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|  | Brussels, 12 May 2016 |
| Ms Alba Gutiérrez  Email: ask+request-2770-cc929979@asktheeu.org | |
| Ref. 16/0910-ld/ns  Request made on: 11.04.2016  Deadline extension: 02/05/2016 | |
| Dear Ms Gutiérrez, | |

Thank you for your request for access to documents of the Council of the European Union.[[1]](#footnote-1)

The Council document you are referring to is public and can be found at:

<http://www.consilium.europa.eu/es/press/press-releases/2016/03/18-eu-turkey-statement/>

The General Secretariat of the Council would like to make clear that the Council does not consider the EU-Turkey statement of 18 March 2016 as an international agreement within the meaning of Article 218 TFEU. This statement, accepted by the Members of the European Council and their Turkish counterpart, only contains political commitments and does not have any legally binding effect under Union law. It aims mainly at facilitating the actions to be taken by Greece and Turkey under their national law.

As regards these actions, the respect for EU law and international law is a cornerstone of the statement with Turkey and all measures are being taken to ensure that all actions will be implemented according to these principles.

A detailed analysis of the criteria for ensuring the legality of implementation of the agreement, has been presented in the Communication from the Commission to the European Parliament, the European Council and the Council on the "Next operational steps in EU-Turkey cooperation in the field of migration"[[2]](#footnote-2) which is the only document containing this type of information.

Some implementing actions have already been taken by Greece and Turkey, others are in progress.

Greece has for example amended its asylum legislation to ensure that its national procedures for assessing asylum cases are aligned with the EU Common European Asylum System (CEAS) and the Turkish Council of Ministers has already approved an amendment to the national Regulation for the temporary protection of Syrians and adopted operating procedures for return.

On behalf of the European Union, the Commission from its side, tabled on 21 March 2016, a proposal to make available further places for resettlement or other forms of legal admission from Turkey by amending Council Decision (EU) 2015/1601 of 22 September 2015 to relocate applicants for international protection from Italy and Greece.

Standard Operating Procedures (SOPs) for Resettlement of Refugees from Turkey into the EU (for the implementation of the resettlement part of the 1:1 scheme) are currently being discussed with Turkey.

The Commission is in charge of the overall monitoring of the implementation on a monthly basis . The first report, which is publicly available[[3]](#footnote-3) , includes details on progress on legal and operational steps and has been issued on 21 April 2016.

This monitoring is not only enhancing the democratic scrutiny of the actions, but will also enable to assess the compliance with the agreed commitments and where necessary to act upon new developments that need intervention.

Yours sincerely,

Jakob THOMSEN

1. The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35). [↑](#footnote-ref-1)
2. [COM (2016) 166 final of 13.03.2016](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160316/next_operational_steps_in_eu-turkey_cooperation_in_the_field_of_migration_en.pdf) [↑](#footnote-ref-2)
3. [COM (2016) 231 final of 21.04.2016](http://data.consilium.europa.eu/doc/document/ST-8175-2016-INIT/en/pdf) [↑](#footnote-ref-3)