

THE EU-TURKEY SUMMIT IN MARCH 2016

Maria Costea

**Scientific Researcher, PhD, "Gh. Șincai" Research Institute of the Romanian Academy
and Simion Costea, Assoc. Prof., PhD, "Petru Maior" University of Tîrgu Mureș**

Abstract: This article proposes a new interpretation of the EU-Turkey Summit decisions in 18 March 2016, which provided a solution for ending migration crisis and for re-energizing the bilateral relations, but it was criticized from multiple perspectives. Under the Dutch Presidency, the EU leaders agreed to open a new chapter in Turkey's accession negotiations, to accelerate implementation of Turkey's roadmap for visa liberalisation with a view to lifting the visa requirements for Turkish citizens if Turkey meets the benchmarks, to speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey and to mobilise an additional €3 billion euro up to the end of 2018.

Keywords: EU, Turkey, migration, visa-free, challenges

Argument

The EU-Turkey Agreement on migration in 18 March 2016 came under an avalanche of criticism from the press, NGOs, think tanks and academics, MEPs, a large part of the elite of the European continent etc. The critics say the EU should not stop migration influx, should not send irregular migrants from Greece to Turkey and should not forging closer ties with Turkey at a time when its regime seems to be becoming increasingly authoritarian, reducing freedom of expression and assembly and independence of the judiciary.

But this article proposes a new approach, a balanced interpretation of the EU-Turkey deal, by paying attention to the deep motivations and interests, positions and actions of Turkey and EU institutions. So the scientific contribution of this article consists in its effort to understand in depth the EU and Turkey respective interests in this agreement, by exploring the Turkish and EU sources.

Ending the irregular migration from Turkey to the EU

It is true that a large part of the European elite shares the criticism on EU-Turkey deal together with a pro-migration attitude/activism, but a large majority of the European citizens were against migration in the first months of 2016, especially because of the number of migrants/refugees and the incapacity of national administration to manage this huge phenomenon in 2015-2016. The migrant/refugee crisis in 2015-2016 was the biggest one since the World War II, having a huge impact on the EU. The force of the popular anti-immigration attitude was visible in the increasing popularity of the anti-immigration and Euroskeptic parties and trends in many EU Member States. That includes the Brexit worrisome trend and the large popular support for anti-immigration governments in Hungary and Poland. Under the pressure of that large majority of citizens, many elected politicians in the EUMS tried to find a solution for stopping the huge influx of migrants/refugees on the Balkan route, with the help of Turkey, but this help came with a price.

Some experts noted that Turkey had a powerful geopolitical and negotiation instrument: the migration/refugee influx from Syria and Middle East towards the EU. The EU was confronted to Realpolitik and had to take them on board in the deal with Turkey. Realpolitik met the “normative power” preferred by the EU in its foreign policy and enlargement policy. Yet, the EU did not abandon its values. The European Commission’s report on Turkey (November 2015) calls on Turkey to lift restrictions on media freedom and to stop political interference with the judiciary. The EP report in April 2016 insisted also on EU values. On the other side, the Syrian problem and the Syrian refugees were not only a Turkish problem. Everybody should acknowledge Turkey’s praise-worthy humanitarian efforts in hosting the largest refugee population in the world.

On 18 March 2016 the EU and Turkey “decided to end the irregular migration from Turkey to the EU”.¹ That was the official goal stated by the EU-Turkey summit reuniting the Turkish PM Davutoglu and the

¹ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

Members of the European Council. Turkey promised to stop the migrant flux towards the EU. In exchange, the EU promised to Turkey: visa-free regime for Turkish citizens by the end June 2016 (if Turkey fulfilled the standard 72 conditions for that), 6 billion Euros to help the Syrian refugees in Turkey, re-energising the accession negotiations of Turkey, starting with opening of a new chapter (the chapter 33) by the end of the Dutch Presidency (30 June 2016). All these elements will be taken forward in parallel and monitored jointly on a monthly basis. All the actions decided by the Summit were subordinated to the clear goal: “to end the irregular migration from Turkey to the EU”.²

Contrary to many pessimistic and critical voices, the **18 March 2016 Agreement to end the irregular migration from Turkey to the EU has been a success.**³ That assessment of EU leaders and Turkish diplomacy was based on concrete facts and figures. Indeed, in April 2016, the number of irregular migrants crossing the Aegean has reduced substantially. In fact, the numbers went down more steeply than anyone anticipated. According to the UNHCR figures, as of 27 April 2016, the average daily arrivals for April 2016 fell 86% compared to the previous month, going down to 119 (the average daily arrivals for March 2016 was 870). The migration “crisis” across the Aegean was practically over. Thus at the end of April 2016, Turkish diplomacy was able to proudly say that: “Turkey stands by her commitments, as clearly proven by the stemming of the irregular flow of migrants across the Aegean. It’s only fair that the EU fulfils its commitments accordingly.”⁴ Indeed, on 4 May 2016, the Commission proposed visa-free regime for Turkish citizens, a major objective of Turkey, but subject to fulfilling the usual 72 benchmarks.

A major objective established by the EU-Turkey Summit was the resettlement of some Syrians from Turkey. Firstly, as Syrians travelling irregularly to the Greek islands are returned to Turkey, an equal number should be resettled in EU Member States. This process has started and should continue. For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria.⁵ This temporary link between resettlement

² Ibidem.

³ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

⁴ Ibidem.

⁵ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

and return is feasible up to a limit of 72,000 using the EU's existing resettlement and relocation commitments, under which respectively 18,000 and 54,000 places remain available.⁶ The EU-Turkey Agreement in 18 March 2016 was also clear on the next step: According to Article 4, “Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.”⁷ Turkey and the EU institutions expected the EU Member States to start the voluntary resettlement in the coming period (2016). This was planned to be a further incentive for the Syrians whom EU and Turkey have been dissuading not to look for illegal and dangerous routes to go the EU. Both EU and Turkey told to Syrians that there will be a regular and legal way.⁸

Many experts, NGOs, journalists and UN officials criticised from the perspective of legality and human rights the EU-Turkey Agreement, which stated that “All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey.” But the EU and some other experts insisted that this return took place “in full accordance with EU and international law, thus excluding any kind of collective expulsion”, and in respect of the principle of “non-refoulement”.⁹

On 18 March 2016, the EU committed **6 billion Euros** to help Syrian refugees. They were not budget support for Turkey. They were destined not to the Turks, but to Syrians. The Turkish diplomacy emphasised that the EU’s 6 billion euros were “peanuts” compared to the huge Turkey’s expense for the Syrians and compared to the huge needs of the Syrians in Turkey.¹⁰ The EU committed to speed up the disbursement of the initially allocated 3 billion euros under the EU Facility for Refugees in Turkey, for concrete projects for refugees, notably in the field of health, education, infrastructure, food and other

⁶ EC, “EU and Turkey agree European response to refugee crisis”, http://ec.europa.eu/news/2016/03/20160319_en.htm

⁷ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

⁸ Permanent Delegation of Turkey to the EU, “A Stocktaking of the Turkey-EU Agreement of 18 March”, in *The Turkish Herald*, No 46, May 2016, <http://www.theturkishherald.eu/t/j-87D74527CEFD1989>.

⁹ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

¹⁰ Selim Yenel, statement at a CEPS conference, Brussels, April 2016.

living costs. Then “the EU will mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018”.¹¹

The EU-Turkey Agreement promised that “The EU and its Member States will work with Turkey in any joint endeavour to improve humanitarian conditions inside Syria, in particular in certain areas near the Turkish border which would allow for the local population and refugees to live in areas which will be safer.”¹² That was a late and partial answer to the repeated Turkish requests for creating a “**safe zone**” in **Syria** for the refugees.¹³ Indeed, Germany accepted the creation of "safe zones" to shelter refugees in Syria, Chancellor Angela Merkel said. This idea Turkey has long championed in the face of U.N. caution.¹⁴ Keeping refugees on the Syrian side of the border would help Turkey, which hosts 2.7 million Syrian refugees; stem the flow of migrants to European shores. The U.N. has warned against the plan unless there was a way to guarantee the refugees' safety in the war-torn state. Aid workers have opposed it.¹⁵

EU Council President Donald Tusk, German Chancellor Merkel and European Commission First Vice President Timmermans visited Gaziantep (Turkey) on April 23.¹⁶ As the visit coincided with the National Sovereignty and Children's Day, they inaugurated a child protection centre in Gaziantep, funded by the EU under the Facility for Refugees in Turkey. On the same day, the leaders also visited the Nizip refugee camp (**in Turkey**). During the press conference at the end of the visit, President Tusk and Chancellor Merkel commended Turkey’s generous efforts in providing temporary protection to over 2.7 million Syrians and improving their living standards. At Gaziantep Donald Tusk stated that: “It is not only a formal and political assessment but it is also my very private, personal feeling after today's visit, that

¹¹ European Council, *EU-Turkey statement*, 18 March 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

¹² Ibidem.

¹³ Euractiv 2016 Merkel warms up to ‘safe zones’ in Syria <http://www.politico.eu/article/angela-merkels-turkey-trip-highlights-risk-of-deal/>

¹⁴ Gurses Ercan and Andreas Rinke, “Germany seeking 'safe zones' in Syria to shelter refugees”, in *Reuters*, GAZIANTEP, Turkey, Sat Apr 23, 2016, <http://www.reuters.com/article/us-europe-migrants-turkey-germany-idUSKCN0XK0BS>

¹⁵ Ibidem.

¹⁶ Permanent Delegation of Turkey to the EU, “A Stocktaking of the Turkey-EU Agreement of 18 March”, in *The Turkish Herald*, No 46, May 2016, <http://www.theturkishherald.eu/t/j-87D74527CEFD1989>.

Turkey is the best example for the whole world on how we should treat refugees. **No one has the right to lecture Turkey (on) what they should do.** I am very proud that we are partners." ¹⁷

Visa-free regime for Turkey

Not the EC (the “bureaucracy”), but the European Parliament (directly elected by the EU citizens) and the Council (the governments of the Member States) have the right to decide to put Turkey on the visa-free list. This would allow Turkish citizens holding a biometric passport in line with EU standards to travel for short stays (i.e. of 90 days within any 180-day period) in the Schengen area without a visa. This does not mean the right to work in the EU or to establish permanently there.¹⁸

The 18 March Agreement promised the lifting of the visa restrictions for Turkish citizens by the end of June 2016, provided that all 72 benchmarks have been met. Turkey committed to take the necessary steps to fulfil the remaining requirements for visa-free regime. The European Commission made very fast the required assessment of compliance with the 72 benchmarks. On that basis, **on 4th May 2016 the European Commission recommended visa-free regime for Turkey,** mentioning also that Turkey needs to fulfil the remaining 5 criteria, including the amending of its antiterrorist law. In implementation of the EU-Turkey Agreement, that was the expected proposal of the Commission on the basis of which the European Parliament and the Council can make a final decision.¹⁹ Turkish diplomacy showed Turkey’s optimism and firm determination to get the job done and achieve the visa-free objective: “Turkey never asked for exemptions or shortcuts regarding the 72 benchmarks expected to be fulfilled. We have come a long way in meeting almost all of the benchmarks, and we are determined to **fulfil the remaining ones in a very short period of time. Once the Commission confirms that Turkey has done its job, we expect the EU to live up to its end of the Agreement and place Turkey on the EU’s visa-free list.**”²⁰

However, on 6 May the Turkish President Erdogan stated that **Turkey will not amend the anti-terror law.** That raised doubts and comments in Europe (in media, in civil society, in political circles) about the

¹⁷Ibidem; <http://www.politico.eu/article/angela-merkels-turkey-trip-highlights-risk-of-deal/>

¹⁸ EC Memo, Brussels, 4 May 2016 http://europa.eu/rapid/press-release_MEMO-16-1625_en.htm

¹⁹ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

²⁰ Permanent Delegation of Turkey to the EU, “A Stocktaking of the Turkey-EU Agreement of 18 March”, in The Turkish Herald, No 46, May 2016, <http://www.theturkishherald.eu/t/j-87D74527CEFD1989>.

future implementation of the visa-free deal.²¹ Also, Turkey Prime Minister Davutoglu (who negotiated the EU-Turkey deal) stepped down²². The new PM emphasised his obedience to President Erdogan and started procedure to amend the Constitution of Turkey in order to create a presidential regime. Then the President Erdogan made a new statement saying that Turkey will have visa-free regime in October 2016. Some experts consider that this deadline would be more realistic, giving more time to Turkey to fulfil all the conditions, including the required biometric passports.

EU-Turkey commitment to re-energise the accession process

On 18 March, “The EU and Turkey reconfirmed their commitment **to re-energise** the accession process as set out in their joint statement of 29 November 2015. They welcomed the opening of Chapter 17 on 14 December 2015 and decided, as a next step, to open Chapter 33 during the Netherlands presidency. They welcomed that the Commission will put forward a proposal to this effect in April. Preparatory work for the opening of other Chapters will continue at an accelerated pace without prejudice to Member States' positions in accordance with the existing rules.”

In implementation of the 18 March EU-Turkey Statement, the Commission presented in due time a proposal to open Chapter 33 (financial and budgetary provisions). “The Commission submitted a Draft Common Position to the Council on 29 April. The examination of this document by the Council started on 3 May. This puts the Council in a position to complete the necessary procedures in time for the opening of this chapter during the Dutch presidency of the Council of the European Union” (by the end of June 2016), as referred to in the 18 March statement.²³ **The schedule was unusually tight.**

Opening of the chapter 33 has a symbolic political value. It is also a concrete achievement in short time in Turkey's accession process, which continues to be long and complex. In 2016 there are many sceptical opinions expressed in the academic and political environments regarding the Turkey's future EU membership and the opportunity to intensify accession negotiations in the current context of President

²¹ Politico 2016; Permanent Delegation of Turkey to the EU, “A Stocktaking of the Turkey-EU Agreement of 18 March”, in The Turkish Herald, No 46, May 2016, <http://www.theturkishherald.eu/t/j-87D74527CEFD1989>.

²² Bertrand Natasha, “A key NATO ally in the Middle East is now closer than ever to 'one-man rule'”, in *Business insider*, May 2016, <http://www.businessinsider.com/turkey-prime-minister-davutoglu-steps-down-erdogan-2016-5>

²³ EC, “Memo”, 4 May 2016 http://europa.eu/rapid/press-release_MEMO-16-1664_en.htm

Erdogan's internal policies²⁴. There are also few optimistic voices envisaging a Turkey's future EU membership, when Turkey will be ready and EU will be ready for this.

Chapter 33 (Financial and budgetary provisions) includes *acquis* (mainly regulations) which does not require transposition into national legislation.²⁵ Any candidate country must take over and implement the *acquis* under chapter 33 as from the date of accession. In order to be ready to implement the *acquis* in chapter 33 from the date of accession, the candidate country should prepare its implementation capacity, namely its administrative/institutional capacity and coordination structure. That is why in its annual Turkey Report the EC estimated that in this chapter “**solid coordination structures, administrative capacity and implementing rules will need to be established in due course**”.²⁶ In fact, Turkey “needs to establish coordination structures and implementing rules for accurately collecting, accounting for, monitoring, paying and controlling own resources, as well as for reporting to the EU”²⁷.

This chapter covers the rules on the financial resources necessary for funding the EU budget (‘own resources’).²⁸ These resources are made up mainly from contributions from Member States based on traditional own resources (from customs duties and sugar levies); a resource based on value-added tax; and a resource based on the level of gross national income. This chapter also covers the financial allocations of the EU for Turkey as a Member State (after its accession). The amounts and arrangements should be negotiated, but only towards the end of accession negotiations, as shows Croatia's history/experience. Turkey will also participate in the EU's other actions and programmes (internal policies) as from its accession.²⁹

The 2015 Turkey Report published by the EC acknowledged that “basic principles and institutions in the underlying policy areas linked to the application of the own resources system are already in place” in Turkey. The chapter 33 has 4 underlying areas (chapters): Customs Union, taxation, statistics, financial

²⁴ Pierini, Marc, *Crunch Time in the EU-Turkey Relationship*, Carnegie Europe, May 31, 2016.

²⁵ EC, “Information on the Results of the EU Accession. Negotiations with Croatia”, 2011, in http://ec.europa.eu/enlargement/pdf/hp/results_of_th_eu_accession_negotiations_with_croatia.pdf

²⁶ EC, Turkey Report, November 2015, page 85
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

²⁷ Ibidem (2015 Turkey Report).

²⁸ EC, “Information on the Results of the EU Accession. Negotiations with Croatia”, 2011, in http://ec.europa.eu/enlargement/pdf/hp/results_of_th_eu_accession_negotiations_with_croatia.pdf

²⁹ EC, “Information on the Results of the EU Accession. Negotiations with Croatia”, 2011, in http://ec.europa.eu/enlargement/pdf/hp/results_of_th_eu_accession_negotiations_with_croatia.pdf

control. The EC considers that “Turkey will need to take solid measures to combat fraud in VAT and customs duties to ensure appropriate contributions to the EU own resources system upon accession.”³⁰

On 18 March 2016 in their Statement, “The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union”.³¹ An EU-Turkey Customs Union has been in place since 1996 for processed agricultural products and for industrial products (except the steel and coal).³² In May 2015, the European Commission and Turkey agreed to initiate procedures in view of a “modernisation and extension of the Customs Union”. The issue was discussed also at the **33rd Meeting of the Turkey-EU Customs Union Joint Committee in Ankara (25 May 2016)**.³³

According to 2015 Turkey Report published by the EC, Turkey has reached “a **good level of preparation** in the area of the Customs Union (CU), though **no further progress** was made in 2015. Duty relief, free zones, surveillance measures and management of tariff quotas are not fully in line with the *acquis* and/or with Turkey’s obligations under the CU. Additional duties and designation of specialised customs offices for goods in free circulation in the EU violate the CU. The EC suggested that in 2016 Turkey should in particular: “make additional efforts to improve risk-based controls and simplified procedures to facilitate legitimate trade, while ensuring security and safety; remove import and export restrictions preventing the effective free movement of goods”.³⁴

According to 2015 Turkey Report published by the EC, Turkey is “moderately prepared in the area of taxation. Some progress was made on excise duties and operational capacity”. The EC suggested that in 2016, Turkey should in particular: “comply with the 2009 action plan as regards excise duties on alcoholic beverages; align the excise legislation on energy products with the *acquis*”.³⁵

According to the 2015 Turkey Report published by the EC, Turkey is “**moderately prepared** in the area of statistics”. “**Some progress**” was achieved in 2015, notably on labour statistics. The EC suggested that in 2016, Turkey should in particular: “strengthen coordination between the National Statistics Office

³⁰ EC, Turkey Report, November 2015, page 85
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

³¹ European Council, *EU-Turkey statement, 18 March 2016*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

³² EC, Turkey Report, November 2015,
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

³³ Permanent Delegation of Turkey to the EU, “A Stocktaking of the Turkey-EU Agreement of 18 March”, in *The Turkish Herald*, No 46, May 2016, <http://www.theturkishherald.eu/t/j-87D74527CEFD1989> .

³⁴ EC, Turkey Report, November 2015,
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

³⁵ EC, Turkey Report, November 2015,
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

and some other data providers, while improving the quality and use of administrative records; **submit** key national accounts indicators to the Commission; improve statistics on agriculture, asylum and migration.

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According to 2015 Turkey Report published by the EC, Turkey has achieved “a **good level of preparation** in the area of financial control”. “**Some progress**” was achieved in 2015, thanks especially to the adoption of the national alignment strategy and action plan on financial control. External audit also saw progress. However, further significant efforts are needed to implement public internal financial control (PIFC) at all levels of the administration and in state-owned companies. The EC suggested that in 2016, Turkey should in particular: “update the PIFC policy paper and start implementing a new action plan, preferably as part of a public financial management reform programme; **amend** internal control and internal audit arrangements in the public sector to improve implementation of the Law on Public Financial Management and Control; **ensure** full implementation of the legislation on external audit”.³⁷

Turkey Rejected European Parliament’s Annual Turkey Report in April 2016

The European Parliament adopted its 2015 Turkey Report on April 14 2016. The Report, drafted by the EP Turkey Rapporteur Kati Piri, Dutch member of the S&D Group, underlines that Turkey is a key strategic partner for the EU, takes note of the reinvigoration of the accession negotiations and expresses strong support to high level political dialogue on key thematic issues of joint interest such as irregular migration, counter-terrorism, energy, economy and trade. The report also acknowledges Turkey’s praiseworthy humanitarian efforts in hosting **the largest refugee population in the world**.³⁸

In the opinion of the Turkish diplomacy, this “Report, which had a relatively balanced first draft, morphed into a one-sided text, far from being objective and constructive in the process of adoption by the AFET, on the basis of 545 proposals for amendments -the highest number so far- at the Committee stage; and subsequently with 47 additional proposals at the EP plenary session. Further to the unfair allegations regarding freedom of expression and press restrictions in Turkey, the report disregards Turkey’s views and sensitivities on a number of topics, namely, by ignoring the nature and intent of the anti-terror

³⁶ EC, Turkey Report, November 2015, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

³⁷ EC, Turkey Report, November 2015, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf

³⁸ Permanent Delegation of Turkey to the EU, “A Stocktaking of the Turkey-EU Agreement of 18 March”, in The Turkish Herald, No 46, May 2016, <http://www.theturkishherald.eu/t/j-87D74527CEFD1989>.

operations conducted in south-eastern Turkey, assuming a biased standpoint on the Cyprus issue, and by making a reference to the EP's previously adopted unfortunate resolution on the 1915 events."³⁹

In a joint press conference in the Turkish Grand National Assembly (TGNA) on April 14, 2016, the representatives of the Co-Chair of the Turkey-EU Joint Parliamentary Committee, Member of TGNA Berat Çonkar stated that they consider the EP report as "null and void", so Turkey will return the report upon receiving it.⁴⁰

Conclusions

It is in the interest both of Turkey and of the EU to make their agreement to work. But at the same time, the EU needs to develop a more effective border management, migration management and mobility management. Turkey is an important partner for the EU and EU is an important partner for Turkey in security and economic field. Turkey is a G20 country. Turkey is the EU's fifth largest trading partner, while the EU is Turkey's largest. Two out of five goods traded by Turkey come from or go to the EU and over 70% of foreign direct investment in Turkey originates in the EU⁴¹. They have the interest to develop their relations in all fields. Turkey is a member of NATO and of the Council of Europe. Turkey is a candidate country, so it will become a new member state when Turkey will be ready and when the EU will be ready for that.

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