

Dimitris AVRAMOPOULOS

Member of the European Commission

Brussels, 29 July 2016

Ares(2016)

Dear Minister Mouzalas,

I write to you in relation to the implementation of the EU-Turkey Statement of 18 March 2016 in view of the recent developments in Turkey.

The Commission remains committed to working together with Greece and Turkey to address our common challenges, including as regards the implementation of the EU-Turkey Statement. That includes those elements that foresee that applications for asylum of those arriving from Turkey to the Greek Islands after 20 March 2016 will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive (2013/32/EU), in cooperation with EASO and that migrants whose application has been found to be inadmissible, including in accordance with Article 33 (2)(b) or (c) of that directive, will be returned to Turkey.

For the purpose of applying Article 33 (2)(b) or (c) of the Asylum Procedures Directive, the Commission considers that, notwithstanding recent developments in Turkey, the Turkish legal framework, combined with the assurances that Turkey provided for the treatment of Syrian nationals and non-Syrians who had applied for asylum in Greece having irregularly crossed into the Aegean Islands via Turkey as of 20 March 2016 upon their return to Turkey as of 4 April 2016 (letter of 12 April 2016 (2016/70946263-AVBIR DT/10779625) and letter of 24 April 2016 (2016/70946263-AVOIR DT/10830418)) still can be considered as sufficient protection or protection equivalent to that of the Geneva Convention.

The Commission bases its considerations on recent commitments made publicly by the Turkish authorities, including by Minister for EU Affairs Ömer Çelik, that the EU-Turkey Statement and specifically the Turkish legal framework on international protection in conjunction with the aforementioned assurances continues to be effectively implemented. Moreover, for the time being, the Commission has no indications to the contrary.

*Mr. Ioannis Mouzalas
Alternate Minister for Migration Policy
The Hellenic Republic*

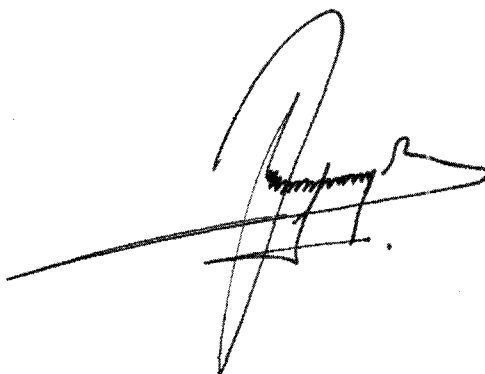
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In view of these considerations, the assessment as previously set out in the letter of Director General Matthias Ruete to Secretary-General Vasileios Papadopoulos of 5 May 2016 (Ares(2016)2149549) remains valid. It remains important that the Greek authorities continue to carry out individual assessments as to whether the conditions for applying Article 33 (2)(b) or (c) of the Asylum Procedures Directive are met in each individual case in the light of all circumstances.

The Commission will continue to monitor the situation very closely, including as regards possible impact on international protection-related matters. In the meantime, I hope that these considerations will facilitate the implementation of the EU-Turkey Statement by the Greek authorities.

I would also encourage your authorities to resume as soon as possible the return operations on the basis of the bilateral arrangements in force between Greece and Turkey of those migrants that have no right to stay in Greece.

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the left.

Dimitris AVRAMOPOULOS