in hosting migrants in appropriate conditions, in particular migrants returned to Turkey from EU Member State territories and irregular migrants hosted in the country. The Ministry of Interior of the Republic of Turkey has submitted a proposal for an action aiming at strengthening its capacity to manage, receive and host migrants in appropriate conditions, and in particular migrants returned from EU Member States territories to Turkey.

**2.2 PAST AND ONGOING SUPPORT**

The Special Measure is in line with the objectives of the Facility and will be financed by the funding coordinated through this mechanism. The assistance already allocated or planned to be allocated addresses the needs of the refugees in Turkey but does not cover so far the specific needs of migrants returned to Turkey. The Special Measure is designed to address those specific needs.

**2.3 DESCRIPTION AND IMPLEMENTATION OF THE SPECIAL MEASURE**

<b>Special Measure</b>	Migrants returned to Turkey	<b>Direct management</b>	<b>EUR 60 million</b>
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**(1) Description, objective, expected result and key performance indicator**

The overall objective of the Special Measure is to provide assistance to migrants in Turkey and to improve Turkish migration management. The specific objective is to support Turkey in the management, reception and hosting of migrants, in particular irregular migrants detected in Turkey as well as migrants returned from EU Member States territories to Turkey.

Result:

Improved management, reception and hosting of migrants, especially those returned from EU Member States territories to Turkey and irregular migrants hosted in Turkey.

Key performance indicator:

Number of migrants returned to Turkey managed, received and hosted in appropriate conditions.

Number of migrants in Turkey managed, received and hosted in appropriate conditions.

## **(2) Assumption and conditions**

All migrants returned to Turkey should be treated in accordance with relevant international standards including where appropriate access to individual asylum process and respect of non refoulement principle.

The EU and relevant actors should be guaranteed access to all reception and hosting facilities including registration procedures for returned migrants.

The specific needs of women and men, girls and boys, should be taken into consideration in needs analysis, project design, implementation and monitoring/evaluation.

## **(3) Implementation arrangement**

The Special Measure is implemented by direct management by the EU Delegation to Turkey.

## **(4) Essential elements for direct management**

### **Grant – Direct Grant Award**

a. Objectives and foreseen results: see point 1.

b. Justification for the use of an exception to calls for proposals:

Art 190 (1)(b) of Regulation (EU) No 1268/2012 in exceptional and duly substantiated emergencies. The EU and Turkey decided at the occasion of the EU-Turkey Summit on 18 March 2016 that all migrants not applying for asylum or whose application have been assessed unfounded or inadmissible, crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This measure has started being implemented as of 4 April 2016. This exceptional combination of circumstances satisfies the emergency test and therefore the special measure will have to be implemented on a direct award basis with the cost incurrent as of 4 April 2016 eligible for financing under this special measure.

c. Name of beneficiary and co-beneficiaries: Directorate General for Migration Management (DGMM) of the Ministry of Interior of the Republic of Turkey.

d. The essential selection criteria are financial and operational capacity to perform the necessary interventions by the applicants.

The essential award criteria are relevance, effectiveness and feasibility, sustainability and cost-effectiveness.

e. Indicative amount of the grant: EUR 60 million

f. Maximum rate of EU co-financing: The maximum possible rate of EU financing will be 100% of the total cost of the action. Full financing of the action is essential for the action to be carried out because of urgency and EU visibility reasons. The amounts foreseen are exclusively related to the additional activities linked to this exceptional migration crisis. It is therefore indispensable to ensure the necessary financial commitment by the EU in order to support DGMM, and more generally the Turkish Government in dealing with this situation.

g. indicative timetable: grant signed in 2016. Provided that the conditions foreseen in Article 130(1) of the Financial Regulation are respected, retroactivity of eligibility of expenditures will be possible.

### 3. BUDGET

#### 3.1 INDICATIVE BUDGET TABLE – SPECIAL MEASURE ON MIGRANTS RETURNED TO TURKEY

	<b>Union contribution (Amount in million EUR)</b>	<b>Management mode</b>	<b>Contracting authority</b>
<b>Special Measure</b>	60	Direct management	EU Delegation in Turkey

#### **4. IMPLEMENTATION MODALITIES AND GENERAL RULES FOR PROCUREMENT AND GRANT AWARD PROCEDURES**

##### **DIRECT MANAGEMENT:**

This special measure shall be implemented by direct management by the European Union Delegation to Turkey in accordance with article 58(1)(a) of the Financial Regulation and the corresponding provisions of its Rules of Application.

Grant award procedures shall follow the provisions of Part Two Title IV Chapter 4 of the Financial Regulation No 966/2012 and Part Two Title II Chapter 4 of its Rules of Application.

Under the Financial Regulation, Parts One and Three of the Financial Regulation and its Rules of Application shall apply to external actions except as otherwise provided in Part Two, Title IV.

The European Commission may also use services and supplies under its Framework Contracts concluded following Part One of the Financial Regulation.

#### **5. PERFORMANCE MONITORING ARRANGEMENTS**

As part of its performance measurement framework, the European Commission shall monitor and assess progress towards achievement of the specific objectives set out in the IPA II Regulation on the basis of pre-defined, clear, transparent measurable indicators. The progress reports referred to in Article 4 of the IPA II Regulation shall be taken as a point of reference in the assessment of the results of IPA II assistance.

The European Commission will collect performance data (process, output and outcome indicators) from all sources, which will be aggregated and analysed in terms of tracking the progress versus the targets and milestones established for each of the activities.