

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **D**
BUDGETARY AFFAIRS

Budgets

Budgetary Control



**Turkey:
How the pre-accession
funds have been
spent, managed,
controlled and the
monitoring system?**

STUDY



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT D: BUDGETARY AFFAIRS

Turkey: How the pre-accession funds have been spent, managed, controlled and the monitoring system?

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Abstract

This study follows up on the European Court of Auditors Special Report 16/2009 'The European Commission's management of pre-accession assistance to Turkey'. The European Commission has undertaken actions addressing the recommendations of the report but it is unclear how effective these actions have been, or are likely to be, in addressing the underlying concerns expressed in the report. In particular, understanding of the effectiveness and impact of European Union funding to Turkey is still very limited.

This document was requested by the European Parliament's Committee on Budgetary Control. It designated Mr Marco Valli (MEP) to follow the study.

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LIST OF ABBREVIATIONS

3RP	UN Regional Refugee and Resilience Plan
ACP	African Caribbean and Pacific States
ACT	Accelerating the Commercialisation of Technology
AFAD	Disaster and Emergency Management Authority
AFCOS	Anti-Fraud Coordination Service
AFIS	Anti-Fraud Information Service of OLAF
AGRI	EC Directorate-General for Agriculture and Rural Development
ALA	Asia and Latin America
BRG	Better Regulation Guidelines
CBC	Cross-Border Cooperation
CET	Crescent Clean Energy Fund for Turkey
CFCU	Central Finance and Contracts Unit
CIOP	Competitiveness and Innovation Operational Programme
CIR	Common Implementing Regulations
CIR	Common Implementation Regulation
CSO	Civil Society Organisation
DCP	Diffusion Capital
DEVCO	Directorate General for International Cooperation and Development
DG	Directorate General
DGMM	Directorate General of Migration Management
DIS	Decentralised Implementation System
DPR	Diversified Payment Rights
EASO	European Asylum Support Office
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECA	European Court of Auditors
ECHO	Directorate-General for Humanitarian Aid and Civil Protection
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EIA	Environmental Impact Assessment
EIB	European Investment Bank

EIDHR	European Instrument for Democracy and Human Rights
EIF	European Investment Fund
ELARG	Former EC Directorate-General for Enlargement
EMPL	EC Directorate-General for Employment, Social Affairs & Inclusion
ENI	European Neighbourhood Instrument
EP	European parliament
EU	European Union
EUD	EU Delegation to Turkey
EUSG	European Union Secretariat General (Turkey)
EUTF	The EU Trust Fund (or Madad Fund)
EV	Operations Evaluation function, European Investment Bank
FPI	Foreign Policy Instrument
FYROM	Former Yugoslav Republic of Macedonia
GDP	Gross Domestic Product
GoT	Government of Turkey
IcSP	Instrument contributing to Stability and Peace
IFI	International Financial Institution
IG/IN	Fraud Investigation Division of the European Investment Bank
IMS	Irregularity Management System (OLAF)
INGO	International Non-Government Organisation
IO	International Organisations
IOM	International Organisation for Migration
IPA	Instrument for Pre-Accession
IPARD	Instrument for Pre-Accession Assistance in Rural Development
ISPAT	Invest in Turkey
JAP	EU-Turkey Joint Action Plan
JMC	Joint Monitoring Committee
KYC	Know Your Customer
MEDA	EU Mediterranean Development Assistance
MEUA	Ministry for EU Affairs (Turkey)
MidSEFF	Mid-size Sustainable Energy Financing Facility
MIPD	Multi-Annual Indicative Planning Document
Mol	Ministry of Interior

MoNE	Ministry of National Education
MSIT	Ministry of Science Industry and Technology (Turkey)
NAC	National Aid Coordinator
NAO	National Authorising Officer
NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
NGO	Non-Governmental Organisation
NIPAC	National IPA Coordinator
OECD DAC	Organisation for Economic Co-operation and Development Development Assistance Committee
OLAF	European Anti-Fraud Office
ONAO	Office of the National Authorising Officer
PIR	Proactive Integrity Review
PMIB	Prime Ministry Inspection Board
PMR	Progress and Monitoring Report
PRAG	Practical Guide to Contract Procedures for EU External Actions
RACER	Relevant, Accepted, Credible, Easy, and Robust
RCOP	Region Competitiveness Operational Programme
RDI	Research, Development and Innovation
REGIO	EC Directorate-General for Regional and Urban Policy
REGIO	EC Directorate-General for Regional and Urban Policy
ReM	Results Measurement
ROM	Results Oriented Monitoring
RRAA	Regulatory Reform and Acquis Alignment Action
SF	Structural Funds
SIGMA	Support for Improvement in Governance and Management
SMART	Specific, Measurable, Achievable, Relevant and Time-Bound
SMC	Sector Monitoring Committee
SME	Small and Medium Enterprises
SMSC	Sectoral Monitoring Sub-Committee
TAIB	Technical Assistance and Institution Building
TAIEX	Technical Assistance and Information Exchange
TCDD	General Directorate of State Railways Administration
TKB	Development Bank of Turkey

TPI	Turkey Pre-Accession Instrument 2002-2006
TRC	Turkish Red Crescent
TSKB	Industrial Development Bank of Turkey
TTGV	Technology Development Foundation of Turkey
TÜBİTAK	Scientific and Technological Research Council
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
WASH	Water Sanitation and Hygiene
WFP	World Food Programme

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EXECUTIVE SUMMARY

Introduction

This study follows up on the European Court of Auditors Special Report 16/2009 'The European Commission's management of pre-accession assistance to Turkey'.

This study considers the basis for EU funding decisions, and how these are informed by past results. In this regard, it considers what objective basis is used by the European Commission to assess the effectiveness of EU funding to Turkey (i.e. how results are defined and evaluated). In addressing these points, the study also considers management and control structures and processes of the European Commission and the Turkish authorities, and transparency in the system.

The study focuses on three areas of EU funding to Turkey:

- Study Area 1 - Pre-accession funding
- Study Area 2 - European Investment Bank loans to Turkey
- Study Area 3 - Aid for refugees from Syria and Iraq who are located in Turkey
- The study involved desk research and consultations with EU and Turkish stakeholders, and international organisations.

The study was undertaken between December 2015 and May 2016.

Findings and conclusions

General

The European Commission has undertaken actions addressing the recommendations of the European Court of Auditors' Special Report but it is unclear how effective these actions have been, or are likely to be, in practice in addressing the underlying concerns expressed in the Court of Auditors' report. In particular, the effectiveness and impact of European Union funding to Turkey remains generally unknown.

There is a lack of transparency in the European Commission's management of EU pre-accession funding. This limits the possibility for society in both Turkey and the EU to engage in dialogue on EU funding to Turkey. It can be expected that this lack of transparency is also adding to the costs of different European Union institutions and bodies, and to third parties funded by the EU. Finally, it is likely that the lack of transparency constrains the ability of the Commission itself to manage pre-accession funding efficiently.

Study Area 1 - Pre-accession funding

To what extent have the recommendations of the Special Report of the Court of Auditors been followed by the European Commission and how have they been translated into action (new regulations, strengthening controls and increasing demands on the recipient country)?

The European Court of Auditors' report addressed pre-accession funding in Turkey, and primarily the European Commission's management of the funding. Many actions have been undertaken following the report but it is unclear how effective those actions have been, or are likely to be, in addressing the underlying concerns of the report.

At strategic level, the Commission's Indicative Country Strategy Paper for Turkey (2014-2020) introduced sector-level indicators to monitor developments in key areas using data from, among other sources, international institutions such as the World Bank. However, the indicators have not been fully developed, and they have not been explicitly updated in the Commission's 2015 report on Turkey.

Analysis of programme documents in the area of Chapter 23 (Judiciary and Fundamental Rights) interventions indicates continuing weaknesses in intervention design, and this suggests systemic

issues with the Commission's approach to pre-accession assistance, which are unlikely to be easily resolved. The analysis also suggests that, in some respects, the 'new' IPA II sectoral approach is essentially a repackaging of previous approaches, but with less transparency.

Several monitoring tools and approaches are in use, although information is mostly not publicly available. The utility of the system of sectoral monitoring committees reportedly remains limited.

It has proven somewhat challenging to develop a clear picture of evaluation responsibilities, and what evaluations have been undertaken since the European Court of Auditors issued its report, and what assistance has been evaluated. Of the reports that are publicly available, only some of them deal exclusively with Turkey (limiting their insight on Turkey), and there is so far limited coverage of interventions from the later years of IPA I. Some reports covering IPA I are not publicly available, and the Commission was unable to provide a series of evaluation reports (which it now considers irrelevant) covering in excess of EUR 1 billion in EU funding from the 2002-2006 pre-accession instrument. Analysis of a sample of evaluation reports covering IPA I Component I and an ex post evaluation covering the 2002-2006 assistance suggests that evaluations are unable to provide substantive information about the effectiveness EU pre-accession assistance, most likely due to weaknesses in intervention design and lack of relevant time series data on outcomes. Evaluation in the context of pre-accession funding is perceived primarily as a tool to provide accountability and decision-making information for the European Commission, rather than a tool for learning through dialogue amongst affected actors.

Monitoring and evaluation of an operational programme (a case study) are reported to have followed Structural Funds principles. While an interim evaluation report was published in 2011 and is available on the website of the operating structure, there appears to be limited publicly available monitoring information.

How have changes in the volume of pre-accession funding to Turkey over time been justified, and do they corresponded to an improvement in the management and use of aid by Turkey, and by the Commission?

According to the Commission, funding allocations are based purely on political considerations, which are monitored in the Commission's annual reports on Turkey. However, it is unclear on what basis political considerations and judgements are translated into specific funding amounts. Given that the effectiveness of previous assistance is largely unknown, it is unclear how results can play a role in establishing future funding levels. EU pre-accession funding allocations to Turkey have historically not been fully utilised and utilisation rates in Turkey have been lower than in other candidate countries. This is commonly attributed to a lack of capacity (in particular insufficient IPA staff) in relevant institutions, but this explanation is probably too simplistic. An alternative explanation is that this long-term issue is a symptom of unaddressed systemic issues in the structure of pre-accession assistance and engagement between key actors. In terms of funding per capita, Turkey receives much less pre-accession assistance than any other IPA country.

What legislative changes have taken place in Turkey in the context of accession negotiations (i.e. since 2005), and have these changes moved Turkey towards, or away from, EU accession requirements?

A survey of the European Commission's regular reports for Turkey from 2005 to 2015 identified a total of 230 references to legislative developments during this period in the area of Chapter 23 Judiciary and Fundamental Rights. The majority of these references indicate 'movement towards the EU', although in some cases with serious reservations. 30 references (13%) indicate 'movement away' from the EU. However, the analysis is unable to indicate the significance of the referenced legislation. Nor is it

possible to identify the net 'direction of travel' over several years, or the cumulative effect of specific legislative developments referenced in successive reports.

What support is available to candidate countries from EU institutions to promote best practices in the management of EU funds?

Candidate countries have had, and continue to have, access to a wide range of assistance to promote best practices in the management of EU funding. Some of this assistance is provided directly by the Commission and the Delegation of the EU to Turkey. Other assistance is provided with EU funding by third parties (TAIEX, SIGMA, twinning, technical assistance). Views provided in the course of this study indicate that the European Commission may find it challenging to maintain the quality of support and advice it provides regarding the management of EU pre-accession funds in certain sectors, following the transfer of management responsibility from sector-specific DGs to DG NEAR.

If cases of misuse of EU funds have been recognised in the past, what practices were involved, to what extent have they been interrupted, were sanctions considered, and what decisions were taken by the EU in this context and what their concrete effects?

Pre-accession funding in Turkey is, as in other candidate countries, subject to extensive, systematic controls that address EU and national requirements, and involving Turkish and EU bodies. The EC does not make data on irregularities in IPA countries publicly available and it is therefore not possible to compare the situation in Turkey with other countries. The Turkish authorities report that there have been 397 cases of irregularities involving a total of EUR 26,922,744 of EU pre-accession funding since 2002. EUR 9 million have so far been recovered by the Turkish authorities; in 77 cases, no funds had been disbursed and no recovery was therefore required; for the remaining cases, investigation or legal proceedings are in progress. Other actions undertaken by the Turkish authorities in respect of irregularities include criminal legal action, addition of the beneficiary's name to the red list, cancellation of tenders, and termination of contracts.

Study Area 2 – European Investment Bank (EIB) loans to Turkey

To what extent have EIB loans provided to Turkey been the subject of good or bad practices, and what are the lessons to be learned?

The study did not find evidence to suggest that the EIB's operations in Turkey are conducted in a way that is inconsistent with the Bank's anti-fraud and corruption guidelines, and loan operations would appear to comply with prudential banking practices. However, there are some shortcomings with regard to monitoring and evaluating the performance of EIB loans to Turkey in achieving broader (non-financial) objectives. These shortcomings stem largely from deficiencies in Turkey itself with regard to evaluation capacity rather than weaknesses in the EIB's procedures which largely comply with good practices.

Have loans been used 'in compliance with the general principles of the European Union'?

In the context of the three categories of loans considered for this study as a whole, the focus has clearly been on meeting requirements of an immediate environmental and social nature. However, it is also highly probable that an improved social and environmental context will support the development of democracy and the rule of law, human rights and fundamental freedoms.

Have certain funds been used to attract European companies so that they would settle in Turkey?

This study did not find evidence of EIB funds being used as an incentive in a contestable investment location selection process where the choice was between the EU and Turkey. Investments made by EU businesses in Turkey, even if linked to the presence of EU funds can have a positive effect on outcomes in the EU for such enterprises.

Assessment of effectiveness and impacts

Until recently there has been no systematic monitoring of project outcomes by the Turkish authorities. Although this has begun to change, there is scope to further strengthen ex-post controls across the broad range of EIB interventions. This applies less to audit-type controls (the EIB already has well-developed procedures in place to monitor loans and financial outcomes are closely monitored) and more to the assessment of effectiveness and impacts. There is a need to develop an 'evaluation culture' in Turkey. It is generally assumed that that EIB loans will have a positive long-term impact, but there is very little hard evidence to back this up. The information required to improve the understanding of longer term impacts can only come from the Turkish authorities. The development of Turkey's evaluation capacity should therefore be a priority.

Study Area 3 - Aid for refugees from Syria and Iraq who are located in Turkey

How is the EU funding aid to Syrian and Iraqi refugees located in Turkey structured and managed?

Since the beginning of the Syrian crisis in 2011, the EU has been channelling aid through various instruments: the humanitarian channel ECHO, and the EU external funding instruments: The Instrument contributing to Stability and Peace; The European Instrument for Democracy and Human Rights; and The Instrument for Pre-Accession. The EU Trust Fund (or Madad Fund) was created in 2014 to respond to the regional character of the refugee crisis. As of April 2016, the EU disbursed EUR 365 million. This does not include the Refugee Facility for Turkey, a mechanism created to coordinate up to EUR 6 billion. Development of a clear breakdown of the EU spending to help refugees located in Turkey is problematic. The novelty of some of the EU instruments does not allow to have a clear picture of coordination and coherence in practice.

This study advocates for better transparency in the EU external funding to Turkey, and recommends to follow up on the development of coordination, ensuring that appropriate mechanisms are formalised to make sure coordination and coherence of EU funding in Turkey are ensured.

How is the EU funding aid to the refugees located in Turkey managed? What are the monitoring and control mechanisms and what is the role of the Turkish authorities?

In general, ex-post control mechanisms seem consistent. However, it is too soon to assess whether those mechanisms have been effective, at least for the new instruments. The Commission appears to be starting to address concerns about monitoring EU projects in Turkey, following the increase in the funding allocated to the refugee crisis in Turkey. The report of April 2016 on the monitoring of the EU-Turkey statement provides very detailed information. This study finds that the concerns raised by the 2009 report of the European Court of Auditors on the monitoring and reporting of UN agencies have been taken into account and addressed by the Commission. Reporting and monitoring requirements are stricter and more frequent than before in that regard. The role of Turkish authorities in the management of EU funds is generally limited to coordinating implementing partners' actions. However, the recent special measure under the Refugee Facility fast tracking EUR 60m to IPA and then

the Directorate General of Migration Management of the Turkish Ministry of Interior is to be monitored closely, as the monitoring and control mechanisms of that measure are not clear and the objectives are vague.

Has the aid the EU contributed to so far been used effectively and has it reached the targeted groups? What are the lesson to be drawn from the previous utilisation of EU funds on migration and to what extent those lessons have been taken into account?

As of April 2016, it is unclear what the EU has been doing to assess the effectiveness of EU-funded projects in Turkey. There are reasons to believe that effectiveness will be difficult to assess because of the lack of assessment of the needs of refugees located in Turkey. This study was not able to find the basis for the current aid priorities of the EU in Turkey. This issue has been addressed by the undertaking of a joint needs assessment between the EU and the Turkish authorities. It remains to be seen whether the priorities established correspond to the previously established priorities for EU aid and this study recommends to make sure that the programmes are adapted according to the newly established priorities.

The case study on a project funded by the Instrument contributing to Stability and Peace and implemented by UNICEF emphasises the importance of channelling funds through partners that have a track record of good coordination with the Turkish authorities when the project aims at complementing the protection offered by the Turkish state. Effectiveness of the project was difficult to assess because of the lack of clarity on the purpose and intended outcomes in the project, the lack of programme monitoring against objectives, and the lack of baseline data against which to gauge progress. The follow up project implemented by UNICEF and funded by the EU Trust Fund seems to have taken into account the lessons learned from the previous project. Follow-up will be needed to ensure sound project monitoring and control in the future.

Finally, a comparison between the findings of this study and the recent European Court of Auditors' report on the EU's migration policy in its neighbourhood until 2014 highlights potential recurrence of issues in the migration policies of the EU. The existence of similarities reveals the need for reflection on the EU migration policies. Lessons learned from previous experiences in the neighbourhood of the EU could provide useful inputs to the EU's policy in Turkey. Further research would be needed to provide sound concluding remarks on the comparison and similarities.

What are the terms and conditions for the implementation of the EU-Turkey Joint-Action Plan? What are the reporting, monitoring and control mechanisms of the implementation?

The EU-Turkey Joint Action Plan agreed on 15 October 2015 is currently the document guiding the strategy of the EU towards Turkey. The overall objective is to bring order to migratory flows and to stem irregular migration. The recent EU-Turkey statement is the object of controversies because of its one for one return and resettlement scheme, as well as the compensations given to Turkey such as visa liberalisation as soon as June 2016 and an additional EUR 3 billion to be coordinated through the Refugee Facility. There are particular concerns regarding respect of human rights and the UN refugee convention in the implementation of the deal. Safeguards should be put in place to ensure that the deal can be implemented according to its statement, respecting international and European law not only on paper but also in practice. Currently, whether those safeguards are in place and effective is not clear.

The monitoring and control mechanisms of the implementation of the EU-Turkey statement are still unclear. However, the first progress report of the implementation of the EU-Turkey statement provides very detailed information that was either unavailable or hard to find before. It seems that the

Commission is starting to address concerns regarding the weaknesses of reporting and lack of transparency on the monitoring and control mechanisms, even though these still need to be improved.

Recommendations

Study Area 1 - Pre-accession funding

1. It is recommended that research is undertaken to analyse why clear intervention objectives and indicators remain so problematic for pre-accession interventions, after some 20 years of different pre-accession funding instruments in many countries.
2. It is recommended that the European Commission completes the sector monitoring framework for Turkey and updates it in its annual reports on Turkey.
3. It is recommended that the European Commission rationalise the intervention hierarchy used in different sector action documents and that it provides a more detailed breakdown of financial allocations.
4. It is recommended that the European Commission makes existing information on pre-accession assistance easier to find on its website and that it publishes additional information. It is recommended that the Commission consult civil society organisations on this (for example, the Open Government Partnership).
5. It is recommended that the European Commission develop more coherent evaluation guidelines. The current guidelines are fragmented and are essentially procedural guides that lack theoretical underpinning, for example regarding the role of stakeholders beyond simply providing information.
6. It is recommended that the European Commission ensure that the quality of support and advice it provides regarding the management of EU pre-accession funds in certain sectors is not eroded following the transfer of management from sector-specific DGs to DG NEAR.

Study Area 2 – European Investment Bank (EIB) loans to Turkey

1. The EIB should respond to and provide evidence as regards the extent to which the recommendations of the 2009 Report of the Court of Auditors have been implemented.
2. Given the reportedly relatively high levels of corruption present in Turkey the EIB should implement specific measures to monitor and follow up on any evidence (e.g. 'whistle blowing') of corrupt practices related to its activities in Turkey.
3. The EIB should further strengthen ex-post controls across the broad range of EIB interventions in Turkey, particularly as regards the assessment of effectiveness and impacts.
4. There is a need to develop an 'evaluation culture' in Turkey with regard to EIB interventions, and the EIB and other EU and Member State institutions can take a lead on this.

Study Area 3 - Aid for refugees from Syria and Iraq who are located in Turkey

1. The recent improvement in reporting on the actions of the Commission after the EU-Turkey Statement should be sustained and improved to guarantee easy access to information on EU aid to refugees in Turkey.
2. The Commission should clarify the objectives and the monitoring and control mechanisms of the recently announced Special Measure of EUR 60m. Rights watchdog organisations should be allowed to have access to migrants returned from Greece to Turkey.

3. It is recommended to follow up on the implementation of the lessons learned from previous use of EU funds in Turkey targeting refugees in order to make sure those are not only taken into account on paper but also in practice.
4. Further research and reflection is needed on the migration policy of the EU in order to improve its effectiveness (and the measurement of its effectiveness) in the future. Previous experiences, lessons learned and good practices in the neighbourhood should be considered when designing the response to refugee crisis.
5. The Commission should clarify whether the necessary safeguards are in place and effective to ensure full compliance with international and European in practice during the implementation of the EU-Turkey Statement.

ZUSAMMENFASSUNG

Einführung

Die vorliegende Studie ist im weiteren Rahmen des Sonderberichts 16/2009 des Europäischen Rechnungshofes "Die Verwaltung der Heranführungshilfe für die Türkei durch die Europäische Kommission" erfolgt.

Die Studie befasst sich mit den Grundlagen der EU-Finanzierungsentscheidungen und wie diese durch vergangene Ergebnisse beeinflusst werden. In dieser Hinsicht wird in Betracht gezogen, welche objektiven Grundlagen von der Europäischen Kommission benutzt werden, um die Wirksamkeit der EU-Mittel in der Türkei zu bewerten (das heißt, wie Ergebnisse definiert und ausgewertet werden). Bei der Behandlung dieser Punkte befasst sich diese Studie ebenfalls mit den Verwaltungs- und Kontrollstrukturen und Prozessen auf Seiten der Europäischen Kommission sowie auf Seiten der türkischen Behörden, und mit der Transparenz des Systems.

Die Studie konzentriert sich auf drei Bereichen der EU-Mittel für die Türkei:

- Studienbereich 1 – Finanzierung der Heranführungshilfe
- Studienbereich 2 - Europäische Investitionsbankdarlehen an die Türkei
- Studienbereich 3 - Hilfe für Flüchtlinge aus Syrien und dem Irak, die sich in der Türkei befinden

Die Studie umfasst Sekundärforschungen und Konsultationen mit der EU und den türkischen Akteuren sowie mit internationalen Organisationen.

Die Studie wurde zwischen Dezember 2015 und Mai 2016 durchgeführt.

Ergebnisse und Schlussfolgerungen

Allgemeines

Die Europäische Kommission hat sich verpflichtet, Maßnahmen zu treffen, um die Empfehlungen des Sonderberichts des Europäischen Rechnungshofes durchzusetzen; aber es ist nicht klar, wie effektiv diese Maßnahmen in der Praxis waren oder welches Potential sie haben, um die Bedenken, die der Rechnungshof in seinem Bericht geäußert hat, auszuräumen. Insbesondere sind die Wirksamkeit und die Auswirkungen der Finanzierung der Europäischen Union in der Türkei im Allgemeinen noch unbekannt.

Es liegt ein Defizit an Transparenz bei der Verwaltung der EU-Heranführungsmittel durch die EU-Kommission vor. Dies beschränkt die Möglichkeiten eines Dialogs über EU-Mittel in der Türkei zwischen der Türkei und der EU. Es ist davon auszugehen, dass dieser Mangel an Transparenz auch die Kosten der verschiedenen EU-Organe und Einrichtungen sowie anderer EU-finanzierter Organisationen erhöht. Schließlich ist es wahrscheinlich, dass der Mangel an Transparenz die Fähigkeit der Kommission, die Heranführungsmittel selber effizient zu verwalten, einschränkt.

Studienbereich 1 – Finanzierung der Heranführungshilfe

Inwieweit ist die Europäischen Kommission den Empfehlungen des Sonderberichts des Rechnungshofes gefolgt und wie sind sie umgesetzt worden (neue Regelungen, Stärkung der Kontrollen und strengere Anforderungen an das Empfängerland)?

Der Bericht des Europäischen Rechnungshofes befasst sich mit den Heranführungsmitteln in der Türkei und insbesondere mit der Verwaltung dieser Mittel durch die Europäische Kommission.

Viele Maßnahmen wurden nach dem Bericht getroffen, aber es ist unklar, wie effektiv diese Maßnahmen in der Praxis waren, oder potentiell sind, um die Bedenken, die der Rechnungshof in seinem Bericht geäußert hat, auszuräumen.

Auf strategischer Ebene haben die Länderstrategiepapiere der Kommission für die Türkei (2014-2020) Indikatoren auf Sektorebene eingeführt, um Entwicklungen in den Schlüsselbereichen zu überwachen, und dies mithilfe von Daten der internationalen Institutionen wie der Weltbank und anderen Quellen. Allerdings wurden die Indikatoren nicht vollständig entwickelt, und wurden im Bericht der Kommission über die Türkei des Jahres 2015 auch nicht explizit aktualisiert.

Die Analyse der Programmunterlagen im Bereich des Kapitels 23 (Justiz und Grundrechte) zeigt weiterhin Schwächen beim Interventionsdesign, und dies deutet auf systemische Probleme bei der Vorgehensweise der Kommission zur Heranführungshilfe hin, die nur schwer beseitigt werden können. Die Analyse zeigt auch, dass in mancher Hinsicht der "neue" IPA II sektorbezogene Ansatz im Wesentlichen eine Umgestaltung von früheren Ansätzen ist, jedoch mit weniger Transparenz.

Mehrere Überwachungsinstrumente und Ansätze sind im Einsatz, obwohl Informationen meist nicht öffentlich zugänglich sind. Das System der sektoralen Überwachungsausschüsse bleibt angeblich von begrenztem Nutzen.

Es hat sich als schwierig erwiesen, ein klares Bild der Verantwortung für Bewertungsaufgaben zu gewinnen und in Erfahrung zu bringen, welche Evaluierungen vorgenommen worden sind und welche Unterstützungen ausgewertet wurden, seitdem der Europäische Rechnungshof seinen Bericht abgegeben hat. Von den Berichten, die öffentlich zugänglich sind, beschäftigen sich nur wenige ausschließlich mit der Türkei (was deren Wert für eine Einschätzung der spezifisch türkischen Situation begrenzt) und nur wenige decken die späteren Jahren des IPA I ab. Einige Berichte über das IPA I sind nicht öffentlich zugänglich, und die Kommission war nicht in der Lage, eine Reihe von Bewertungsberichten zur Verfügung zu stellen (Berichte die sie jetzt als irrelevant betrachtet) die über 1 Mrd. EUR der EU-Finanzierung des Heranführungsinstruments im Zeitraum 2002-2006 abdecken. Die Analyse einer Stichprobe von Evaluierungen der Komponente I des IPA I und eine Ex-post-Bewertung der Hilfe im Zeitraum 2002-2006 spricht dafür, dass die Evaluierungen nicht in der Lage sind, inhaltlich relevante Informationen über die Wirksamkeit der EU Heranführungshilfe zur Verfügung zu stellen, höchstwahrscheinlich wegen Schwächen im Interventionsdesign und unzureichenden Zeitreihendaten über die Ergebnisse. Die Evaluierung im Rahmen der Heranführungshilfe wird in erster Linie als Instrument wahrgenommen, das der Europäischen Kommission Rechenschaft und entscheidungsrelevante Informationen liefert, und nicht als ein Instrument, das den betroffenen Akteuren ermöglicht, voneinander zu lernen und Erfahrungen auszutauschen.

Berichten zufolge haben die Überwachung und Bewertung eines operationellen Programms (Fallstudie) die Prinzipien der Strukturfonds befolgt. Obwohl im Jahre 2011 ein Zwischenbericht veröffentlicht wurde und auf der Webseite der Umsetzungsstelle zur Verfügung steht, erscheint der öffentliche Zugang zu den Überwachungsinformationen beschränkt.

Wie wurden Veränderungen im Volumen der Heranführungshilfe für die Türkei im Laufe der Zeit gerechtfertigt, und entsprachen sie einer Verbesserung der Verwaltung und Verwendung der Hilfe von Seiten der Türkei und der Kommission?

Der Kommission zufolge beruhen die Mittelzuweisungen auf rein politischen Erwägungen, die in den Jahresberichten der Kommission über die Türkei überwacht werden. Es ist jedoch unklar, auf welcher Grundlage politische Überlegungen und Entscheidungen in spezifische Förderbeträge übersetzt werden. Da die Wirksamkeit der bisherigen Unterstützung weitgehend unbekannt ist, ist es unklar, wie

die Ergebnisse bei der Festlegung zukünftiger Finanzierungsbeträge eine Rolle spielen können. EU-Beitrittsmittelzuweisungen für die Türkei wurden in der Vergangenheit nicht voll verwendet und die Verwendungsraten in der Türkei sind immer noch niedriger als in anderen Kandidatenländern. Dies wird häufig einem Mangel an Kapazitäten zugerechnet (unzureichende Anzahl und Qualifikation der Mitarbeiter in den IPA Umsetzungsstrukturen in der Türkei), aber diese Erklärung ist wohl vereinfachend. Eine alternative Erklärung ist, dass diese langfristige Schwierigkeit ein Symptom für außer Acht gelassene systemische Probleme in der Struktur der Heranführungshilfe und des Engagement zwischen den Schlüsselakteuren ist. Auf die Finanzierung pro Kopf bezogen erhält die Türkei viel weniger Heranführungshilfe als jedes andere IPA Land.

Welche Gesetzesänderungen haben im Rahmen der Beitrittsverhandlungen (seit 2005) in der Türkei stattgefunden, und haben diese Veränderungen die Türkei in Richtung der Beitrittsanforderungen der EU bewegt?

Eine Untersuchung der regelmäßigen Berichte der Europäischen Kommission über die Türkei von 2005 bis 2015 identifizierte insgesamt 230 Verweise auf Entwicklungen in der Gesetzgebung in diesem Zeitraum im Bereich des Kapitels 23 Justiz und Grundrechte. Die Mehrheit dieser Verweise geben „Bewegung in Richtung der EU“ an, jedoch in einigen Fällen mit ernsthaften Vorbehalten. 30 Verweise (13%) geben eine „Bewegung weg“ von der EU an. Jedoch kann die Analyse die Bedeutung der referenzierten Gesetzgebung nicht anzeigen. Auch ist es unmöglich, die deutliche Tendenz über mehrere Jahre, oder die kumulative Wirkung der spezifischen Entwicklungen in der Gesetzgebung in den verschiedenen referenzierten Berichten zu identifizieren.

Wie unterstützen die EU-Institutionen die Beitrittsländer, zur Förderung der Best Practices bei der Verwaltung von EU-Mitteln?

Die Beitrittsländer hatten, und haben weiterhin Zugang zu einer breiten Palette von Unterstützungen um *best practices* bei der Verwaltung von EU-Mitteln zu fördern. Ein Teil dieser Unterstützung stammt direkt von der Kommission und der Delegation der EU in der Türkei. Weitere Unterstützung wird mit EU-Mitteln durch Dritte (TAIEX, SIGMA, Partnerschaften, technische Hilfe) zur Verfügung gestellt. Geäußerte Ansichten im Verlauf dieser Studie zeigen, dass die Europäische Kommission es schwierig finden kann, die Qualität der angebotenen Unterstützungen und Beratungen in Bezug auf die Verwaltung der EU-Heranführungsmittel in bestimmten Sektoren aufrechtzuerhalten, seit der Übertragung der Führungsverantwortung von den sektorspezifischen Generaldirektionen auf die GD NEAR.

Wenn Fälle von Missbrauch von EU-Mitteln in der Vergangenheit anerkannt worden sind, welche Praktiken waren betroffen, in welchem Ausmaß wurden sie unterbrochen, wurden Sanktionen in Betracht gezogen, welche Entscheidungen wurden von der EU in diesem Zusammenhang getroffen und was waren ihre konkreten Auswirkungen?

Die Heranführungshilfe in der Türkei unterliegt, wie in anderen Kandidatenländern, umfassenden, systematischen Kontrollen, die EU und nationale Anforderungen erfüllen, und türkische und europäische Institutionen einbeziehen. Die Europäische Kommission macht keine Daten über Unregelmäßigkeiten in IPA-Ländern öffentlich zugänglich und es ist daher nicht möglich, die Situation in der Türkei mit anderen Ländern zu vergleichen. Die türkischen Behörden berichten, dass es 397 Fälle von Unregelmäßigkeiten gab, mit Auswirkung auf insgesamt 27 Mio. EUR der EU-Heranführungsmittel seit 2002. 9 Mio. EUR wurden bisher von den türkischen Behörden zurückerstattet; in 77 Fällen wurden keine Mittel ausgezahlt und es war daher keine Rückzahlung erforderlich; in den übrigen Fällen sind Ermittlungen oder Gerichtsverfahren im Gange. Andere Aktionen, die von den türkischen Behörden in

Bezug auf Unregelmäßigkeiten eingeleitet worden sind, umfassen strafrechtliche Verfolgungen, Eintragung des Namens des Empfängers auf der roten Liste, Aufhebung der Ausschreibungen und Beendigung von Verträgen.

Studienbereich 2 - Europäische Investitionsbank Darlehen an die Türkei

Inwieweit wurden bei den EIB-Darlehen an die Türkei gute oder schlechte Praktiken angewendet und welche Lehren sollte man daraus ziehen?

Die Studie fand keine Hinweise darauf, dass die Vorgänge der EIB in der Türkei in einer Weise durchgeführt werden, die mit den Betrugs- und Korruptionsrichtlinien der Bank unvereinbar sind, und Kreditgeschäfte hielten Bankenaufsichtspraktiken ein. Es gibt jedoch einige Mängel im Hinblick auf die Überwachung und Bewertung der Leistung von EIB-Darlehen an die Türkei bei der Erreichung breiterer (nichtfinanzieller) Ziele. Diese Mängel stammen größtenteils aus Defiziten bezüglich Evaluierungskapazitäten in der Türkei selbst und nicht von Schwächen im EIB-Verfahren, das weitgehend guten Praktiken entspricht.

Wurden Darlehen „in Übereinstimmung mit den allgemeinen Grundsätzen der Europäischen Union“ verwendet?

Im Rahmen der drei Kategorien von Darlehen, die in dieser Studie betrachtet wurden, wurde der Schwerpunkt deutlich auf die Erfüllung der Anforderungen ökologischer und sozialer Natur gelegt. Allerdings ist es auch sehr wahrscheinlich, dass ein verbessertes soziales und ökologisches Umfeld die Entwicklung der Demokratie, der Rechtsstaatlichkeit, der Menschenrechte und der Grundrechte unterstützt.

Wurden bestimmte Mittel verwendet, um europäische Unternehmen anzuziehen, damit sie sich in der Türkei niederlassen?

Diese Studie fand keine Hinweise auf eine Verwendung der EIB-Mittel als Anreiz zu einem Investitionsstandortauswahlprozess, in dem eine Wahl zwischen der EU und der Türkei vorlag. Investitionen von EU-Unternehmen in der Türkei, wenngleich mit der Präsenz von EU-Mitteln verbunden, können eine positive Wirkung auf die Ergebnisse solcher Unternehmen in der EU haben.

Bewertung der Wirksamkeit und Auswirkungen

Bis vor kurzem gab es keine systematische Überwachung der Projektergebnisse durch die türkischen Behörden. Obwohl Verbesserungen beobachtet werden, gibt es immer noch Spielraum, um die Ex-post-Kontrollen über das breite Spektrum der EIB Interventionen zu stärken.

Dies gilt weniger für Auditkontrollen (die EIB verfügt bereits über gut entwickelte Verfahren, um Darlehen und finanzielle Ergebnisse zu überwachen) als für die Bewertung der Wirksamkeit und Auswirkungen. Es ist notwendig, eine „Evaluierungskultur“ in der Türkei zu entwickeln. Es wird allgemein angenommen, dass die EIB-Darlehen eine positive langfristige Auswirkung haben, aber hierfür gibt sehr wenige stichfeste Beweise. Die Informationen die nötig sind, um das Verständnis der langfristigen Auswirkungen zu verbessern können nur die türkischen Behörden liefern. Die Entwicklung der türkischen Evaluierungskapazitäten sollte daher eine Priorität sein.

Studienbereich 3 - Hilfe für Flüchtlinge aus Syrien und dem Irak, die sich in der Türkei befinden

Wie wird die EU-Finanzierung der Hilfe für syrische und irakische Flüchtlinge in der Türkei strukturiert und verwaltet?

Seit Beginn der syrischen Krise im Jahr 2011 hat die EU ihre Hilfe durch mehrere Instrumente geleistet: durch den humanitären Weg mit ECHO und durch die EU-Außenfinanzierungsinstrumente: das Instrument für Stabilität und Frieden; das Europäische Instrument für Demokratie und Menschenrechte; und das Instrument für Heranführungshilfe. Der EU-Treuhandfonds (oder Madad Fund) wurde im Jahr 2014 geschaffen, um auf den regionalen Charakter der Flüchtlingskrise zu reagieren. Seit April 2016 zahlte die EU 365 Mio. EUR. Dies beinhaltet nicht die Fazilität für Flüchtlinge in der Türkei, ein Mechanismus der gegründet wurde, um bis zu 6 Mrd. EUR zu koordinieren. Die Entwicklung einer klaren Aufteilung der EU-Ausgaben, die Flüchtlinge in der Türkei Hilfe leisten, bereitet Probleme. Die Neuheit von einigen der EU-Instrumente beeinträchtigt ein klares Bild der praktischen Koordination und Kohärenz.

Diese Studie setzt sich für eine höhere Transparenz in der EU-Außenfinanzierung der Türkei ein und empfiehlt, die Entwicklung der Koordinierung weiterzuerfolgen, um sicherzustellen, dass geeignete Mechanismen formalisiert werden, um die Koordinierung und Kohärenz der EU-Finanzierung in der Türkei zu gewährleisten.

Wie wird die EU-Finanzierung der Hilfe für Flüchtlinge, die sich in der Türkei befinden verwaltet? Welche Überwachungs- und Kontrollmechanismen bestehen und wie gestaltet sich die Rolle der türkischen Behörden?

In der Regel scheinen ex-post-Kontrollmechanismen konsistent zu sein. Jedoch ist es zu früh zu beurteilen, ob diese Mechanismen wirksam waren, zumindest für die neuen Instrumente. Die Kommission scheint anzufangen, Bedenken über die Überwachung von EU-Projekten in der Türkei auszuräumen, nachdem die Mittel für die Flüchtlingskrise in der Türkei erhöht wurden. Der Bericht vom April 2016 über die Kontrolle der EU-Türkei-Anweisung liefert sehr detaillierte Informationen. Diese Studie stellt fest, dass die Anliegen die im Bericht des Jahres 2009 des Europäischen Rechnungshofes über die Überwachung und Berichterstattung der UN-Agenturen vorgebracht wurden, von der Kommission berücksichtigt und angesprochen worden sind. Anforderungen bezüglich Berichterstattung und Überwachung sind in dieser Hinsicht strenger als zuvor. Die Rolle der türkischen Behörden bei der Verwaltung der EU-Mittel ist in der Regel auf die Koordination der Vorgänge der Durchführungspartner beschränkt. Dennoch ist die jüngste Sondermaßnahme im Rahmen der Flüchtlingsfazilität zu IPA, umgesetzt von der Generaldirektion für Migrationsmanagement des türkischen Innenministeriums (60 Mio. EUR), genau zu beobachten, da die Überwachungs- und Kontrollmechanismen dieser Maßnahme nicht klar sind und die Ziele vage.

Wurde die Hilfe der EU bisher effektiv verwendet und hat sie die Zielgruppen erreicht? Welche Lehren sind aus der früheren Nutzung der EU-Mittel bezüglich Migration zu ziehen, und inwieweit wurden diese Lehren berücksichtigt?

Seit April 2016 ist es unklar, was die EU getan hat, um die Wirksamkeit der EU-geförderten Projekten in der Türkei zu bewerten. Es gibt Gründe die nahelegen, dass die Wirksamkeit schwierig zu bewerten sein wird, aufgrund der mangelnden Beurteilung der Bedürfnisse der Flüchtlinge in der Türkei. Diese Studie war nicht in der Lage, die Grundlagen für die derzeitigen Beihilfeprioritäten der EU in der Türkei zu identifizieren. Dieses Problem wurde durch eine gemeinsame Bedarfsanalyse zwischen der EU und den türkischen Behörden angegangen. Es bleibt abzuwarten, ob die festgelegten Prioritäten den zuvor festgelegten Prioritäten für die EU-Hilfe entsprechen. Diese Studie empfiehlt sicherzustellen, dass die Programme an die neu festgelegten Prioritäten angepasst sind.

Die Fallstudie zu einem durch das Instrument finanzierten Projekts zu Stabilität und Frieden, das von UNICEF umgesetzt wird, betont die Wichtigkeit, die Mittel durch Partner weiterzuleiten, die eine

Leistungsbilanz guter Abstimmung mit den türkischen Behörden vorweisen, insbesondere wenn das Projekt bezweckt, den Schutz durch den türkischen Staat zu ergänzen. Die Wirksamkeit des Projekts ist schwierig zu bewerten (Mangel an Klarheit über den Zweck und die erwarteten Ergebnisse des Projekts, Mangel an einer auf Zweck beruhenden Programmüberwachung, Mangel an Basisdaten zu erzielten Fortschritten). Das von UNICEF durchgeführte Nachfolgeprojekt, das vom EU-Treuhandfonds finanziert wird, scheint die Lehren aus dem vorangegangenen Projekt gezogen zu haben. Eine Weiterverfolgung ist notwendig, um eine effiziente Projektüberwachung und -steuerung in der Zukunft zu gewährleisten.

Schließlich hebt ein Vergleich zwischen den Ergebnissen dieser Studie und dem jüngsten Bericht des Europäischen Rechnungshofes über die Migrationspolitik der EU in ihrer Nachbarschaft bis 2014 vor, dass ein erneutes Auftreten von Problemen in der Migrationspolitik der EU möglich ist. Das Vorliegen von Ähnlichkeiten zwischen beiden Studien belegt die Notwendigkeit einer Reflexion über die Migrationspolitik der EU. Die aus früheren Erfahrungen in der Nachbarschaft der EU gewonnenen Erkenntnisse könnten für nützliche Beiträge zur Politik der EU in der Türkei sorgen. Weitere Untersuchungen wären notwendig, um fundierte abschließende Bemerkungen über diesen Vergleich treffen zu können.

Welche Voraussetzungen und Bedingungen zur Umsetzung des gemeinsamen Aktionsplanes EU-Türkei liegen vor? Wie gestalten sich die Berichterstattungs-, Überwachungs- und Kontrollmechanismen der Umsetzung des Planes?

Der am 15. Oktober 2015 vereinbarte Gemeinsame Aktionsplan EU-Türkei, ist derzeit das Dokument, das die Strategie der EU gegenüber der Türkei bestimmt. Das Gesamtziel ist, Ordnung in die Migrationsströme zu bringen und die illegale Migration einzudämmen. Die jüngste EU-Türkei Erklärung ist umstritten wegen ihrer „Rückkehr für eine Wiederansiedlungspolitik“, sowie wegen der Entschädigungen, die der Türkei zugesprochen worden sind, der geplanten Visa- Liberalisierung ab Juni 2016 und weiterer 3 Mrd. EUR, die durch die Fazilität für Flüchtlinge koordiniert werden. Besondere Besorgnis gilt der Achtung der Menschenrechte und der UN-Flüchtlingskonvention bei der Umsetzung des Abkommens. Schutzmaßnahmen sollten ergriffen werden, um sicherzustellen, dass die Vereinbarung unter Beachtung des internationalen und europäischen Rechts umgesetzt werden kann und zwar nicht nur auf dem Papier, sondern auch in der Praxis. Gegenwärtig ist es noch unklar, ob diese Vorkehrungen getroffen wurden und wirksam sind.

Die Überwachungs- und Kontrollmechanismen der Umsetzung der EU-Türkei-Erklärung sind noch unklar. Allerdings gibt der erste Fortschrittsbericht über die Durchführung der EU-Türkei Erklärung sehr detaillierte Informationen an, die bisher entweder nicht verfügbar oder schwer zu finden waren. Die Kommission scheint die Schwächen der Berichterstattung und den Mangel an Transparenz in Bezug auf die Überwachungs- und Kontrollmechanismen anzugehen, auch wenn diese noch weiter verbessert werden müssen.

Empfehlungen

Studienbereich 1 – Finanzierung der Heranführungshilfe

1. Es wird empfohlen, dass Untersuchungen eingeleitet werden um zu analysieren, warum es immer noch so problematisch ist, nach rund 20 Jahren Finanzierung der Heranführungsinstrumenten in vielen Ländern, den Heranführungsinterventionen klare Interventionsziele und Indikatoren zu setzen.
2. Es wird empfohlen, dass die Europäische Kommission den Sektorüberwachungsrahmen für die Türkei abschließt und dies in ihren Jahresberichten über die Türkei aktualisiert.

3. Es wird empfohlen, dass die Europäische Kommission die Interventionshierarchie, die in verschiedenen sektorbezogenen Aktionsdokumenten verwendet wird, rationalisiert und dass sie eine detailliertere Aufschlüsselung der Mittelzuweisungen liefert.
4. Es wird empfohlen, dass die Europäische Kommission das Finden bereits existierender Informationen über die Heranführungshilfe auf ihrer Webseite vereinfacht, und dass sie zusätzliche Informationen veröffentlicht. Es wird empfohlen, dass die Kommission Zivilgesellschaftsorganisationen zu diesem Thema befragt (zum Beispiel die Open Government Partnership).
5. Es wird empfohlen, dass die Europäische Kommission kohärentere Bewertungsrichtlinien entwickelt. Die aktuellen Leitlinien sind zersplittert und stellen im Wesentlichen einen Verfahrensleitfaden dar, dem eine theoretische Untermauerung fehlt, zum Beispiel in Bezug auf die Rolle der Stakeholders, jenseits der bloßen Bereitstellung von Informationen.
6. Es wird empfohlen, dass die Europäische Kommission dafür sorgt, dass die Qualität der Unterstützung und Beratung, die sie in Bezug auf die Verwaltung der EU-Heranführungsmittel in bestimmten Sektoren anbietet, sich nicht nach der Übertragung der Verwaltung von sektorspezifischen GDs zu GD NEAR verschlechtert.

Studienbereich 2 - Europäische Investitionsbank Darlehen an die Türkei

1. Die EIB sollte auf die Empfehlungen des Berichts des Rechnungshofes des Jahres 2009 reagieren und den Nachweis der Wirksamkeit der Darlehen erbringen.
2. Angesichts des den Berichten zufolge relativ hohen Maßes an Korruption in der Türkei sollte die EIB konkrete Maßnahmen zur Überwachung treffen, so dass sie auf jeglichen Hinweis auf korrupte Praktiken (zum Beispiel "Whistleblowing") im Zusammenhang mit ihren Aktivitäten in der Türkei reagieren kann.
3. Die EIB sollte weiterhin Ex-post-Kontrollen über das breite Spektrum der EIB Interventionen in der Türkei stärken, insbesondere was die Bewertung der Wirksamkeit und Auswirkungen betrifft.
4. Es besteht ein Bedarf, eine „Evaluierungskultur“ in der Türkei im Hinblick auf die EIB Interventionen zu entwickeln, und die EIB und andere EU- und Mitgliedstaatinstitutionen könnten dabei eine Führungsrolle spielen.

Studienbereich 3 - Hilfe für Flüchtlinge aus Syrien und dem Irak, die sich in der Türkei befinden

1. Die jüngste Verbesserung der Berichterstattung über die Maßnahmen der Kommission seit der EU-Türkei Erklärung sollte erhalten und verbessert werden, um einen einfachen Zugang zu Informationen über die EU-Hilfe für Flüchtlinge in der Türkei zu gewährleisten.
2. Die Kommission sollte die Ziele und die Überwachungs- und Kontrollmechanismen der kürzlich angekündigten Sondermaßnahme von 60 Mio. EUR klären. Menschenrechtsorganisationen sollte Zugang zu Migranten, die aus Griechenland in die Türkei zurückkehren, erlaubt werden.
3. Es wird empfohlen, die Umsetzung der Lehren aus früherer Verwendung von gezielten EU-Mitteln für Flüchtlinge in der Türkei weiterzuführen, um sicherzustellen, dass diese nicht nur auf dem Papier berücksichtigt werden, sondern auch in der Praxis.
4. Weitere Forschung und Reflexion über die Migrationspolitik der EU ist erforderlich, um ihre Wirksamkeit (und die Bemessung ihrer Wirksamkeit) in der Zukunft zu verbessern. Die bisherigen Erfahrungen, Erkenntnisse und *Best Practices* in der Region sollten bei der Entwicklung einer Reaktion auf die Flüchtlingskrise berücksichtigt werden.
5. Die Kommission sollte klären, ob die erforderlichen Vorkehrungen getroffen worden und effektiv sind, um in der Praxis bei der Umsetzung der EU-Türkei Erklärung volle Übereinstimmung mit internationalem und europäischem Recht zu gewährleisten.

SYNTHÈSE

Introduction

Cette étude fait suite au rapport spécial 16/2009 de la Cour des Comptes Européenne intitulé 'La gestion, par la Commission Européenne, de l'aide de préadhésion en faveur de la Turquie'.

Cette étude examine les décisions de financement de l'UE et dans quelle mesure ces décisions sont fondées sur des résultats passés. A cet égard, l'étude se penche sur les fondements objectifs utilisés par la Commission européenne pour évaluer l'efficacité du financement de l'UE en Turquie (c'est-à-dire comment les résultats sont définis et évalués). Cette étude examine également les mécanismes de gestion et de contrôle de la Commission et des autorités turques, ainsi que la transparence de ce système.

Cette étude se concentre sur trois aspects du financement européen pour la Turquie :

- Domaine d'étude 1 : l'aide de préadhésion
- Domaine d'étude 2 : les prêts de la banque européenne d'investissement à la Turquie
- Domaine d'étude 3 : l'aide aux réfugiés syriens et irakiens se trouvant en Turquie
- Cette étude a impliqué une recherche documentaire ainsi que la consultation des autorités européennes et turques et d'organisations internationales.

Cette étude a été conduite entre décembre 2015 et mai 2016.

Résultats et conclusions

Vue d'ensemble

La Commission européenne a pris des mesures en réaction aux recommandations du rapport spécial de la Cour des Comptes européenne. Dans quelle mesure ces décisions ont pu et pourront à l'avenir répondre aux inquiétudes de la Cour n'apparaît en revanche pas de manière évidente. Plus particulièrement l'efficacité et l'impact du financement européen en Turquie demeurent généralement inconnus.

Il existe un manque de transparence dans la gestion du financement de préadhésion par la Commission. Cela limite la possibilité pour les sociétés turques et européennes de créer un dialogue sur les financements européens en Turquie. On peut également s'attendre à ce que ce manque de transparence ajoute aux coûts des institutions européennes et des tiers financés par l'UE. Enfin, il est probable que ce manque de transparence empêche la Commission de gérer elle-même les financements de préadhésion, efficacement.

Domaine d'étude 1 : l'aide de préadhésion

Dans quelle mesure les recommandations du rapport spécial de la Cour des comptes ont-elles été suivies par la Commission européenne et quelles ont été les mesures prises (nouvelles réglementations, renforcement des contrôles et des obligations du pays bénéficiaire) ?

Le rapport de la Cour des comptes européenne examinait le financement de préadhésion en Turquie et la gestion des fonds par la Commission européenne. De nombreuses mesures ont été engagées à la suite du rapport de la Cour des comptes. Il est cependant difficile de savoir dans quelle mesure ces actions ont été efficaces ou sont susceptibles de le devenir et d'apporter une réponse aux inquiétudes exprimées dans le rapport.

Au niveau stratégique, le document indicatif de stratégie pour la Turquie 2014-2020 (Indicative Country Strategy Paper for Turkey) a introduit des indicateurs sectoriels basés sur les informations provenant, entre autres sources, d'institutions internationales telles que la Banque mondiale pour surveiller les évolutions dans les domaines clés. Cependant, ces indicateurs n'ont pas été entièrement développés et n'ont pas été mis à jour dans le rapport de la Commission européenne sur la Turquie de 2015.

L'analyse des documents programmatiques dans le domaine du chapitre 23 (pouvoir judiciaire et droits fondamentaux) indique des faiblesses dans la conception des interventions, ce qui suggère des problèmes systémiques susceptibles d'être difficiles à résoudre dans l'approche qu'a la Commission des fonds de préadhésion. L'analyse suggère également, qu'à certains égards, la « nouvelle » approche sectorielle IPA II est essentiellement une nouvelle présentation des approches déjà existantes, mais avec moins de transparence.

Plusieurs approches et outils de contrôles sont utilisés, bien que la plupart des informations ne soient pas publiquement disponibles. L'utilité du système de comités de suivi sectoriels demeurerait limitée.

Il a été quelque peu difficile d'obtenir une image claire des responsabilités en termes d'évaluation, des évaluations déjà effectuées, et de l'aide évaluée depuis la publication du rapport de la Cour des comptes européenne. Parmi les rapports publics, seuls quelques-uns se concentrent exclusivement sur la Turquie, et la couverture des interventions des dernières années de l'IAP I est jusque-là limitée. Certains rapports couvrant l'IAP I ne sont pas publics et la Commission n'a pas été en mesure de fournir une série de rapports d'évaluation (qu'elle ne considère plus pertinents) couvrant plus d'un milliard d'euros de financements de l'IAP 2002-2006. L'analyse d'un échantillon de rapports concernant l'IAP I, composante I, et d'une évaluation ex-post couvrant l'aide sur la période 2002-2006, suggère que les évaluations ne sont pas en mesure de fournir des informations substantielles sur l'efficacité de l'aide de préadhésion, probablement à cause des faiblesses dans la conception des interventions et du manque de séries de données chronologiques concernant les résultats. L'évaluation dans le contexte de l'aide de préadhésion est davantage perçue comme un outil permettant de rendre des comptes à la Commission Européenne que comme un outil d'apprentissage à travers le dialogue avec les parties prenantes.

Le suivi et l'évaluation d'un programme opérationnel (une étude de cas) ont apparemment suivi les règles des fonds structurels. Alors qu'un rapport intermédiaire a été publié en 2011 et est disponible sur le site internet de la structure exécutant le programme, peu d'informations sur le suivi des projets sont accessibles au public.

Comment les variations de volumes des fonds de préadhésion à la Turquie ont-elles été justifiées, et cela correspond-il à une amélioration de la gestion et de l'utilisation de l'aide par la Turquie et la Commission ?

Selon la Commission, les attributions de financements sont fondées uniquement sur des considérations politiques, dont le suivi apparaît dans les rapports annuels de la Commission sur la Turquie. Cependant, les fondements qui permettent de traduire les considérations politiques en financements spécifiques n'apparaissent pas clairement. Étant donné que l'efficacité de l'aide antérieure est en grande partie inconnue, il n'est pas certain que les résultats puissent jouer un rôle dans la définition des niveaux de financement futurs. Les attributions de financement de l'aide de préadhésion à la Turquie n'ont pas toujours été utilisés pleinement et les taux d'utilisation des fonds en Turquie sont plus bas que dans les autres pays candidats. Cela est généralement attribué à un manque de ressources dans les institutions en question (en particulier une insuffisance de personnel

IAP), bien que cette explication soit probablement trop simpliste. Une explication alternative est que ce problème persistant est un indicateur de défauts systémiques dans la structure de l'aide de préadhésion et dans l'engagement des acteurs clés. En matière de financement par habitant, la Turquie perçoit beaucoup moins d'aide de préadhésion que les autres pays IAP.

Quels changements législatifs ont eu lieu en Turquie dans le contexte des négociations de préadhésion (depuis 2005), et ces changements ont-ils rapproché ou éloigné la Turquie des prérequis à l'adhésion à l'UE ?

Une étude des rapports réguliers de la Commission européenne sur la Turquie de 2005 à 2015 a identifié un total de 230 références à des changements législatifs durant cette période dans le domaine du pouvoir judiciaire et des droits fondamentaux (article 23). La majorité de ces références indiquent un 'rapprochement vers l'UE' bien qu'avec des réserves sérieuses dans certains cas. 30 références (13%) indiquent un 'éloignement de l'UE'. Cependant, cette analyse n'est pas en mesure d'indiquer l'importance des législations en question. De même, il n'est pas possible d'identifier la direction (rapprochement ou éloignement) prise par la Turquie sur les années analysées, ou l'effet cumulatif de développements législatifs spécifiques référencés dans des rapports successifs.

Quels soutiens sont mis à la disposition des candidats à l'adhésion pour encourager les bonnes pratiques dans la gestion des fonds européens?

Les pays candidats ont eu et continuent d'avoir accès à un large éventail d'assistance pour promouvoir les bonnes pratiques de gestion des fonds européens. Une partie de cette assistance est fournie directement par la Commission et la Délégation de l'Union européenne en Turquie. L'assistance est également fournie par des tiers (TAIEX, SIGMA, jumelage, assistance technique) avec un financement de l'UE. Les opinions exprimées dans le cadre de cette étude soulignent qu'il est parfois difficile pour la Commission européenne de maintenir la qualité de son soutien et de son conseil concernant la gestion des financements de préadhésion dans certains secteurs depuis le transfert des responsabilités de DG spécifiques à DG NEAR.

Si des cas de détournements de fonds européens ont été détectés par le passé, quelles pratiques étaient en cause, dans quelle mesure ont-elles cessé, y a-t-il eu des sanctions et quelles décisions ont été prises par l'UE dans ce contexte et avec quels effets ?

Les financements de préadhésion en Turquie sont, comme dans les autres pays candidats, sujets à des contrôles approfondis et systématiques qui répondent aux exigences européennes et nationales et qui impliquent les autorités turques et européennes. Les données concernant les irrégularités dans les pays bénéficiant des fonds européens de préadhésion ne sont pas rendues publiques par la Commission européenne. Par conséquent, il n'est pas possible de comparer la situation turque avec d'autres pays candidats. Les autorités turques rendent compte de 397 cas d'irrégularités impliquant les financements européens de préadhésion pour un montant total de 26 922 744 d'euros depuis 2002. 9 millions d'euros ont été récupérés par les autorités turques. Dans 77 cas, aucun financement n'avait été déboursé, par conséquent aucune récupération n'a été nécessaire. Pour les cas restant, des enquêtes ou des procédures judiciaires sont en cours. D'autres actions ont été entreprises par les autorités turques, comme des actions en justice, l'ajout du nom du bénéficiaire à la liste rouge, l'annulation du contrat ou de l'offre.

Domaine d'étude 2 – Les prêts de la Banque Européenne d'Investissement (BEI) à la Turquie

Dans quelle mesure les prêts de la BEI à la Turquie ont-ils fait l'objet de bonnes ou de mauvaises pratiques, et quels enseignements peuvent en être tirés ?

L'étude n'a pas trouvé de preuves suggérant que les opérations de la BEI en Turquie soient conduites d'une manière incompatible avec les politiques anti-corruption et anti-fraude de la banque, et les opérations de prêts semblent correspondre aux pratiques bancaires prudentielles. Cependant, la surveillance et l'évaluation de l'efficacité des prêts de la BEI dans la poursuite d'objectifs plus larges (non-financiers) présentent des défauts. Ceux-ci viennent généralement des lacunes de la Turquie en matière d'évaluation plutôt que de faiblesses dans les procédures de la BEI, qui correspondent en grande partie aux bonnes pratiques.

Les prêts ont-ils été utilisés en conformité avec les principes généraux de l'Union européenne ?

Dans le cadre des trois catégories de prêts étudiées ici, l'accent a clairement été mis sur la conformité à des obligations immédiates d'ordre social et environnemental. Cependant, il est fort probable qu'un contexte social et environnemental amélioré sera favorable au développement de la démocratie et de l'état de droit, des droits de l'homme et des libertés fondamentales.

Certains financements ont-ils été utilisés pour inciter des entreprises européennes à s'installer en Turquie ?

Cette étude n'a pas trouvé de signes montrant que les financements de la BEI ont été utilisés comme incitation lors de processus de sélection de localisation d'un investissement où le choix se faisait entre la Turquie et l'UE. Les investissements par des entreprises européennes en Turquie, bien que liés à la présence des financements européens, peuvent avoir un effet positif pour ces entreprises au sein de l'UE.

Évaluation de l'efficacité et de l'impact

Jusqu'à récemment, il n'y avait pas de surveillance systématique des résultats des projets par les autorités turques. Bien que cela ait commencé à changer, il est possible de renforcer davantage les contrôles ex post sur l'ensemble des interventions de la BEI. Cela s'applique plus à l'évaluation de l'efficacité et des impacts qu'aux contrôles de type audit (la BEI possède déjà des procédures très développées pour surveiller les prêts, et les résultats financiers sont étroitement surveillés). Il est nécessaire de développer une « culture de l'évaluation » en Turquie. Il est généralement admis que les prêts de la BEI auront un impact positif à long terme, mais il existe très peu de preuves pour étayer cette affirmation. Les informations nécessaires pour améliorer la compréhension des effets à plus long terme ne peuvent venir que des autorités turques. Le développement des capacités de la Turquie en matière d'évaluation devrait donc être une priorité.

Domaine d'étude 3 – L'aide aux réfugiés syriens et irakiens se trouvant en Turquie

Comment l'assistance de l'UE aux réfugiés syriens et irakiens est-elle structurée et gérée ?

Depuis le début de la crise syrienne en 2011, l'UE a fourni de l'aide aux réfugiés à travers divers instruments : par la voie humanitaire avec ECHO ; par les instruments d'aide extérieure : l'instrument contribuant à la stabilité et la paix (IcSP), l'instrument européen pour la démocratie et les droits de l'homme (IEDDH) et l'instrument d'aide de préadhésion (IAP). Le fond fiduciaire « Madad » a été créé en 2014 afin de prendre en compte l'aspect régional de la crise des réfugiés dans l'assistance européenne. Jusqu'en avril 2016, l'UE a déboursé 365 millions d'euros. Ce montant ne comprend pas les fonds versés à la Facilité en faveur des réfugiés en Turquie, un mécanisme d'allocation des fonds créé pour coordonner jusqu'à 6 milliards d'euros. Il est relativement difficile d'établir la répartition exacte des financements de l'UE destinés à l'aide aux réfugiés en Turquie. La nouveauté de certains instruments de financement et de gestion ne permet pas d'avoir une image claire de la coordination et de la cohérence du financement européen aux réfugiés en pratique.

Cette étude plaide pour plus de transparence dans les financements externes de l'UE à la Turquie et recommande de continuer à développer la coordination du financement européen pour formaliser les mécanismes nécessaires à la coordination et la cohérence du financement européen.

Comment l'aide de l'UE aux réfugiés localisés en Turquie est-elle gérée ? Quels sont les mécanismes de surveillance et de contrôle et quel est le rôle des autorités turques ?

De manière générale, les mécanismes de contrôles ex-post semblent cohérents. Cependant, il est trop tôt pour estimer si ces mécanismes ont été efficaces, du moins pour les nouveaux instruments. Il semble que la Commission commence à répondre aux préoccupations concernant le suivi des projets en Turquie, suite à l'augmentation des fonds alloués à la gestion de la crise des réfugiés en Turquie. Le rapport d'avril 2016 sur le suivi de la déclaration UE-Turquie fournit des informations très détaillées. Cette étude constate que les préoccupations soulevées par le rapport de la Cour des Comptes européenne en 2009 sur la gestion des fonds européens par les agences de l'ONU ont été prises en compte et traitées par la Commission. Les obligations sont désormais plus strictes en termes de surveillance et les comptes rendus doivent être plus fréquents. En général, le rôle des autorités turques dans la gestion des fonds de l'UE est limité à la coordination des interventions des partenaires exécutant les projets. Cependant, la mesure spéciale décidée récemment dans le cadre de la facilité en faveur des réfugiés, qui accélère le versement de 60 millions d'euros à la Direction générale de la gestion des migrations du ministère de l'Intérieur turc à travers l'IAP est à surveiller de près, car les mécanismes de contrôles et de surveillance de cette mesure ne sont pas clairs et ses objectifs sont vagues.

L'assistance aux réfugiés à laquelle l'UE a contribué a-t-elle été utilisée de manière efficace et a-t-elle atteint les groupes cibles ? Quelles sont les leçons à retenir de l'utilisation passée des fonds concernant les migrations et dans quelle mesure ces enseignements ont-ils été pris en compte ?

En l'état, en avril 2016, ce que l'UE a fait pour évaluer l'efficacité des projets qu'elle a financés en Turquie reste flou. L'efficacité des projets sera probablement difficile à mesurer à cause du manque d'estimation des besoins des réfugiés localisés en Turquie. Cette étude n'a pas été en mesure de trouver les fondements qui ont permis d'élaborer les priorités actuelles de l'aide de l'UE en Turquie. Ce problème a été pris en compte, les autorités turques et européennes ayant entrepris une évaluation commune des besoins des réfugiés en Turquie. Il reste à voir si les priorités établies correspondent aux priorités précédemment établies. Cette étude préconise de faire en sorte que les programmes en cours soient adaptés en fonction des priorités nouvelles.

L'étude de cas sur un projet financé à travers l'instrument contribuant à la stabilité et la paix mis en œuvre par UNICEF montre l'importance d'acheminer les fonds européens via des partenaires qui ont par le passé déjà coopéré avec les autorités turques, particulièrement lorsqu'il s'agit de projets ayant pour objectif de compléter la protection des réfugiés offerte par l'Etat turc. L'efficacité du projet a été difficile à mesurer à cause du manque de clarté de l'objectif global et des résultats recherchés, du manque de suivi du projet par rapport aux objectifs et enfin du manque de données de référence permettant d'évaluer la progression. Le projet de suivi mis en œuvre par l'UNICEF et financé par le Fonds « Madad » semble avoir pris en compte les enseignements tirés du projet précédent. Un suivi sera nécessaire pour garantir un contrôle et une surveillance solides des projets dans le futur.

Enfin, une comparaison entre les résultats de cette étude et le récent rapport de la Cour de Comptes européenne sur les dépenses de l'UE en matière de migration extérieure dans les pays du voisinage sud-méditerranéen et oriental jusqu'en 2014 met en évidence la récurrence potentielle de certains problèmes dans les politiques migratoires de l'UE. L'existence de similitudes révèle la nécessité d'une

réflexion sur les politiques migratoires de l'UE. Les enseignements tirés des expériences antérieures dans le voisinage de l'UE pourraient fournir des éléments utiles à la construction de la stratégie de l'UE en Turquie. Des recherches supplémentaires seraient nécessaires pour fournir des observations finales et solides concernant la comparaison et les similitudes entre cette étude et le rapport de la Cour de Comptes.

Quels sont les modalités de la mise en œuvre du Plan d'action conjoint UE-Turquie ? Quels sont les mécanismes de suivi, de surveillance et de contrôle de sa mise en œuvre ?

Le plan d'action conjoint UE-Turquie décidé le 15 octobre 2015 est actuellement le document d'orientation de la stratégie de l'UE envers la Turquie. L'objectif global est de mettre de l'ordre dans les flux migratoires et d'endiguer la migration illégale. La récente déclaration UE-Turquie fait l'objet de controverses en raison du programme « un renvoi pour une admission » et des compensations octroyées à la Turquie telles que la libéralisation du régime de visa envisagée à partir de juin 2016 et des 3 milliards d'euros additionnels pour la facilité en faveur des réfugiés en Turquie. De fortes inquiétudes existent en ce qui concerne le respect des droits de l'Homme et de la convention des nations unies sur les réfugiés lors de la mise en œuvre de l'accord. Des garanties doivent être mises en place pour veiller à ce que l'accord soit mis en œuvre conformément à la déclaration et au respect du droit international et européen, non seulement sur le papier mais aussi en pratique. A l'heure actuelle, il n'est pas certain que ces garanties soient en place et efficaces.

Les mécanismes de surveillance et de contrôle de la mise en œuvre de la déclaration UE-Turquie sont peu clairs. Cependant, le premier rapport d'avancement de la mise en œuvre de la déclaration UE-Turquie fournit des informations très détaillées qui n'étaient pas disponibles ou difficiles à trouver auparavant. Il semble que la Commission commence à répondre aux préoccupations concernant les faiblesses des mécanismes de suivi et de contrôle des fonds, bien que des améliorations soient encore nécessaires.

Recommandations

Domaine d'étude 1 – L'aide de préadhésion

1. Il est recommandé que des recherches soient menées afin d'analyser pourquoi avoir des objectifs et des indicateurs d'intervention clairs dans les interventions de préadhésion reste problématique, alors que différents instruments de financement de préadhésion existent depuis 20 ans dans de nombreux pays.
2. Il est recommandé que la Commission européenne complète son cadre de suivi et de surveillance sectorielle pour la Turquie et mette à jour ses rapport annuels sur la Turquie.
3. Il est recommandé que la Commission européenne rationalise la hiérarchie d'intervention utilisée dans différents documents d'action par secteur, et qu'elle fournisse une répartition des allocations financières plus détaillée.
4. Il est recommandé que la Commission européenne rende les informations existant sur l'assistance de préadhésion plus facile d'accès sur son site internet et qu'elle publie des informations supplémentaires. Il est recommandé que la Commission consulte des organisations issues de la société civile à ce sujet (par exemple, the Open Government Partnership).
5. Il est recommandé que la Commission développe des lignes directrices d'évaluation plus cohérentes. Les lignes directrices actuelles sont fragmentées et sont essentiellement des guides de procédure qui manquent de fondement théorique en ce qui concerne, par exemple, le rôle des parties prenantes au-delà de simples informateurs.

6. Il est recommandé que la Commission européenne veille à ce que la qualité du soutien et du conseil fournis en ce qui concerne la gestion des fonds de préadhésion de l'UE dans certains secteurs ne se dégrade pas après le transfert de la gestion de DG sectorielles spécifiques à la DG NEAR.

Domaine d'étude 2 – Les prêts de la Banque européenne d'investissement (EIB) à la Turquie.

1. La BEI devrait fournir des preuves de la mise en œuvre des recommandations du rapport de la Cour des comptes 2009.
2. Compte tenu des niveaux apparemment relativement élevés de corruption en Turquie, la BEI devrait mettre en place des mesures spécifiques de surveillance et de suivi de chaque signe de corruption lié à ses activités en Turquie (par exemple les signalements par des lanceurs d'alerte).
3. La BEI devrait continuer de renforcer les contrôles ex-post sur l'ensemble de ses interventions en Turquie, en particulier en matière d'évaluation d'efficacité et d'impact.
4. Il est nécessaire de développer une « culture de l'évaluation » en Turquie en ce qui concerne les interventions de la BEI. La BEI et d'autres institutions de l'UE et des États membres peuvent prendre des initiatives en ce sens.

Domaine d'étude 3 - L'aide aux réfugiés syriens et irakiens se trouvant en Turquie

1. L'amélioration récente des rapports sur les actions de la Commission suite à la déclaration UE-Turquie doit être maintenue et développée pour garantir un accès simple aux informations sur l'aide de l'UE aux réfugiés en Turquie.
2. La Commission devrait clarifier les objectifs et les mécanismes de suivi et de contrôle de la mesure spéciale de 60 millions d'euros récemment annoncée. Les organisations de défense des droits de l'homme devraient être autorisées à avoir accès aux migrants déportés de la Grèce à la Turquie.
3. Il est recommandé de donner suite à la mise en œuvre des enseignements tirés de l'utilisation antérieure des fonds de l'UE en Turquie ciblant les réfugiés afin de s'assurer qu'ils ne soient pas pris en compte en théorie seulement, mais aussi en pratique.
4. Une plus ample réflexion et des recherches sur la politique migratoire de l'UE sont nécessaires afin d'améliorer son efficacité (et la mesure de son efficacité) à l'avenir. Les expériences passées, les enseignements tirés et les bonnes pratiques dans le voisinage de l'UE devraient être pris en considération lors de la conception de la réponse à la crise des réfugiés.
5. La Commission devrait préciser si les garanties adéquates sont opérationnelles et efficaces pour assurer le plein respect du droit international et européen dans la mise en œuvre de la déclaration UE-Turquie.

1 INTRODUCTION

The European Parliament's (EP) Directorate for Budgetary Affairs requested Blomeyer & Sanz to conduct this research assignment between December 2015 and May 2016. This report addresses the contractual requirement of submitting an inception report by 18 January 2016 (to be followed by an interim report by 28 March, and the final report by 23 May).

1.1 OBJECTIVES

The specific terms of reference express an overarching concern regarding the effectiveness of increased European Union (EU) funding to Turkey since 2002. In particular, the terms of reference ask if significant increases in funding '*corresponded to an improvement in the management and use of aid by Turkey, and by the Commission*', and if increased funds have been matched by corresponding results. Following from this, there is also a concern about the extent to which misuse of EU funds has occurred in Turkey, and how effectively the EU has addressed these issues.

The study focuses on three areas of EU funding to Turkey:

- Pre-accession funding
- European Investment Bank loans
- Aid for refugees

The purpose of the study is to consider the basis for EU funding decisions, and how these are informed by past results. In this regard, it will also consider what objective basis is used by the European Commission (EC) to assess the effectiveness of EU funding to Turkey at sector, and overall levels (i.e. how results are defined and evaluated). In addressing these points, the study also considers management and control structures and processes of the EC and the Turkish authorities, and transparency in the system.

Relevant data from other candidate countries is also considered in order to provide context for the analysis of the situation regarding Turkey.

1.2 IMPLEMENTATION SCHEDULE OF THE STUDY

The study commenced in mid-December 2015 and has been completed in May 2016. Table 1 presents the study's main milestones, consisting of reports and their deadlines, and meetings with the EP.

Table 1: Study milestones

DATE	REPORTS	MEETINGS
18 January	Inception report	
25 January		Inception meeting with the EP
28 March	Interim report	
23 May	Final report	

1.3 METHODOLOGY

The specific terms of reference identify a series of questions. For the purpose of the study, these have been grouped into three study areas:

- **Study Area 1** - Pre-accession funding, including the Turkey Pre-Accession Instrument (2002-2006); the Instrument for Pre-Accession Assistance (2007-2013) (IPA I); the Instrument for Pre-Accession Assistance (2014-2020) (IPA II);
- **Study Area 2** - European Investment Bank (EIB) loans to Turkey since 2001;
- **Study Area 3** - EU funding to address the humanitarian, health, and psychological needs of Syrian and Iraqi refugees located in Turkey.

The methodology for Study Area 1 is presented in section 1.3.1, for Study Area 2 in section 1.3.2, and for Study Area 3 in section 1.3.3.

The following parties were consulted during the course of the study:

- European Commission Directorate General for European Neighbourhood Policy and Enlargement Negotiations (NEAR)
- European Commission Directorate General Regional and Urban Policy (REGIO)
- European Commission Directorate General for Humanitarian Aid and Civil Protection (ECHO)
- The European Union Delegation to the Republic of Turkey
- The Instrument contributing to Stability and Peace (IcSP)
- The European Investment Bank
- Office of the United Nations High Commissioner for Refugees in Brussels
- The Ministry for EU Affairs of the Republic of Turkey
- The Ministry of Science, Industry and Technology of the Republic of Turkey
- The Office of the National Authorising Officer, Republic of Turkey
- The National Fund, Republic of Turkey
- Central Finance and Contracts Unit, Republic of Turkey

1.3.1 The Results Oriented Monitoring team, Ankara Study Area 1 - Pre-accession funding in Turkey

Structure of Study Area 1 – research questions

1. *If cases of misuse of EU funds have been recognised in the past, what practices were involved, to what extent have they been interrupted, were sanctions considered, and what decisions were taken by the EU in this context and what their concrete effects?*

Available data on irregularities regarding the use of pre-accession funds in Turkey will be reviewed in order to understand trends in absolute and relative terms since 2002.

2. *To what extent have the recommendations of the Special Report of the Court of Auditors been followed by the European Commission and how have they been translated into action (new regulations, strengthening controls and increasing demands on the recipient country)?*

This question is addressed through an analysis of four themes relating to pre-accession funding:

- Management and control structures in Turkey
- Project and programme design processes
- Monitoring and evaluation structures and processes
- European Commission (EC) management and control structures and arrangements

Management and control structures: this provides an overview the main management and control structures in both Turkey and at the EC. Among other things, the European Court of Auditors' (ECA) Special Report 16/2009 (p.22) highlighted the issue of last minute contracting, and the 2014 Indicative Strategy Paper for Turkey suggests that problems remain. The evolution of contracting rates over time are analysed, to the extent that relevant data are available.

Project and programme design process: This considers how decisions to fund particular projects and programmes were informed, which actors were involved in the design process and what capacity, and how the design process is actually accomplished.

Monitoring and evaluation structures and processes: This looks at what types of evaluation are undertaken (ex-ante, interim, ex-post), by whom, and the approach to evaluation (learning vs. accountability) and its impact on the utility of evaluation. It also considers if/ how evaluations are used, and by which actors, and to what extent programme design and management over time have been informed by evaluation. Finally, the link between monitoring and evaluation are considered.

These points are addressed, firstly, by providing an overview of the evolution of pre-accession management arrangements since 2002, including the role the EC and the EU Delegation.

The analysis focuses on two case studies, each focusing on a different component of IPA I:

- **Component I** 'Transition Assistance and Institution Building', with a focus on **judiciary and fundamental rights**;
- **Component III** Regional Development, specifically the **Regional Competitiveness Operational Programme**.

3. *How have changes in the volume of pre-accession funding to Turkey over time been justified, and do they corresponded to an improvement in the management and use of aid by Turkey, and by the Commission?*

This point considers what basis the EC uses to evaluate the effectiveness of EU funding pre-accession funding to Turkey, at sector and overall levels. It also seeks to identify linkages between past results, and funding and design decisions (i.e. concrete evidence of how decisions have been informed by evaluation of results over time). In considering effectiveness, it is important to differentiate between outputs and outcomes.

4. *What legislative changes have taken place in Turkey in the context of accession negotiations (i.e. since 2005), and have these changes moved Turkey towards, or away from, EU accession requirements?*

This question is addressed by looking at legislative developments in one specific area, namely Chapter 23 Judiciary and Fundamental Rights. (theme). Firstly, a list of relevant legislative developments since 2005 are identified from the EC's annual regular reports. Secondly, the EC's assessments of these developments are systematically reviewed with a view to understanding if they are considered to have brought Turkey closer to meeting EU accession requirements, or if they have moved Turkey away. It is important to bear in mind that successive developments may balance each other out. The present assessment does not seek to establish their net effect.

5. *What support is available to candidate countries from EU institutions to promote best practices in the management of EU funds?*

The study provides a brief overview of relevant support instruments available to candidate countries for the sharing of best practices related to the management of EU funds.

Research methods

The research for Study Area 1 has involved desk research, stakeholder consultations, and case studies:

- Desk research includes available programme documentation, monitoring and evaluation reports, financial data, EC reports, and relevant third party reports. Question 4, on legislative changes, is addressed through a literature survey focusing primarily on EC regular reports;
- Face to face consultations have been undertaken with DG NEAR, and in Ankara the EUD the Ministry for EU Affairs (MEUA), the Ministry of Science Industry and Technology (MSIT), the Office of the National Authorising Officer (ONAO), the National Fund, the Central Finance and Contracts Unit (CFCU), and the ROM team;
- Two case studies are considered in the context of Question 2.

1.3.2 Study Area 2 - European Investment Bank loans to Turkey

Structure of Study Area 2 – research questions

1. *To what extent have EIB loans provided to Turkey been the subject of good or bad practices, and what are the lessons to be learned?*

This section starts by providing details of EIB loans to Turkey during the period under review, the types of sectors and projects that have benefited, target groups, how the EIB loans are managed and monitoring mechanisms.

The EIB is different to other EU institutions in having an in-house capability to undertake evaluation activities in the field (in other EU institutions research is contracted out to experts). As part of this aspect of the Study Area 2 research, we have looked at the role of the EIB's evaluation department and its anti-fraud and anti-corruption policies in monitoring the Bank's activities in Turkey. An example of good practice is provided.

2. *Have loans been used 'in compliance with the general principles of the European Union'?*

EIB financing operations should contribute to the general principles guiding Union external action'. These are: 'promoting and consolidating democracy and the rule of law, human rights and fundamental freedoms, and to the implementation of international environmental agreements to which the Union is a party.' Of particular interest in this regard is the extent to which directly and indirectly funded projects have addressed environmental and social concerns.

This question is dealt with by looking at examples of EIB loans in the areas of credit lines, transport, and energy to consider to what extent loans in those areas reflect general principles underlying EU external action.

3. *Have certain funds been used to attract European companies so that they would settle in Turkey?*

It is unlikely that any of the EIB interventions explicitly and specifically seek to attract European companies so that they would settle in Turkey. However, by helping to promote the country's development generally, EIB interventions will of course help to create a favourable environment for business activity including foreign direct investment.

We have examined this question by first of all considering the motivations underlying international location selection and then referring to the examples provided of loans provided to Turkey as set out in the preceding paragraphs (2 - above) and reflecting on instances where EIB loans might conceivably have had an impact to locate EU companies in Turkey and what that might mean for the EU.

Research methods

The research questions are addressed by means of desk research and interviews:

- Desk research – this includes a review of available EIB documentation on the topic, such as evaluation reports on EIB interventions, reports of the EIB’s Fraud Investigation Division, as well as academic research, and European Court of Auditors’ reports. The EIB relies on the monitoring and end-of-project reports that are prepared by loan officers to assess outcomes and we have made use of this source for Study Area 2 research.
- Interviews – detailed information required for Study Area 2 is only available from EIB officers. Subsequent to one interview being conducted with the EIB, it was agreed that the EIB would provide a formal response. This is currently being prepared by the EIB.

1.3.3 Study Area 3 – EU funding for Syrian and Iraqi refugees located in Turkey

Overview of EU funding for refugees located in Turkey

The refugee crisis started in April 2011 in the wake of the Syrian war. The number of people fleeing Syria dramatically increased since 2013 and has led to the current situation with more than 4.8 million registered Syrian refugees in Turkey and Middle East and North African countries.¹ Currently, only 10% of the refugees live in camps in neighbouring countries.² There are more than 2.7 million refugees in Turkey alone,³ of which 263,383 reside in 26 camps.⁴

Since the beginning of the crisis in 2011, the EU has provided aid to Turkey in order to deal with the refugee flow. Aid has been channelled through various instruments over the past years:

- DG Humanitarian Aid and Civil Protection (ECHO): for emergency humanitarian assistance, provided EUR 71 million;⁵
- The Instrument contributing to Stability and Peace (IcSP) that complements humanitarian assistance and long-term assistance, provided EUR 25.8million;⁶
- The Instrument for Pre Accession (IPA) supporting capacity building, provided EUR 75.5million to deal with the refugee crisis out of the total IPA aid to Turkey;⁷
- The European Instrument for Democracy and Human Rights (EIDHR) that promotes and defends migrants and refugees’ rights, provided EUR 1 million.⁸

Because of the scope of the crisis, new instruments were created. The EU Trust Fund or Madad Fund (EUTF) was created in December 2014. Its main objective is to provide funding to projects that

¹ UNHCR, ‘UNHCR Syria Regional Refugee Response’, *UNHCR Syria Regional Refugee Response*, accessed 11 May 2016, <http://data.unhcr.org/syrianrefugees/regional.php>

² Ibid.

³ Ibid.

⁴ Prime Ministry Disaster & Emergency Management Authority, ‘Current Status in AFAD Temporary Protection Centres - AFAD | Afet ve Acil Durum Yönetimi Başkanlığı’, accessed 11 May 2016, <https://www.afad.gov.tr/en/IcerikDetay1.aspx?IcerikID=848&ID=16>.

⁵ European Commission DG ECHO, ‘Turkey: Refugee Crisis - ECHO Factsheet’, April 2016, http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf.

⁶ ‘Delegation of the European Union to Turkey’, accessed 24 February 2016, <http://avrupa.info.tr/eu-delegation/mission.html>.

⁷ ‘Delegation of the European Union to Turkey’.

⁸ Information provided by EUD

strengthen the resilience of the affected communities in Lebanon, Jordan, Iraq and Turkey. As of April 2016, it funded projects in Turkey amounting to EUR 17.5m.⁹

At the end of 2015, the EU and Turkey reached an agreement, and the Refugee Facility for Turkey was created with the objective of coordinating and streamlining actions to deliver efficient and complementary support to refugees in Turkey. This Facility will coordinate up to EUR 6 billion.¹⁰

Structure of Study Area 3 – research questions

Study Area 3 will be address the following four research questions:

1. How is the EU funding aid to Syrian and Iraqi refugees located in Turkey structured and managed?

Since the beginning of the crisis, the EU has been providing aid to refugees in Syria's neighbouring countries through various instruments and channels. This section provides an overview of the funding instruments, and looks at the coordination and coherence of EU funding. Funding instruments can be divided into three categories: the instrument providing humanitarian emergency aid – ECHO, the usual EU external funding instruments, and the new EU instruments created specially to deal with the Syrian war and the refugee crisis.

2. How is the EU funding aid to the refugees located in Turkey managed? What are the monitoring and control mechanisms and what is the role of the Turkish authorities?

This section will examine the management of EU funds, and the monitoring and control mechanisms for each type of instruments, and will review the role of Turkish authorities in managing, monitoring and controlling EU funds to help refugees.

3. Has the aid the EU contributed to so far been used effectively and has it reached the targeted groups? What are the potential lessons to be drawn from the previous utilisation and to what extent those lessons have been taken into account?

This section will review the EU result so far in helping refugees in Turkey, as well as the criteria used by the EU to assess effectiveness of aid. This section also includes a case study aiming at showing the extent to which the management mechanisms allow to reach the target population. Finally, this section will include a review of the lessons learned from the recent European Court of Auditors (ECA) report on the migration policy of the EU in its neighbourhood.

4. What are the terms and conditions for the implementation of the EU-Turkey Joint-Action Plan? What are the reporting, monitoring and control mechanisms of the implementation?

This part will analyse the implementation of the EU-Turkey Joint Action Plan of October 2015, its conditions and controversies, and its reporting, monitoring and control mechanisms.

Research methods

The research questions have been addressed by means of desk research and interviews.

- Desk research includes a review of available documentation on the topic, such as evaluation reports of aid allocated between 2011 and 2015, impact assessments, academic research on

⁹ European Commission, 'EU Regional Trust Fund in Response to the Syrian Crisis, the "Madad Fund" - State of Play and Outlook 2016', 17 February 2016, <http://ec.europa.eu/enlargement/neighbourhood/pdf/key-documents/syria/20160217-information-note.pdf>.

¹⁰ 'EU-Turkey Statement - Consilium', 18 March 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

the refugee crisis, European Court of Auditors' reports, and European Commission documents among others.

- Interviews have been conducted with relevant stakeholders directly or indirectly involved in the implementation of EU humanitarian funding targeting refugees in Turkey. Interviews have been conducted by telephone and face to face during a field visit in Brussels. Because of the sensitivity of the subject, several stakeholders preferred written questions rather than interviews. As a result, questionnaires adapted to the type of stakeholders have been circulated.

2 STUDY AREA 1 – PRE-ACCESSION FUNDING

KEY FINDINGS

- Pre-accession funding in Turkey is, as in other candidate countries, subject to extensive, systematic controls that address EU and national requirements.
- Funding decisions are based on political considerations but it is unclear on what basis specific political considerations are translated into specific funding amounts. With the exception of some adjustments for underutilisation, funding allocations are effectively fixed for the seven-year duration of the financial perspective.
- The EC has developed sector indicators to improve monitoring of Turkey's progress in key areas. These indicators relate to, but are not tied to specific interventions. However, they are only partially developed and are not updated in the EC's 2015 report on Turkey.
- Under IPA II, pre-accession assistance has reverted to a sector approach, to support a more strategic, better coordinated utilisation of funds, as opposed to a fragmented project-based approach.
- Intervention objectives and indicators in the areas of Chapters 23 and 24 have not improved since the ECA published its special report on Turkey in 2010.
- Several tools are in operation to monitor assistance at intervention level. None of the resulting information is publicly available.
- Evaluations provide little substantive information about the effectiveness of pre-accession assistance.
- The majority of references to legislative developments in the EC's annual reports on Turkey from 2005 to 2015 indicate movement towards the EU.
- There is a lack of transparency surrounding pre-accession assistance.

2.1 INTRODUCTION

This part of the study focuses on pre-accession assistance to Turkey. Noting concerns (in particular those raised by the European Court of Auditors) about the design, management, monitoring, and evaluation, of pre-accession funds allocated by the European Union (EU) to Turkey since 2002;¹¹ and considering the implications for efficiency, effectiveness, and impact of the assistance, this part of the study area aims to review key aspects of the evolution of the planning, management, control, and evaluation of EU pre-accession assistance to Turkey, by the European Commission (EC) and the Turkish authorities. The study aims to review actions that have been taken by the EC to address weaknesses (including misuse of funds, where this has occurred), and what effect such actions have had. The study considers whether significant increases in funding since 2002 have been matched by developments in the management and use of funds by Turkey, and the EC.

Pre-accession funding for Turkey has, since 2002, been provided through three successive instruments. These are presented in Table 2.

¹¹ European Court of Auditors, 'Special Report no 16/2009 The European Commission's management of pre-accession assistance to Turkey' (Luxembourg: Publications Office of the European Union, 2009).

Table 2: Turkey pre-accession funding 2002 -2020

INSTRUMENT	FROM	TO	EU ALLOCATION (BILLION EUR)
Turkey Pre-Accession Instrument	2002	2006	1.3
IPA I	2007	2013	4.8
IPA II	2014	2020	*4.5
Total			10.6

*Does not include the allocation for Cross-Border Cooperation

Source: For the Turkey Pre-Accession Instrument: European Parliament;¹² for IPA I: European Commission;¹³ for IPA II: DG NEAR¹⁴

From 2002 to 2006, pre-accession assistance to Turkey was provided through the Turkey Pre-Accession Instrument (TPI).¹⁵ Management of EU funding followed broadly the same model that had been used for a number of years in other candidate countries through the Phare programme,¹⁶ with the Central Finance and Contracts Units (CFCU) responsible for most contracting. However, with IPA I (2007-2013), the model for the management of EU pre-accession funds changed significantly to resemble more closely the arrangements for managing Structural Funds (SF).

IPA II (2014-2020) does away with the five IPA I Components, and instead focuses on nine priority sectors,¹⁷ but it retains the concept of Operating Structures for each IPA policy area or programme to deal with the management of assistance.

2.2 MISUSE OF EU FUNDS

If cases of misuse of EU funds have been recognised in the past, what practices were involved, to what extent have they been interrupted, were sanctions considered, and what decisions were taken by the EU in this context and what their concrete effects?

The general question of 'misuse', introduced above, can be understood as equivalent to 'irregularity', which is defined by the European Anti-Fraud Office (OLAF) as '*any infringement of an EU provision by an economic operator which has, or would have, the effect of prejudicing the EU's financial interests. ... Fraud is an irregularity committed intentionally with the intention of illicit gain which constitutes a criminal offence.*'¹⁸ It is important to consider both intentional and unintentional irregularities, as they both

¹² European Parliament (2015), Specific Terms of Reference, Analytical Study on "Turkey: How the pre-accession funds have been spent, managed, controlled and the monitoring system".

¹³ European Commission (2012), Instrument for Pre-Accession Assistance (IPA) Revised Multi-Annual Indicative Financial Framework for 2013, Available from:

http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/miff_adopted10-10-12_en.pdf

¹⁴ http://ec.europa.eu/enlargement/instruments/funding-by-country/turkey/index_en.htm

¹⁵ Council of the European Union, 'COUNCIL REGULATION (EC) No 2500/2001 of 17 December 2001 Concerning Pre-Accession Financial Assistance for Turkey and Amending Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 555/2000' (Official Journal of the European Union, 17 December 2001), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001R2500>.

¹⁶ European Parliament, 'Briefing No 33 The PHARE Programme and the Enlargement of the European Union', 4 December 1998, http://www.europarl.europa.eu/enlargement/briefings/33a1_en.htm.

¹⁷ Democracy & governance, Rule of law & fundamental rights, Environment & climate action, Transport, Energy, Competitiveness & innovation, Education, employment and social policies, Agriculture & rural development, Regional and territorial cooperation

¹⁸ OLAF - European Commission Anti-Fraud Office, 'MEMO - Questions and Answers: OLAF's 2011 Annual Operational Report', OLAF - European Commission Anti-Fraud Office, 19 October 2011, http://ec.europa.eu/anti_fraud/media-corner/press-releases/press-releases/2011/20111019_02_en.htm.

reflect on the capacity to manage funds efficiently so that they achieve the desired results. Moreover, in the context of this study 'misuse' of EU funds can also be understood in more a general sense, where funds are applied in compliance with the rules, but not necessarily in line with the general principles underpinning the funding – this could be termed 'qualitative misuse.' Finally, 'misuse' is not necessarily limited to economic operators, but could also apply to other kinds actors involved in the use of EU funding. The discussion of misuse here focuses specifically on irregularities in the context of pre-accession funding (TPI and IPA I).

2.2.1 Control structures and processes

There are extensive control processes in place involving Turkish and EU structures, and addressing various legal and regulatory requirements (see Figure 1). The Prime Ministry Inspection Board (PMIB) is the designated Anti-Fraud Coordination Service (AFCOS) in Turkey.

The operating structure must report irregularities promptly to the National Authorising Officer (NAO), who reports to OLAF via the Irregularity Management System (IMS) of OLAF's Anti-Fraud Information Service (AFIS). The EUD notes that both it and DG NEAR have access to the AFIS IMS at observer level, although DG NEAR informed us in January 2016 that was unable to provide information about irregularities as it did not receive this information.

Anyone may report suspected irregularities. Third parties may report them to AFCOS and/ or the public prosecutor, as well as to the operating structure itself. Upon receiving a report of a suspected irregularity, the NAO instructs the operating structure to investigate. In addition to screening by the operating structure to check if reports are verifiable, there are two further levels of screening within the ONAO, after which the report is included in reports to OLAF: NAO Irregularity Expert (first level control) and Irregularity Officer (final control and approval).

For IPA I it was not necessary to report fraud/ irregularities involving less than EUR 10,000 to OLAF. However, for IPA II, all cases must be reported to OLAF, regardless of the level of funds involved.

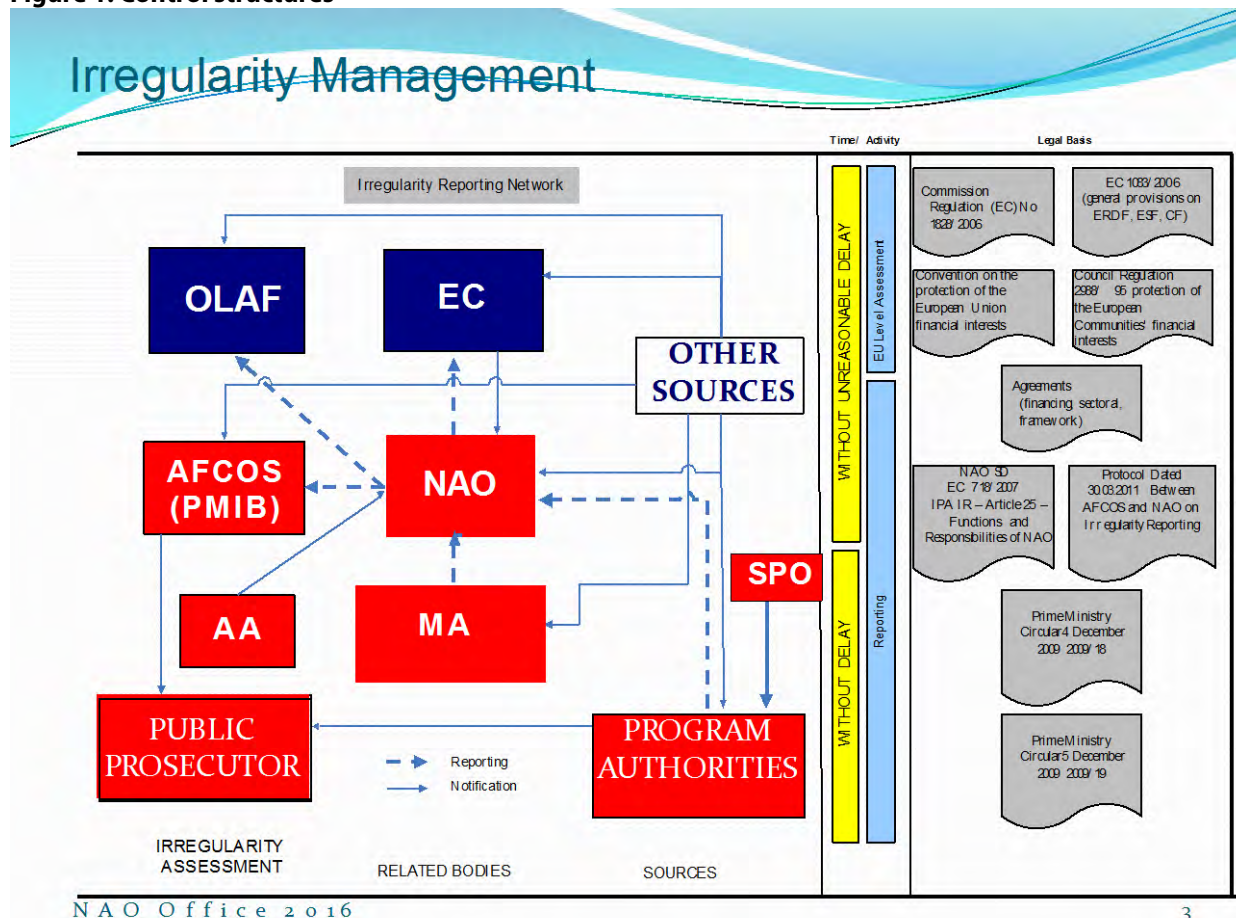
The MSIT, for example, notes that the irregularity reporting system is fully institutionalised and that regular training is provided on this. Most suspicions of irregularity are raised internally by the Regional Competitiveness Operational Programme (RCOP) operating structure staff and relate primarily to works and tendering.

In addition to the above control processes, the EUD undertakes numerous control activities, including:¹⁹

- Extensive ex-ante controls;
- On the spot verification of contract deliverables;
- Participation in sector and sub-sector monitoring committee meetings;
- Participation in project management meetings;
- Ad-hoc meetings with Turkish authorities;
- Operational audits;
- Reviewing/ checking reports provided by others (e.g. Results Oriented Monitoring (ROM), interim evaluation, monitoring, audit);
- Reviewing request for funds submitted to the EUD.

¹⁹ European Union Delegation to Turkey, 'EUD Control Activities', n.d.

Figure 1: Control structures



Source: Office of the National Authorising Officer, March 2016²⁰

2.2.2 Irregularity data

When requested in January 2016, DG NEAR staff stated that it does not have access to irregularity data, although we were subsequently informed by the EUD that both the EUD and DG NEAR have access to this data.

No information is available from OLAF on irregularities in Turkey. It did not respond to a written or telephone request for information and its annual reports provide no information on irregularities in Candidate Countries. OLAF's 2014 report has just two references to Turkey, one indicating that OLAF undertook two investigations involving EU funds in Turkey,²¹ the other mentioning the involvement of Turkish customs experts in OLAF's Operation Ermis.²² The single reference to Turkey in OLAF's 2013 report states that 'OLAF organises an annual AFCOS conference together with the candidate countries. In 2013 this took place in Ankara, Turkey.'²³ This appears to be the only reference to any Candidate Country in the entire document. The 2012 report again limits mention of Turkey to its participation, along with

²⁰ Office of the National Authorising Officer, 'Presentation on the Management of Irregularities' (Ankara, 2 March 2016).

²¹ OLAF - European Commission Anti-Fraud Office, 'The OLAF Report 2014', 2015, 18, https://ec.europa.eu/anti-fraud/sites/antifraud/files/docs/body/olaf_report_2014_en.pdf.

²² Ibid., 31.

²³ OLAF - European Commission Anti-Fraud Office, 'The OLAF Report 2013', 2014, 29, https://ec.europa.eu/anti-fraud/sites/antifraud/files/docs/body/olaf_report_2013_en.pdf.

other Candidate Countries, in the annual AFCOS meeting.²⁴ The most recent report with more detailed information about Candidate Countries is OLAF's 2010 report, but this limited to two tables on 'Distribution of new information received by EU Member State and candidate country authorities,'²⁵ and 'Investigations and operations at the end of 2010 in Member States and candidate countries.'²⁶

Information on irregularities was, however provided by the ONAO. According to this information, there have been 397 cases of irregularities involving a total of EUR 26,922,744 of EU funding since TPI commenced in 2002. Figure 2 shows that approximately 30% of cases and funds relate to TPI. IPARD,²⁷ IPA I Component I, and IPA I Component III each account for around 20% of funds.

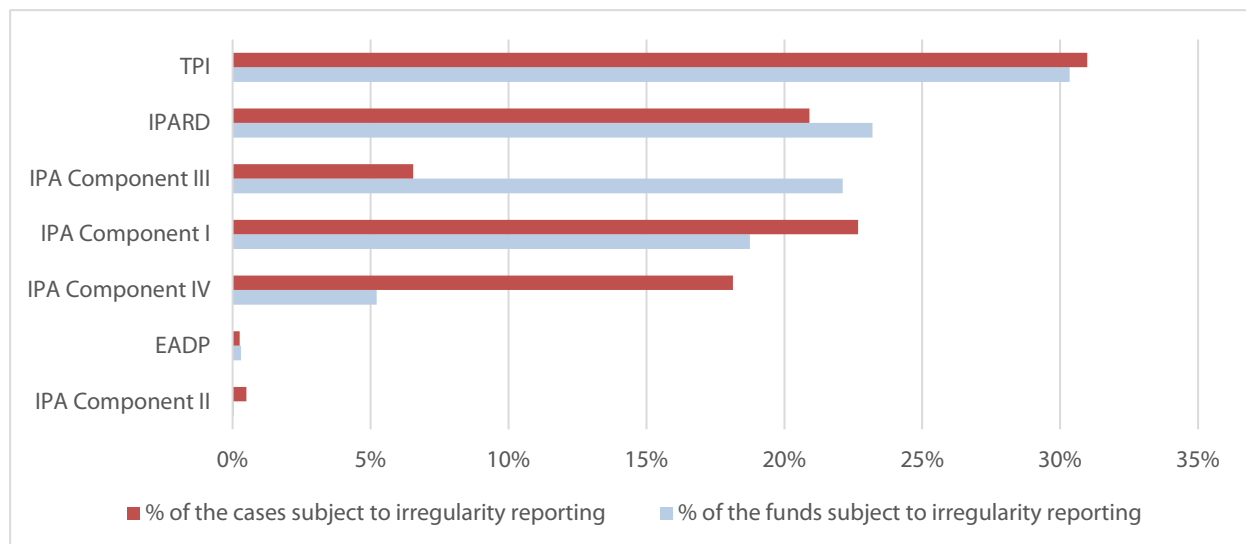
The most common actions undertaken by operating structures in respect of confirmed irregularities are:

- Recovery procedure;
- Criminal legal action;
- Possible addition of beneficiary's name to the red list;
- Cancellation of tenders;
- Termination of contracts.

No recovery is necessary in 77 cases (e.g. because no funds have been disbursed). However, 162 cases are subject to recovery, and EUR 9 million have so far been recovered from beneficiaries. In the remaining cases, either the recovery process and/or the investigation are still in progress. The EUD notes that recovery involving legal action can be a lengthy process in Turkey.

A total of 178 cases have been investigated by the AFCOS.

Figure 2: EU funding subject to irregularity reporting 2002 – 2013



Source: Based on ONAO²⁸

²⁴ OLAF - European Commission Anti-Fraud Office, 'The OLAF Report 2012', 2013, 26, https://ec.europa.eu/anti-fraud/sites/antifraud/files/docs/body/olaf_report_2012_en.pdf.

²⁵ OLAF - European Commission Anti-Fraud Office, 'Eleventh Operational Report of the European Anti-Fraud Office 1 January to 31 December 2010', 2011, 16, https://ec.europa.eu/anti-fraud/sites/antifraud/files/docs/body/rep_olaf_2010_en.pdf.

²⁶ Ibid., 35.

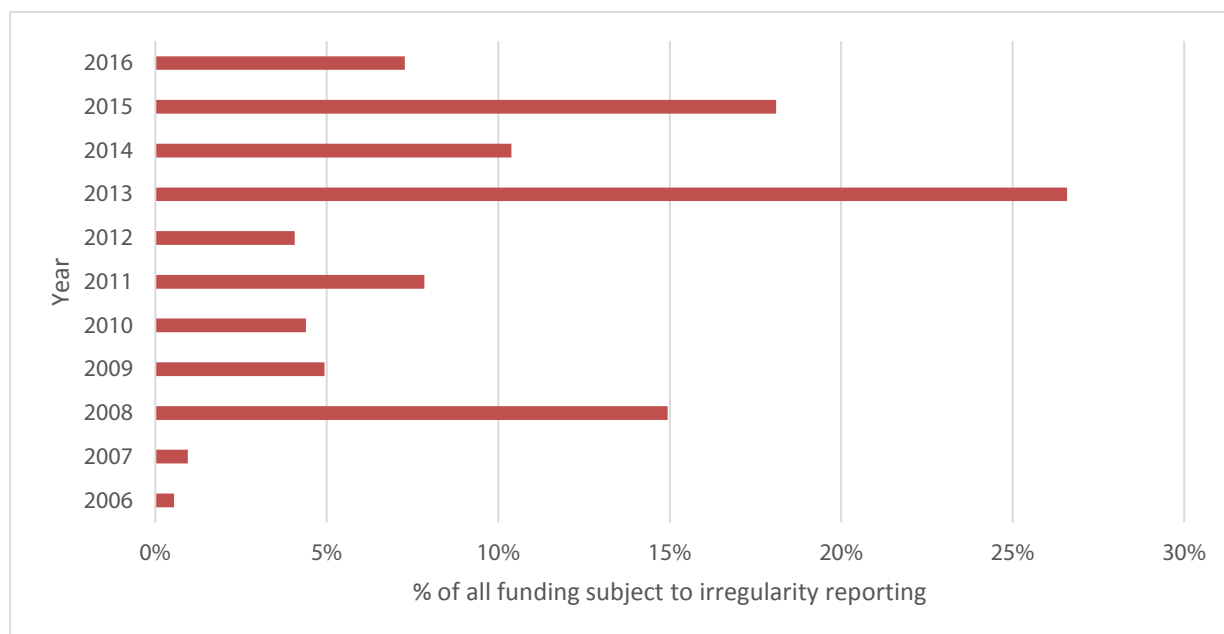
²⁷ IPARD - Instrument for Pre-Accession Assistance in Rural Development

²⁸ Office of the National Authorising Officer, 'Presentation on the Management of Irregularities'.

Total EU funding subject to irregularity reporting (EUR 26,922,744) amounts to approximately 0.44% of total TPI and IPA I funding. However, it is not possible to draw comparisons with other candidate countries, since the relevant data are not available.

Figure 3 shows the distribution of funds subject to irregularity reporting by year. This shows that the highest level of reporting, in terms of value of funds involved, occurred in 2013 (approximately 27%), followed by 2015 (18%), and 2008 (15%).

Figure 3: Distribution of funds subject to irregularity reporting by year



Source: Based on ONAO

In response to a request for information in the context of this study, the EUD confirmed that the Transport Operational Programme was interrupted for approximately nine months in 2015 (not suspended by a Commission decision)²⁹ According to the EUD, DG Regional and Urban Policy (REGIO) considered that the operating structure (the Ministry of Transport) had not maintained an adequate audit trail for the works contract relating to the ‘Rehabilitation and reconstruction of the Köseköy-Gebze section of the Ankara-Istanbul high-speed railway line.’ The EUD noted that the funds involved amounted to EUR 29,908,208, and that:

‘The Annual audit report for 2014 indicated that the auditors could not conduct an audit because of lack of proper accounting to segregate expenditures between eligible and ineligible costs under the project, namely costs related to additional works due to third rail track. Therefore, the Audit Authority of Turkey expressed a disclaimer opinion and did not perform an audit on the project accounts until the issue is addressed in 2014.’

‘The case has been followed mainly by the Audit unit of DG REGIO who obtained support and opinion from the EU Delegation. The EUD reviewed the file and contributed to the DG REGIO Audit team that the Engineer’s methodology can be accepted whilst indicating some weaknesses. DG REGIO communicated with TR Audit Authority that all additional costs under the works contract shall be audited’

²⁹ E-mail from the EUD to the author, 05 April 2016.

'Following the [Audit Authority's] ad-hoc report, and execution of measures in the action plan prepared by NAO to address the issue, and the correction applied, the suspension was lifted by DG REGIO in the last quarter of 2015.'

From this it is understood that the issue related to procedural error rather than misuse and that funds have not been misappropriated.

2.3 FOLLOW UP TO ECA RECOMMENDATIONS

To what extent have the recommendations of the Special Report of the Court of Auditors been followed by the European Commission and how have they been translated into action (new regulations, strengthening controls and increasing demands on the recipient country)?

This question is addressed by reviewing the following:

- Management structures
- Project and programme design processes
- Monitoring and evaluation structures and processes

2.3.1 ECA recommendations

The ECA's 2009 special report included the following conclusions and recommendations:³⁰

- There was no mechanism to ensure that the projects proposed and selected were those that represented the best use of EU financial resources in achieving the accession partnership priorities'.
- There was a lack of specific criteria and a robust framework to determine the priorities to which the EU assistance should be directed. specific, measurable and achievable objectives for that assistance were not set and timescales were not realistic.
- Consequently, there was not a sound basis for monitoring performance.
- Although project selection procedures were improved considerably with the IPA, proposals were still not assessed for how effective and efficient they were likely to be in achieving a strategic objective, thereby allowing meaningful comparison between alternatives or the selection of projects likely to have the greatest impact.
 - The commission should improve programming with a robust methodology to determine, the strategic objectives for which the EU financial assistance is most needed. The methodology should ensure that the logic for EU intervention in achieving each strategic objective is clearly demonstrated.
 - The Commission should encourage the Turkish authorities to develop project proposals such that the strategic objectives for EU funding can be achieved within realistic timescales.
- Despite having been approved by the Commission, the DIS³¹ institutions were understaffed for the 2002 to 2004 national programmes and did not achieve timely implementation of the projects audited or for the programmes as a whole. Nevertheless, although beset by implementation problems and delays, the DIS ensured that the audited projects mostly achieved their planned outputs and the results were likely to be sustained.

³⁰ European Court of Auditors, 'The European Commission's management of pre-accession assistance to Turkey'.

³¹ DIS - Decentralised Implementation System

- The Commission has introduced measures aimed at addressing many of the weaknesses in the DIS. The full impact of these improvements can only be assessed as the IPA projects are implemented in the coming years.
 - The Commission should continue with initiatives to improve project design and implementation by the DIS institutions. Measures such as compulsory needs assessments and better scheduling of contracting should be appropriately applied.
- The commission did not have the information to demonstrate the effectiveness of the pre-accession assistance. The court found that the project fiches provided the basis of a performance monitoring system by setting out project objectives and expected results with objectively verifiable indicators. However, the objectives set were often not specific, measurable, achievable, relevant and time-bound and the indicators were not sufficient to monitor the achievement of the objectives.
 - The commission should ensure that individual project proposals have specific, measurable, achievable, relevant and time-bound objectives in order that their contribution to achieving the strategic objectives can be demonstrated.
 - The commission should improve the mechanism for reporting on the implementation of projects and the delivery of their activities and outputs, and should ensure that project performance is monitored using indicators set out in the project fiche to demonstrate the achievement of the project objectives.
 - The commission should ensure that project outcomes (results and impacts) are reported at the end of each project and at appropriate intervals thereafter in order to provide performance information to inform future planning.
 - The commission should launch an evaluation of the entire programme of pre-accession assistance to Turkey.

The ECA's follow-up report summarised the main recommendations and their implementation as follows:³²

- (1) improve the programming (implemented in some respects);
- (2) determine the strategic objectives for which the EU financial assistance would add most value (implemented in some respects);
- (3) develop more realistic timescales for the objectives (implemented in most respects);
- (4) improve project design and implementation (implemented in most respects); and
- (5) ensure that the outcomes of individual projects are monitored, based on clear objectives and appropriate indicators, in order that their contribution to achieving the strategic objectives can be demonstrated (implemented in most respects);
- (6) launch an evaluation of the entire programme of pre-accession assistance to Turkey (implemented in most respects).

2.3.2 Management structures

The TPI was launched with the 2002 National Programme. The CFCU was established (as in other Candidate Countries, including those that joined the EU in 2004 and 2007) as the contracting authority

³² European Court of Auditors, '2011 Report of the Follow-up of the European Court of Auditors' Special Reports: (pursuant to Article 287(4), Second Subparagraph, TFEU)' (Luxembourg: Publications Office of the European Union, 2012), p.28.

for pre-accession assistance. At the same time, MEDA³³ funding dating back to 1996, which had been blocked by the European Parliament for several years due to concerns about human rights in Turkey,³⁴ ³⁵ was released under the direct management of the EUD (e.g. the GAP Regional Development Programme, with the EUD acting as contracting authority), with some MEDA funding eventually being transferred to the management of the CFCU (e.g. the Eastern Anatolia Development Programme). The European Union Secretariat General (EUSG), under the Prime Ministry, was designated as the National Aid Co-ordinator (NAC), which was also a standard feature of EU pre-accession assistance in other Candidate Countries at that time. The role of the NAC was to co-ordinate, from the Turkish side, the programming and monitoring of EU pre-accession assistance. As of 2006, the TPI was divided into six sectors.³⁶ At the EC, DG Enlargement (ELARG) was responsible for managing the TPI.

As noted above, IPA I introduced changes to better reflect SF-style management arrangements in preparation for eventual EU membership. Pre-accession assistance was restructured into five Components:

- Component I: Transition Assistance and Institution Building
- Component II: Cross-Border Cooperation
- Component III: Regional Development
- Component IV: Human Resources Development
- Component V: Rural Development

Component I was essentially a continuation of previous pre-accession capacity/ institution building support. However, the concept of Operating Structures (SF-style managing authorities) was introduced to manage all aspects of multi-annual programmes under Component III and Component IV. Component V was centrally managed the EC. The CFCU's role was, in theory, limited primarily to Components I and II, while SF-style managing authorities (Operating Structures) were established to manage (contracting and technical implementation) operational programmes under Components III, and IV. In practice, Operating Structures were not accredited to taken on the financial management of funding under Components III and IV until 2011/ 2012 and the CFCU continued, in the mean time, to act as contracting authority for these two Components.

Under IPA II, the Components of IPA I have been dropped in favour of a return to the sector approach, with each sector being led by a 'lead institution'. The EUD in Ankara notes that this change has been introduced because, under IPA I, some projects were included in the wrong Component, or were covered by more than one Component (e.g. some education projects were included in Component I and some in the Component IV employment operational programme), and some subjects (e.g. environment) were covered by more than one Turkish Operating Structure.

³³ MEDA - EU Mediterranean Development Assistance

³⁴ Hurriyet Daily News, 'European Parliament Demands Aid to Turkey Be Frozen', *Hurriyet Daily News*, 20 September 1996, <http://www.hurriyetdailynews.com/european-parliament-demands-aid-to-turkey-be-frozen.aspx?pageID=438&n=european-parliament-demands-aid-to-turkey-be-frozen-1996-09-20>.

³⁵ European Parliament Committee on Industry, External Trade, Research and Energy, 'Report on the Commission Report: Implementation of the MEDA Programme - 1998 Annual Report (COM(1999) 291 – C5-0117/1999 – 1999/2120(COS)) A5-0205/2000 Final', 19 July 2000, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FNONSGML%2FBREPORT%2BA5-2000-0205%2B0%2BDOC%2BPDF%2BV0%2F%2FEN>. This report noted that 'As regards the [MEDA] programme for Turkey, it is particularly necessary that the Turkish Government should end the State's legal, political, cultural and social discrimination against the Kurdish population. The granting of EU funds to Turkey should therefore be linked with steps towards a settlement of the Kurdish issue in Turkey and, in particular, with efforts towards overcoming economic and social underdevelopment in the regions in which the Kurdish population lives'.

³⁶ Economic & Social Cohesion, Social Development; Internal Market, Customs Union, & Agriculture; Administrative Capacity Building & Civil Society Development; Justice, Liberty, & Security; Infrastructure, Energy, Telecommunications, Transport, & Environment.

Compared with the TPI, DG NEAR's approach to sectors under IPA II appears to be a more assertive attempt to impose some kind of blueprint on beneficiary countries in order to facilitate the EC's management and oversight of IPA funding. However, feedback from the MEUA suggests that this approach is highly problematic as it is far from the reality in Turkey: the new sectors involve many different institutions and legislation that do not fit neatly into a particular sector. In this context, it is interesting to note a view put forward in a 2010 paper of the Swedish Institution for Foreign Policy Studies: *'...the norms promoted by the Union in the context of enlargement go well beyond the perimeters of the EU acquis stricto sensu. While this may be seen as a bold expression of the Union's potential as a normative power, it has also exposed a discrepancy between accession conditions and membership obligations. Put differently, the EU demands on candidates are different from the ones they face once they are accepted as members.'*³⁷

As far as financial management for IPA II is concerned, the CFCU will continue to be the contracting authority for annual programmes, with the sector lead institutions responsible for programming and ensuring that tender documentations is properly prepared. Multi-annual programmes will continue to be fully managed by existing Operating Structures (e.g. the Competitiveness and Innovation Operational Programme (CIOP) will be fully managed by the MSIT, as was the RCOP).

At the EC, DG ELARG was responsible for the management of pre-accession funding for the TPI. With the introduction of IPA I, DG ELARG retained responsibility for Component I and Component II, but other DGs became responsible for other areas in order to reflect Structural Fund-style management arrangements: DG REGIO, DG EC Employment, Social Affairs & Inclusion (EMPL), and DG AGRI. With IPA II, management responsibility for all pre-accession funding has been returned to DG ELARG, which was renamed DG NEAR shortly after the Juncker Commission took office in late 2014.^{38 39} At the same time, certain departments of DG Development Cooperation (DEVCO) were transferred to DG ELARG/ NEAR.⁴⁰ The EU Delegation to Turkey (EUD) notes that the involvement of different DGs under IPA I led to different approaches. It is understood that the recentralisation of management responsibility for all IPA funding to DG NEAR is intended to address this. In some regards, this appears to be a backward step: several years were spent developing Structural Fund-style structures and processes in Turkey (as in other Candidate Countries) and a key feature of this development involved Turkish Operating Structures working directly with the relevant sector-specific EC DGs to ensure correct application of Structural Fund-style approaches and procedures (for example, DG REGIO was responsible for overseeing the MSIT's implementation of the RCOP in Turkey). Since DG NEAR has no role in the management of SF, it is likely that, in the absence of substantive involvement of other relevant EC DGs, rules, processes, and practices relating to multi-annual programmes may, over time, increasingly diverge from those of the Structural Funds that they are supposed to mirror. Indeed, feedback from stakeholders in Ankara and Brussels suggests that this may already be happening, as DG NEAR has reportedly been unable to answer requests from the Turkish authorities for clarification on some issues

³⁷ Christophe Hillion, *The Creeping Nationalisation of the EU Enlargement Policy* (Stockholm: Swedish Institute for European Policy Studies (SIEPS), 2010), p.15.

³⁸ European Commission, 'Press Release - The Juncker Commission: A Strong and Experienced Team Standing for Change', 10 September 2014, http://europa.eu/rapid/press-release_IP-14-984_en.htm.

³⁹ European Commission, 'Press Release - Juncker Commission Takes Office', 1 November 2014, http://europa.eu/rapid/press-release_IP-14-1237_en.htm.

⁴⁰ European Commission Secretariat General, 'Minutes of the 2104th Meeting of the Commission Held in Brussels (Berlaymont) on Wednesday 5 November 2014 (morning) PV(2014) 2014 Final', 12 November 2014, p.20, <https://ec.europa.eu/transparency/regdoc/rep/10061/2014/EN/10061-2014-2104-EN-F1-1.Pdf>.

regarding one multi-annual programme, and DG NEAR has reportedly ignored recommendations from DG REGIO regarding the CIOP (to be implemented under IPA II).

2.3.3 Programme and project design processes

According to the EUD in Ankara, the sector approach introduced with IPA II is intended to move away from the project approach and to support better strategic prioritisation in line with the recommendations of ECA Special Report No 16/2009. It is intended to support beneficiary countries' own sector reform plans, and the EC's sector planning documents support sector lead institutions with sector planning for several years. The EUD notes that priorities for pre-accession funding have shifted, with more emphasis on political topics, including fundamental rights, civil society, judiciary.⁴¹ IPA II introduces sector indicators to better enable the EC to monitor beneficiary country progress towards sector objectives, and these are linked to the concept of performance reward (additional funding for good performance). The introduction of the 'new' sector approach is presumably also intended to improve project design.

In theory, pre-accession projects/ actions are 'owned' by the relevant Turkish institutions, but in practice this ownership is inevitably somewhat constrained by the EUD's continuing extensive involvement in the design process, which is considered necessary to ensure the best use of EU funds.

For IPA I Component I and Component II, the MEUA logframes are prepared by the MEUA with input from other actors. The proposed interventions are discussed with Sector Working Groups, which consist of a lead institution and other actors, including civil society organisations (CSO) - the MEUA notes that is actively trying to get CSOs involved in programming, rather than viewing them simply as beneficiaries. As part of the design process, Turkish institutions have met with the EC in Brussels, and DG NEAR representatives have been to Turkey several times to discuss programming.

The MEUA notes that it has been challenging to agree good indicators because many actors are involved. Ultimately, indicators have been developed by the MEUA and the EUD/ EC. This may explain why objectives and indicators are not always so clear and why baselines are absent:

- Sector actors may not agree on objectives and/ or indicators;
- It may not be sufficiently clear what can be expected to improve, by how much, and over what period;
- Clearly stated objectives and indicators may be perceived as an explicit statement about what is thought to be 'wrong' in the way that key institutions perform, and what 'has to change'. Such an explicit statement may be politically problematic;
- There are perceptions that indicator 'targets' must be met, rather than being seen as aspirational goals that serve as a basis for assessment of developments and reflection on what incremental changes in assistance are systemically desirable and culturally feasible;
- There are likely concerns about possible criticism if 'targets' are not met.

RCOP was revised three times, most recently in November 2015 to take account of the transfer of funds to the EUTF. It was originally prepared together with 15 institutions, applying the partnership principle. The MSIT notes that DG REGIO was very helpful during the development of RCOP. Project generation started in 2008. There were four selection processes:

- National public institutions;
- Calls for proposals, which generated 500 ideas;

⁴¹ The European Parliament and the Council of The European Union, 'Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 Establishing an Instrument for Pre-Accession Assistance (IPA II)' (Official Journal of the European Union, 15 March 2013).

- Direct grants involving the EIB group;
- Restricted call for regional development agencies.

This process generated 56 project ideas with a total budget of EUR 600M (more than the budget for the operational programme). Ultimately 47 projects were selected.

2.3.3.1 Logframe analysis

In the context of this study, we have undertaken an analysis of logframes in the areas of **judiciary, fundamental rights, and rule of law** (IPA I Component I) to assess whether concerns about programme and project design have been addressed. The analysis covered 59 interventions. These are primarily from Turkey, but logframes from Albania, Montenegro, and Serbia have also been included for comparative purposes (see Table 3). For Turkey, interventions from 2010 to 2015 inclusive have been included. For the other countries, the analysis is limited to 2014 and 2015. A full listing of interventions included in the analysis is provided in Annex 3: List of interventions included in the analysis of logframes.

Table 3: Summary of interventions included in the analysis of logframes

COUNTRY	2010	2011	2012	2013	2014	2015	TOTAL
Albania					1	1	2
Montenegro					2	2	4
Serbia					1	2	3
Turkey	13	14	6	7	5	5	50
Total	13	14	6	7	9	10	59

Source: author

They were assessed against the following statement:

- Objective/ purpose is defined as an outcome (i.e. not as an output or activity);
- It is clear what change in performance, behaviour, attitudes, etc. the project/ action is intended to bring about, and in which groups;
- The provided indicators are valid, objectively verifiable outcome indicators;
- Baseline figures have been provided for each indicator (i.e. figures indicating the situation when the logframe was prepared);
- Figures been provided for all indicators for expected improvements at different intervals over a period of time;
- Valid sources of verification are provided for the specified indicators;
- The assumptions provide a good overview of risks and/ or the various factors that need to work/ be in place in order for the project to be effective.

The results of the analysis are summarised in Table 4, Table 5, and Table 6.

Clarification of activities, outputs, and outcomes

Before proceeding to the analysis, it is perhaps useful to review the difference between activities, outputs and outcomes, since analysis of logframes and of evaluation reports (see 2.3.4.4) suggests that there is widespread confusion between these concepts, which are often conflated. Frequently, activities and outputs are incorrectly used as indicators of outcomes.

The overall objective of pre-accession assistance is to promote/ support/ facilitate/ catalyse changes in the performance, behaviour, attitudes, etc., of institutions, systems, target groups, etc.. These changes are the outcomes of pre-accession assistance (to the extent that the changes can be attributed to specific pre-accession assistance).

Project (or in more recent terminology 'action') activities and outcomes may be prerequisites for change, but they do not, in themselves, provide evidence that the change is taking place. For example, it may be necessary to introduce or change legislation for harmonisation with the acquis, but the existence of new or modified legislation is not evidence that the performance or behaviour of institutions or groups of society have changed in line with the legislation.

Similarly, many projects/ actions involve training. It does not automatically follow that because many people have been trained in a particular institution, that the performance or behaviour of the institution or its staff will change as expected. For example, institutional culture may discourage the application of new approaches; institutional regulations and/ or job descriptions may prevent new approaches and techniques from being applied; related institutions may be moving at a different pace or in another direction, making it impossible to apply new approaches and ideas. Thus, it can not be assumed from the number of people trained that the envisaged change is taking place. An exception is the case of a training institute or academy, where the number of people trained (together with other indicators dealing with the effectiveness of training) may be an indicator of the capacity of the institution.

Objectives

With exception of seven Turkish interventions from 2010, 2011, and 2013, the interventions reviewed include an objective or purpose that is defined as an outcome (i.e. a change in performance), although these are often expressed in the most general terms e.g. 'to improve capacity'.

The objectives for more than half of the reviewed interventions do not make it clear what change(s) in performance, behaviour, attitudes, etc. are expected and in which groups. Examples were found for all four countries, which means this includes 2014 and 2015 interventions. Table 4 suggests no improvement in this regard for interventions in Turkey since 2010.

Table 4: Expected changes in performance etc. are clearly indicated

COUNTRY/ YEAR	YES	NO	TOTAL
Albania	1	1	2
Montenegro		4	4
Serbia	2	1	3
Turkey	20	27	47
2010	6	6	12
2011	7	5	12
2012	5	1	6
2013	1	6	7
2014		5	5
2015	1	4	5
Total	23	33	56

Source: author

Indicators

In discussing indicators, we do not suggest that the effectiveness of an intervention can be assessed only on the basis of changes in statistical indicators over time. Nor do we suggest that progress towards targets demonstrates the success or failure of an intervention. Indicators should, however, give an idea of what the intervention is expected to change, and in what way, and developments in those indicators over time should provide some of the evidence around which judgements are made during dialogue amongst affected actors about the effectiveness of the intervention, and the possible need for modification in the light of changes in the environment.

Approximately one third of the interventions did not include valid, objectively verifiable outcome indicators. The majority included indicators that are partly valid. Just two of the reviewed interventions included valid, objectively verifiable outcome indicators. Table 5 suggests that this aspect of intervention design in Turkey has not improved since 2010. 'Partly' valid means that more work is required on the indicators to enable their use. In some instances, potentially valid indicators are undermined by the inclusion of other indicators that are not valid; in other instances, indicators are not adequately defined, or they are ambiguous (for example, a fall in the number of complaints could result from several causes, either positive or negative) – in such cases, the need for analysis and discussion of the causes behind changes should be flagged; the most frequently occurring weakness in the provided outcome indicators is that they refer to outputs or activities rather than outcomes. There are no baseline figures for 16 of the interventions, and are only partially available for the other intervention. The same applies to expected improvements, except that here, two interventions include partially developed targets.

Table 5: Indicators are valid, objectively verifiable outcome indicators

COUNTRY/ YEAR	NO	PARTLY	YES	TOTAL
Albania		2		2
Montenegro	1	3		4
Serbia		3		3
Turkey	19	27	2	48
2010	4	9		13
2011	1	11		12
2012	4	2		6
2013	3	2	2	7
2014	3	2		5
2015	4	1		5
Total	20	35	2	57

Source: author

Baseline figures are mainly absent, although 10 interventions, mainly relating to Albania, Montenegro, and Serbia do include partially developed baselines.

In a few instances, no valid sources of verification are provided, although they are partly valid in 27 cases, and valid in 24 cases. Some statistical sources are potentially valid but they are too general and the same sources sometimes cover the entire sector, although the interventions address different issues.

EC regular reports are frequently included as sources of verification - we explain below why these are not a valid source of verification.

Assumptions

Assumption should provide an overview of risks and/ or the various factors that need to work/ be in place in order for the intervention to be effective. For many interventions in Turkey the assumptions provided in logframes include little or no useful information (see Table 6: Assumptions provide a good overview of risks and requirements. Many interventions provide assumptions that are partly useful. Eleven logframes provide useful assumptions, however these relate to Albania, Montenegro, and Serbia. Our analysis suggests that, in the area of judiciary and fundamental rights, not since 2011 have logframes include useful assumptions.

Table 6: Assumptions provide a good overview of risks and requirements

ROW LABELS	NO	PARTLY	YES	TOTAL
Albania		1	1	2
Montenegro		2	2	4
Serbia			3	3
Turkey	23	19	5	47
2010	5	6	2	13
2011	3	5	3	11
2012		6		6
2013	7			7
2014	3	2		5
2015	5			5
Total	23	22	11	56

Source: author

The 2015 fundamental rights action programme for Turkey provides three assumptions for the sector:

- Stakeholders' dedication to participate and cooperation throughout the process;
- Continued commitment to the EU accession process and to the political and judicial reform agenda;
- Ministries and other relevant public institutions lend high level support for the measures.

These are generic assumptions that apply to any assistance, and should be taken as given. If these are real risks, it raises the questions as to why funding is provided at all. No assumptions are provided for any of the individual 2015 interventions. This is a significant omission, as it suggests that, either there has been little, if any contextual analysis, or that contextual information has been systematically omitted. It is unclear why the 'assumptions' column has been included in the 2015 logframe at all.

The findings of the above analysis on project design are reflected in a thematic ROM monitoring report provided by the EUD covered 19 projects in the Judiciary and Fundamental Rights sector.⁴² Although the ROM report covers earlier projects, at least nine of the 19 projects it covers are likely to have been designed after the ECA issued its special report on the management of pre-accession assistance to

⁴² Technical Assistance for Result Oriented Monitoring (ROM) - Turkey, 'Thematic Report SMSC 1.1 Judiciary and Fundamental Rights - Review of ROM Monitoring Findings during the Period 03 January 2011 - 30 September 2013', n.d.

Turkey - six are from the 2009 IPA programme, two from the 2010 programme and one from the 2011 programme. The monitoring report points to a series of project design weaknesses, although it is not clear if these observations apply to projects in all programme years:⁴³

Frequently, projects have been designed without direct involvement of stakeholders, due to high staff turnover within the Turkish administration and substantial time elapsed between the design and the actualisation of the projects. Sometimes they are designed by specialised units on EU affairs. All the above suggests that the project periods are generally too short and based on unrealistic assumptions.

The second problematic area is the design of the intervention logic (1.2). Nearly 50% of the projects scored C and D in 2.1 where design weaknesses have been revealed in areas like inappropriately defined indicators lacking SMART qualities (specific, measurable, attainable, relevant and time-bound), poor sequencing of components and activities, and project durations that are insufficient for successful implementation.

Figure 4 and Figure 5 below show the **RCOP indicators** (IPA I Component III) as of March 2016. Generally, these indicators relate to the capacity of ‘the system’ to support the growth of the enterprise sector. Thus, for example, at one level, Priority 1 Measure 1.2 indicators are outputs (e.g. amount of credit provided), but they give an idea about how the credit system has performed. The two figures provide a clear overview of what RCOP has achieved.

Figure 4: RCOP Priority 1 indicators



Source: MSIT, March 2016⁴⁴

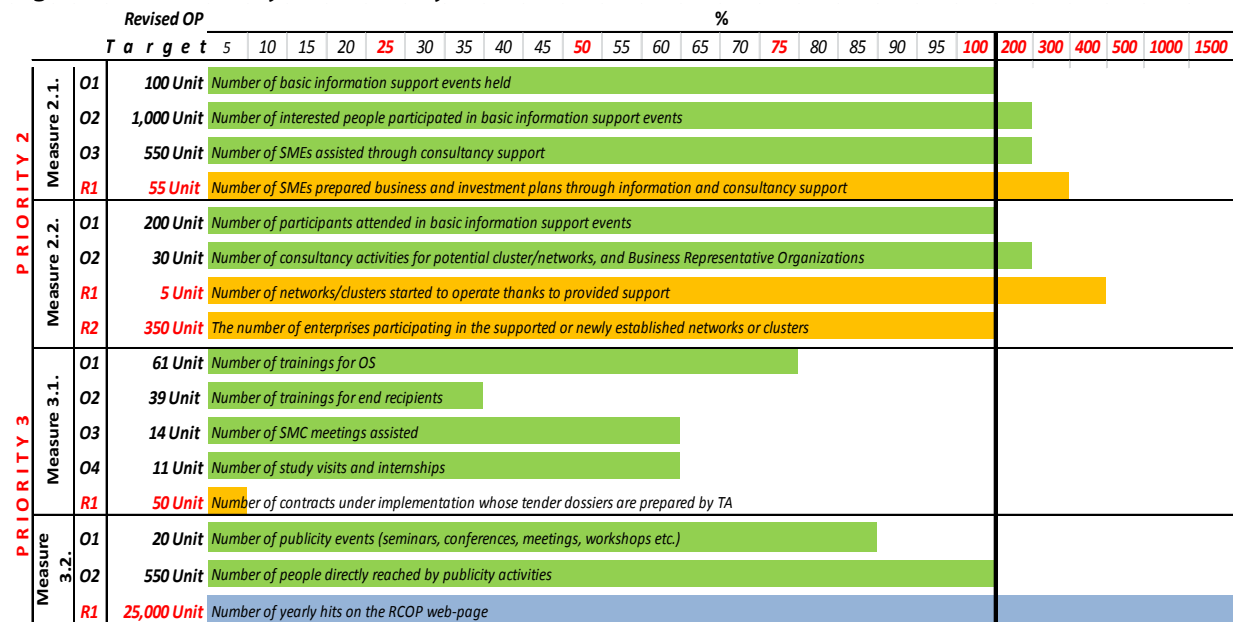
However, these are high-level snapshots. In order to understand if and how the behaviour of lending institutions (for example) towards small and medium enterprises has changed, it would be necessary to review time series data showing the evolution of credit provision before, during, and after the relevant actions – a significant reduction in credit provision by participating institutions at the end of the action(s) might indicate that attitudes towards small and medium enterprises had not changed.

⁴³ Ibid., p.22.

⁴⁴ Ministry of Science Industry and Technology Coordination and Implementation Directorate, ‘Presentation: IPA 1, Regional Competitiveness Operational Programme - RCOP’ (Ankara, 3 March 2016).

Many of the indicators in Figure 5 relate to activities and outputs that may or may not indicate changes in the performance of relevant sectors and target groups. 'Number of SME⁴⁵ assisted through consultancy support' (for example) shows that RCOP achieved 200% of its target, which was 550 units. This may indicate development of the consultancy sector. However, it is also possible that RCOP has simply 'absorbed' existing capacity without making any difference to overall capacity, and without time series data it is not possible to state conclusively that overall consultancy capacity has not actually shrunk, however unlikely this may be. Furthermore, it is necessary to understand how 'assisted through consultancy support' is defined, as assistance could apply equally to a one-hour or one-day consultancy service, which might be expected to have significantly different outcomes.

Figure 5: RCOP Priority 2 and Priority 3 indicators



Source: MSIT, March 2016

2.3.3.2 Thus, while 31 RCOP indicators are systematically monitored, they do not, on their own, provide sufficient information to make judgements about how RCOP has changed the performance or behaviour of relevant institutions, systems, and target groups. We should point out that the necessary additional information may well be available, but was not requested. EC regular reports as sources of verification

Logframes frequently give the EC's regular reports as sources of verifiable information about results or outcomes. However, this is not the purpose of these report. They make few references to projects, and even where they do, they often do not provide information about results or outcomes. Table 7 shows that the EC regular reports for Turkey from 2010 to 2015 make a total of 20 references to projects, and in half of these cases, there is no information about results or outcomes.

⁴⁵ Small and Medium Enterprises

Table 7: Mentions of Chapter 23 projects in EC regular reports 2010-2015

REPORT YEAR	PROJECT MENTIONED WITH INFORMATION ABOUT ACTIVITIES AND/ OR OUTPUTS BUT NOT ABOUT RESULTS/ OUTCOMES	PROJECT MENTIONED WITH INFORMATION ABOUT RESULTS/ OUTCOMES	TOTAL
2010	1		1
2011	4		4
2012	1		1
2013	3	2	5
2014	1	2	3
2015		6	6
Total	10	10	20

Source: EC regular reports on Turkey

To put this into perspective, we have identified approximately 75 EU-funded projects programmed from 2010 to 2015 under the headings of:

- Priority 1: Progress towards fully meeting the Copenhagen political criteria (2010)
- Sector 2 – Justice, Home Affairs and Fundamental Rights (2011)
- Sector 2: Justice, Home Affairs and Fundamental Rights (2012)
- Judiciary and Fundamental Rights (incl. capacity building of law enforcement institutions) (2013)
- Judiciary (2014)
- Fundamental Rights (2014)
- Judiciary (2014)
- Fundamental Rights (2014)

Apart from the fact that regular reports make few references to projects, we suggest that they can not be a valid source of verification of project results and outcomes unless they were to systematically provide time series data on indicators for all projects over a number of years. A statement or opinion on effectiveness or outcomes on its own is not a valid source of verification, as there is no way of knowing what evidence (if any) has been used to reach the stated conclusion.

It seems that regular reports are given as a source of verification because it is unclear where else the evidence will be found, or indeed what evidence should be used. This in turn suggests a lack of clarity about what improvements the project is supposed to bring about.

A valid source of verification is a source of data about the issue that is expected to be improved as a result of the project. Logically, this would be the same sources from which the need for the project was identified in the first place e.g. Ministry of Justice statistics, court statistics, European Court of Human Rights statistics, EU statistics, etc.

2.3.3.3 Other observations regarding the sector action documents

- Sector action documents appear to be a superficial repackaging of projects.
- There is an inconsistent and confusing intervention hierarchy including (depending on the sector) actions, measures, activities, and sub-actions. This is likely to make systematic assessment of effectiveness more complicated in future.

- Starting with the 2014 document, action programmes provide a budget for the sector but not for the individual interventions/ projects, making them significantly less transparent than 2013 sector fiche (and before that the individual project fiches). This is also likely to constrain future assessment of effectiveness.
- Formatting/ presentation is often very poor, especially where information is presented in tables. While this may appear to be a superficial issue, it is important as it makes it harder to make sense of the document.

2.3.4 Monitoring and evaluation structures and processes

The office of the National IPA Coordinator (NIPAC) (within the MEUA) is directly responsible for the monitoring and evaluation of IPA I Component 1, and it has general responsibility for other components.

2.3.4.1 Monitoring

Under the TPI, the Joint Monitoring Committee (JMC) had overall monitoring responsibility for pre-accession assistance. There were separate sectoral monitoring sub-committees (SMSC) for each sector, which met twice per year. Reports covering each project were prepared by beneficiary institutions twice each year. These were discussed at SMSC meetings held twice each year and were intended to provide the fact-base for sectoral interim evaluations. These monitoring structures were considered to be ineffectual and there was no linkage between SMSCs and the JMC. Monitoring reports were perceived as an administrative requirement imposed by the EC, and they were found to be of limited use as a basis for interim evaluation, as they often contained irrelevant, incomplete, out of data, or inaccurate information. The

Under IPA I, the IPA monitoring committee replaces the JMC of the TPI.⁴⁶ Individual programmes under the different IPA I components each have their own sectoral monitoring committees (SMC), for example the Technical Assistance and Institution Building (TAIB) committee for Component I, and the RCOP SMC under Component III. The IPA I implementing regulation states that:⁴⁷

The IPA monitoring committee shall satisfy itself as to the overall effectiveness, quality and coherence of the implementation of all programmes and operations towards meeting the objectives set out in the financing agreements as well as in the multi-annual indicative planning documents.

It also states:

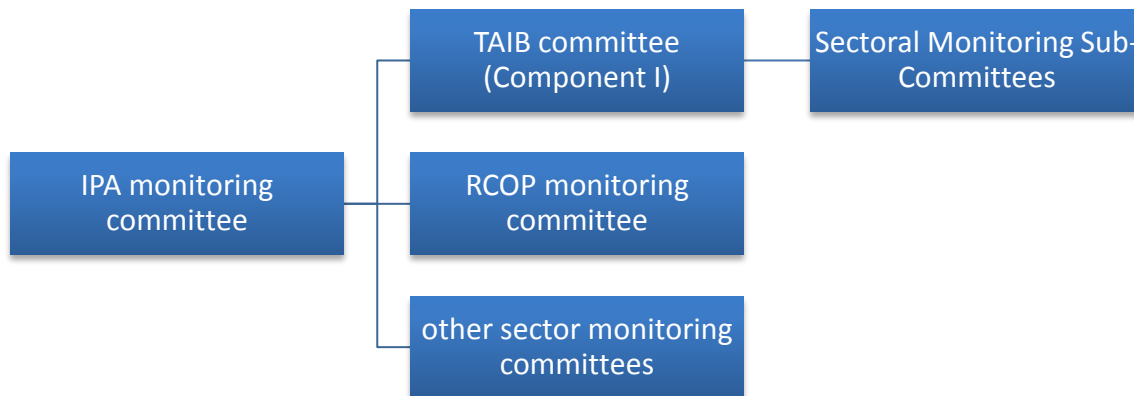
The IPA monitoring committee may make proposals to the Commission, the national IPA coordinator and the national authorising officer for any actions to ensure the coherence and coordination between the programmes and operations implemented under the different components, as well as for any cross- component corrective measures needed to ensure the achievement of the global objectives of the assistance provided, and to enhance its overall efficiency. It may also make proposals to the relevant sectoral monitoring committee(s) for decisions on any corrective measures to ensure the achievements of programme objectives and

⁴⁶ Somewhat confusingly, joint monitoring committee in the IPA I implementing regulation applies to cross-border programmes.

⁴⁷ European Commission, 'Commission Regulation (EC) No 718/2007 of 12 June 2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)', 12 June 2007, p.20.

enhance the efficiency of assistance provided under the programmes or IPA component(s) concerned.

Figure 6: IPA I monitoring structures



Source: author based on MEUA

For IPA I Component I, the ‘TAIB committee’ has overall monitoring responsibility (Article 83 of the Implementing regulation),⁴⁸ and it is ‘assisted’ by 10 SMSC. The MEUA notes that in contrast to the TPI, line ministries and CSOs are invited to meetings of these SMSC.

*The TAIB committee shall be chaired by the national IPA coordinator. Its members shall include the national authorising officer, the programme authorising officers and, where appropriate, other representatives of the operating structure, representatives of the Commission, as well as, where appropriate, representatives of international financial institutions and civil society, designated by the beneficiary country in agreement with the Commission.*⁴⁹

The role of the TAIB committee is to *satisfy itself as to the effectiveness and quality of the programmes and operations concerned.*

However, it is unclear to what extent the effectiveness of IPA I Component I monitoring structures has improved since the TPI – the 2013 Annual IPA Implementation Report noted that ‘*Efforts need to be continued to strengthen the SMSCs in terms of their focus on sectoral level discussion.*’⁵⁰ The EUD noted during a meeting in the context of this study that sector committees have not worked as well as hoped, as they have covered too broad a range of subjects and meetings have been taken over by discussion of contract issues. Tension between Turkish institutions have also limited the effectiveness of meetings. Contract issues have been excluded, and the EUD notes that it has tried to restructure the meetings appropriately, but they are reportedly still not sufficiently effective. It seems that in practice, the situation remains much as it was in 2004.

⁴⁸ European Commission, ‘Commission Regulation (EC) No 718/2007 of 12 June 2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)’.

⁴⁹ Ibid.

⁵⁰ The National IPA Coordinator, ‘Annual Report on the Implementation of the Assistance Under IPA Republic Of Turkey - Annex 2. Summary of the Findings, Conclusions and Recommendations of the Sectoral/Joint Monitoring Committees’, 10 November 2014, p.2.

For IPA I Component I, three-monthly Progress and Monitoring Reports (PMR) were introduced in 2009, combining the previous monitoring reports and progress reports. PMR compare progress the progress of activities and outputs and outcomes against the targets provided in the relevant logframes. The system is centralised in a database managed by the CFCU, to which the EUD has access. The EUD notes that PMR does not assess the five OECD DAC⁵¹ evaluation criteria, although examples provided by the MEUA suggest otherwise – they do include sections on progress towards achievement of overall objective (impact) and project purpose (effectiveness).^{52 53} According to the EUD, the PMR are required by Articles 83 and 84 of the IPA I Implementing Regulation, although this is not strictly correct, as the regulation does not refer to them – it would be more accurate to describe the PMR as a response to the requirements of the regulation. The EUD notes that PMR are provided as supporting documentation to the Request for Funds. The 2013 Annual IPA Implementation Report noted that ‘*further strengthening of the PMR reporting system in terms of regular submission and quality is required*’⁵⁴ suggesting that monitoring, although improved, has remained problematic.

No monitoring information relating to IPA I Component I is publicly available.

The RCOP monitoring committee is:

*Co-chaired by the Ministry and the European Commission, the SMC has 78 members. Members are composed of central public bodies, economic, social and local stakeholders. Rotation principle has been adopted in relation to 47 members composed of chamber of commerce and industry, universities and governorships of 15 growth centres who are local stakeholders of the Committee. Aim of the rotation is to render Committee meetings efficient and manageable. A rotating participation schedule has been developed in line with the rotation principle.*⁵⁵

Only the agenda for the 17th meeting (November 2015) of the RCOP monitoring committee and an accompanying presentation are available on the website of the MSIT.⁵⁶

2.3.4.2 Results Oriented Monitoring

ROM is carried out by a team under contract to the MEUA/ CFCU (with EU funds). ROM covers only IPA I Component I and since 2013 monitors projects once per year – in 2011 and 2012 projects were monitored twice per year. DG NEAR suggests that ROM was introduced by the EC in Turkey to address a perceived lack of objectivity in interim evaluations carried out under contract to the MEUA/ CFCU. The EUD describes it as somewhat similar to sectoral interim evaluations carried out from 2003 onwards - it is based on the five OECD DAC evaluation criteria and applies a scoring system (see Table 8). It uses the following modified criteria:⁵⁷

⁵¹ Organisation for Economic Co-operation and Development Development Assistance Committee

⁵² Ministry for EU Affairs, ‘Progress and Monitoring Report NO:18 - 01.10.2015 - 31.12.2015 TR2010/0135.01 - Civil Society Dialogue III’, n.d.

⁵³ Ministry of Interior, ‘Progress and Monitoring Report NO:16 TR0801.07 - Participatory Strategic Governance at Local Level’, n.d.

⁵⁴ The National IPA Coordinator, ‘Annual Report on the Implementation of the Assistance Under IPA Republic of Turkey - Annex 2. Summary of the Findings, Conclusions and Recommendations of the Sectoral/Joint Monitoring Committees’, p.2.

⁵⁵ Ministry of Science Industry and Technology Coordination and Implementation Directorate, ‘Sectoral Monitoring Committee - General Information’, *Regional Competitiveness Operational Programme*, accessed 4 May 2016, <https://ipa.sanayi.gov.tr/en/content/sectoral-monitoring-committee-general-information/117>.

⁵⁶ Ministry of Science Industry and Technology Coordination and Implementation Directorate, ‘Documents - Regional Competitiveness Operational Programme Coordination and Implementation Directorate’, *Regional Competitiveness Operational Programme*, accessed 4 May 2016, <https://ipa.sanayi.gov.tr/en/content/sectoral-monitoring-committee-general-information/117>.

⁵⁷ Technical Assistance for Result Oriented Monitoring (ROM) - Turkey, ‘Thematic Report SMSC 1.1 Judiciary and Fundamental Rights - Review of ROM Monitoring Findings during the Period 03 January 2011 - 30 September 2013’, p.10.

- Relevance / Quality of Design
- Efficiency of implementation to date
- Effectiveness to date
- Impact prospects
- Potential sustainability

Two questions are considered under effectiveness:

- How well is the project achieving its planned results?
- As presently implemented what is the likelihood of the PP [project purpose] to be achieved?

Two questions are considered under impact:

- What are the direct impact prospects of the project at Overall Objectives level?
- To what extent does / will the project have any indirect positive and / or negative impacts?

It was originally envisaged that the MEUA would be in a position to undertake ROM itself after the first ROM contract, but a second contract was launched one and half years after the end of the first contract as the EUD/ DG ELARG considered that the MEUA was not able to perform this activity satisfactorily. The EUD notes that, during the current (second) ROM contract, the MEUA has involved more of its staff in ROM monitoring missions as co-monitors, implying that its monitoring capacity has likely improved.

The current (second) ROM contract is due to expire in September 2016. The Turkish authorities have submitted a proposal to the EUD for a third EU-funded ROM contract but the EUD considers that the EC should not pay for monitoring indefinitely. The EUD notes that it relies on ROM results, it may contract a ROM team to meet its own needs. Currently, the EUD does not have direct access to the ROM database, which is managed by the MEUA, although it does receive copies of sector thematic reports. None of the outputs of the ROM system are publicly available.

Table 8: Performance evolution of main criteria within the Judiciary and Fundamental Rights sector

	6/2011	12/2011	6/2012	12/2012
Relevance / Quality of Design	2.97	2.98	2.94	3.01
Efficiency of implementation to date	2.36	2.47	2.58	2.68
Effectiveness to date	2.58	2.56	2.55	2.57
Impact prospects	2.93	2.89	2.75	2.85
Potential sustainability	3.00	3.09	2.82	3.07
3.51-4.00 = A (Very good); 2.51-3.50 = B (Good) ; 1.51-2.50 = C (Problems) ; 1.00-1.50 = D (Major difficulties)				

Source: reproduced from thematic ROM report provided by the EUD.⁵⁸

Table 8, which is reproduced from a thematic monitoring report provided the EUD, indicates that, on average, monitored projects were considered to be consistently (during 2011 and 2012) satisfactorily achieving expected results, and to have good prospects of achieving project purpose, elsewhere the

⁵⁸ Technical Assistance for Result Oriented Monitoring (ROM) - Turkey, 'Thematic Report SMSC 1.1 Judiciary and Fundamental Rights - Review of ROM Monitoring Findings during the Period 03 January 2011 - 30 September 2013'.

same document⁵⁹ indicates that the average effectiveness score increased to 2.68 in 2013, but that six of the 19 monitored projects (31.6%) were problematic in this regard.

The report notes there was a significant increase the effectiveness score for the sector during the year to September 2013, but it does not provide examples of changes in institutional, target group, or system performance or behaviour changes. This is possibly due to weaknesses in project design (such as lack of useful indicators) which are noted elsewhere in the report.⁶⁰

2.3.4.3 Sector Indicators and Monitoring

As noted above, IPA II introduces sector indicators. These incorporate not only EC indicators, but also indicators of other institutions, such as the Council of Europe and the World Bank. While sector indicators relate to IPA II funding, the EUD notes that there is no direct link between sector indicators and IPA action indicators and that sector indicators are not aggregations of IPA action indicators. In other words, the effectiveness of IPA funding can not be established through monitoring of the sector indicators, and it is still necessary to assess the effectiveness of IPA support, directly, through other means

The introduction of sector indicators is a key strategic response to the ECA's report No. 16/2009.⁶¹ They incorporate the indicators of several institutions besides the EU, for example the Council of Europe and the World Bank. They replace the National Programme for the Adoption of the *acquis* as the basis for assessing progress towards implementation of key reforms in Turkey. While the sector indicators address the same areas as IPA interventions, the EUD notes that sector indicators can not be used to assess the effectiveness of IPA interventions (and vice versa), because progress in each sector is subject to many influences besides IPA funding. Therefore, the effectiveness of IPA interventions still needs to be assessed directly at the level of the intervention itself.

The Indicative Strategy Paper For Turkey (2014-2020) provides three types of strategic indicators:⁶²

- **Context indicators:** Public debt (% of gross domestic product (GDP)); Real GDP growth rate (average last three years - %); Unemployment Rate (%); GDP per capita at current prices (PPS EUR); foreign direct investment per capita EUR;
- **Outcome and impact indicators:** Composite indicator (average ranking provided by eight external sources) comprising Corruption Barometer, Control of Corruption, Freedom of Press, Press Freedom, Rule of Law, Government Effectiveness, Regulatory Quality, Voice and Accountability; Progress made in reaching the political criteria provided (DG NEAR Progress Report); Progress made on implementation of *acquis* (DG NEAR Progress Report); Progress made in meeting economic criteria (DG NEAR Progress Report); Employment rate (15 to 64 years) total % (Eurostat);
- **Sector indicators:** Governance and Democracy; Rule of law and fundamental rights; Environment; Transport; Energy; Competitiveness and Innovation; Education, employment and social policies; Agriculture.

Two or more indicators are identified for each sector, and for two sectors there are sub-sector indicators: Governance and Democracy, and Rule of law and fundamental rights. The latter is divided into four sub-sectors (see Table 9). The indicators for the Competitiveness and Innovation sector are

⁵⁹ Ibid., p.30.

⁶⁰ Ibid., p.22.

⁶¹ European Court of Auditors, 'The European Commission's management of pre-accession assistance to Turkey'.

⁶² European Commission DG Enlargement, 'Indicative Strategy Paper For Turkey (2014-2020)' (European Commission DG Enlargement, 26 August 2014), 47-50, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140919-csp-turkey.pdf.

provided in Table 10. In both tables, it can be seen that the indicators are partly objectively verifiable and partly based on the EC's assessment. However, the process by which the EC's assessment will be translated into some kind of indicator score or rating is not indicated. Baselines are missing in several cases. There is therefore a lack of clarity and transparency about EC judgements about Turkey.

Table 9: Rule of law and fundamental rights sub-sectors and indicators

SUB-SECTOR	INDICATOR	SOURCE	BASELINE
Judicial reform	Progress made towards meeting accession criteria	DG ELARG – Progress report	
	Composite indicator (average of Access to Justice and Judicial independence)	World Justice Project, World Economic Forum	51.29
	Backlog in courts: improvement of clearance rate through reduction in number of pending cases and duration of proceedings	Council of Europe - CEPEJ	
Fight against corruption and organised crime	Progress made towards meeting accession criteria	DG ELARG – Progress report	
	Composite indicator (average of Global Corruption and Control of Corruption) 1 (Worst) - 100 (Best)	Transparency International – World Bank	50.52
Fundamental rights	Progress made towards meeting accession criteria	DG ELARG – Progress report	
	Composite indicator (average of Freedom of Press and Press Freedom) 1 (Best) - 100 (Worst)	Freedom of Press – Press Freedom	51.63
Refugees and border management	Progress made towards meeting accession criteria	DG ELARG – Progress report	

Source: based on European Commission⁶³

Table 10: Competitiveness and innovation sector indicators

INDICATOR	SOURCE	BASELINE
Progress made towards meeting accession criteria	DG ELARG – Progress report	
Doing Business - Distance to frontier (score) 1 (Best) – 100 (Worst)	World Bank - Doing Business	63.13

Source: based on European Commission⁶⁴

The importance of the Rule of law and fundamental rights sector is reflected in the EC's 2015 report on Turkey, which devotes 14 pages to Chapter 23 (Judiciary and fundamental rights) and a further five pages to Chapter 24 (Justice, freedom and security).⁶⁵ While much detail is provided in the report, and

⁶³ Ibid., 49–50.

⁶⁴ Ibid.

⁶⁵ European Commission, 'Commission Staff Working Document Turkey 2015 Report Accompanying the Document Communication from The Commission to The European Parliament, The Council, The European Economic and Social

a general summary assessment is made in the in the introduction, the report does not update the indicators provided in the Indicative Strategy Paper for Turkey (2014-2020), or provide missing baselines – indeed there is no reference to the tables of indicators provided in that document.

Sector action documents introduce additional strategic indicators. For example, the 2014 Support to Fundamental Rights action document provides the following overall objective and indicator:⁶⁶

- Overall objective: To achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas.
- Indicator: number of judgements of ECtHR⁶⁷ finding Turkey in breach of the ECHR⁶⁸ and number of applications to the Constitutional Court.

It is unclear how this contributes to any 'calculation' of the performance of the fundamental rights sub-sector when updating the relevant sector indicators given in the Indicative Strategy Paper for Turkey (2014-2020). Interestingly while presumably there are two valid sources of verification for the two specific pieces of data referred to in the indicator, the action document provides multiple sources of verification:

- Progress Reports
- Reports of Peer Based Missions
- Statistical Records of TUIK (the Turkish Statistical Institute)
- Statistical Reports of public institutions
- Database of European Court of Human Rights
- Annual activity reports of public institutions

There are a number of gaps and inconsistencies in the logframe:

- The specific objective is essentially a reformulation of the overall objective;
- Seven indicators are provided for the specific objective, including two that duplicate the indicators for the overall objective;
- No indicators are provided for Measures 1, 2 and 3. There are indicators for Measures 4 and 5 although many of these are output or activity indicators rather than result indicators (e.g. *'Organizational strategy on crime prevention and security drafted by the MoI'*);⁶⁹
- Sources of verification are provided for Measures 1 and 4 but not for other Measures. The sources provided for Measure 1 are simply a repetition of the sources provided for the overall objective and the specific objective.
- The logframe runs to 15 pages, not because the information requires it, but because of the way it is presented, with much empty space.

Given the gaps and inconsistencies in the logframe, it appears that it has been included in the action document to meet an administrative requirement rather than to serve any useful purpose. Part of the problem appears to be the way in which several measures, which might previously have been referred to as individual projects, have been combined in a single logframe. As noted above, despite its best efforts, the MEUA, with the support of the EUD and the EC, has found the development of indicators

Committee and The Committee of the Regions' (Brussels, 10 November 2015), http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf.

⁶⁶ European Commission Directorate General for Enlargement, 'Annual Action Programme for Turkey 2014 - Support to Fundamental Rights', n.d., <http://ec.europa.eu/enlargement/pdf/turkey/ipa/2014/ipa2014-031-874.7-tr-fundamental-rights.pdf>.

⁶⁷ European Court of Human Rights

⁶⁸ European Convention on Human Rights

⁶⁹ MOI – Ministry of Interior

with sector actors challenging. However, these difficulties cannot be attributed solely to Turkish actors, bearing in mind the extensive role of the EUD and the EC in the design process.

Weaknesses in intervention design are clearly not a new issue, and are not limited to Turkey. This suggests that the problem is an emergent property (i.e. an inherent behaviour) of the pre-accession system, rather than attributable to any specific actor or actors. This implies that it will not change simply by insisting that it is done better.

Further analysis of logframes is provided above (see 2.3.3.1).

2.3.4.4 Evaluation

According to the IPA implementing regulation, *'The Commission shall develop evaluation methods, including quality standards and using objective and measurable indicators'*.⁷⁰ DG NEAR notes that current methodological guidelines are provided in DG ELARG's 2008 Evaluation Guide⁷¹ and in the EC's Better Regulation Guidelines (BRG).⁷² These are essentially procedural guidelines rather than methodological guides as they do not touch on theoretical underpinnings of different approaches to evaluation, such as learning versus accountability approaches to evaluation. However, accountability appears to be the de facto approach: the BRG provide the following description of evaluation:

Evaluation is a tool to help the Commission services assess the actual performance of EU interventions compared to initial expectations. By evaluating, the Commission services take a critical look at whether EU activities are fit for purpose and deliver, at minimum cost, the desired changes to European businesses and citizens and contribute to the EU's global role. Evaluation also provides a key opportunity to engage stakeholders and the general public, encouraging feedback on how EU interventions are perceived.

This is reinforced elsewhere in the BRG: *'Evaluation uses the available evidence to judge how well the intervention has performed (or is working ...) ... Evaluation should also draw conclusions on whether the EU intervention continues to be justified.*

The EC's approach tends to see evaluation as a form of 'inspection'⁷³ to assess conformity with central policy.⁷⁴ Learning is understood as the transfer or absorption of knowledge, or 'advice as changing behaviour'⁷⁵ - an approach where stakeholders provide information and views to independent evaluators, who draw their own conclusions and then provide recommendations that stakeholders are expected to passively adopt, but often ignore.

Although DG NEAR pointed to BRG as providing the basis for the evaluation of pre-accession programmes in Turkey, the BRG suggest that they may not be fully applicable to the situation of Turkey, as it may not be necessary to apply them in full when evaluating:

⁷⁰ European Commission, 'Commission Regulation (EC) No 718/2007 of 12 June 2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)', Article 57.

⁷¹ European Commission DG ELARG, 'DG ELARG Evaluation Guide' (European Commission DG ELARG, November 2008), http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013/annex3_consolidated_evaluation_guide.pdf.

⁷² European Commission, 'Better Regulation "Toolbox"', accessed 9 May 2016, http://ec.europa.eu/smart-regulation/guidelines/toc_tool_en.htm.

⁷³ John Seddon (2008) in R. L. Ison, *Systems Practice: How to Act in a Climate Change World* (London ; New York : Milton Keynes, U.K: Springer ; In association with the Open University, 2010), 7.

⁷⁴ Donald A. Schön, *Beyond the Stable State: Public and Private Learning in a Changing Society* (London: Maurice Temple Smith Ltd, 1971), 177.

⁷⁵ Ison, *Systems Practice*, 173.

Individual intervention projects, groups of projects or sub-activities where their findings will feed into an overarching evaluation. This is particularly relevant for external programmes where findings coming from evaluations of country programmes, specific delivery methods/tools or elements of certain themes feed into major evaluations including of legal instruments

The implementing regulation provides general evaluation provisions, as well as well as requirements specific to each of the IPA I components.⁷⁶ It states that *'Evaluations shall aim to improve the quality, effectiveness and consistency of the assistance from Community funds and the strategy and implementation of the programmes.'*⁷⁷ Again, evaluation is envisaged as a tool to provide accountability to the EC.

The regulation also states that *'Programmes shall be subject to ex ante evaluations, as well as interim and, where relevant, ex post evaluations'*. This last point was later modified to *'ex-ante evaluations, as well as interim and/or ex-post evaluations'*.⁷⁸ In other words, interim evaluation became optional where an ex-post evaluation is carried out. This point is reinforced by deletion, in amendments to the regulation,⁷⁹ of the following point:

- *'During the period of implementation of a programme, at least one interim evaluation shall be carried out, and specifically when the monitoring of the programme reveals significant departure from the goals initially set.'*⁸⁰

If interim evaluation is not now necessarily required, it is unclear how the results of *'interim evaluation shall be taken into account in the programming and implementation cycle.'*⁸¹

The amended regulation also removed the following point:

- *'Ex post evaluation of the implementation of assistance shall be the responsibility of the Commission. Ex post evaluation shall include identifiable IPA component-specific results.'*⁸²

Thus there was no longer a requirement to identify IPA component-specific results in ex post evaluations.

The IPA II implementing regulation is more concise in its coverage of evaluation but leaves much to be determined later (e.g. type and frequency of evaluation). Article 21 states:⁸³

- 1. IPA II assistance shall be subject to evaluations, in accordance with Article 30(4) of Regulation (EU, Euratom) No 966/2012 with the aim of improving its relevance, coherence, quality, efficiency, effectiveness, Union added value, consistency and synergy with the relevant policy dialogue.*
- 2. Evaluations may be carried out at policy, strategic, thematic, sectoral, programme and operational level as well as at country or regional level.*

⁷⁶ European Commission, 'Commission Regulation (EC) No 718/2007 of 12 June 2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)'.

⁷⁷ Ibid., Article 57.

⁷⁸ European Commission, 'Commission Regulation (EU) No 80/2010 of 28 January 2010 Amending Regulation (EC) No 718/2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)', 29 January 2010, Paragraph 10(b).

⁷⁹ Ibid., Paragraph 10(c).

⁸⁰ European Commission, 'Commission Regulation (EC) No 718/2007 of 12 June 2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)', Article 57.

⁸¹ Ibid.

⁸² Ibid.

⁸³ European Commission, 'Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the Specific Rules for Implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council Establishing an Instrument for Pre-Accession Assistance (IPA II)', 3 May 2014, Article 21.

3. *The results of evaluations shall be taken into account by the IPA monitoring committee and the sectoral monitoring committees.*

Article 22 continues:

1. *An IPA II beneficiary which has been entrusted budget implementation tasks of IPA II assistance shall be responsible for conducting evaluations of the programmes it manages.*

2. *The IPA II beneficiary shall draw up an evaluation plan presenting the evaluation activities which it intends to carry out in the different phases of the implementation.*

Article 41, which applies to Cross-Border Cooperation programmes only, states that all evaluations shall be made public.⁸⁴ Apparently, this requirement for publication of evaluation reports does not apply to other types of action.

Responsibilities

Under the TPI, DG ELARG contracted teams of external consultants to undertake annual interim evaluation or most pre-accession assistance.

For IPA I, the implementing regulation states that for IPA I Component I, the beneficiary country is responsible for interim evaluation (where management powers have been conferred on the country), although the EC still has the right to carry out ad-hoc evaluations. Ex-post evaluation, however, remains the prerogative of the EC.⁸⁵ As noted, above, however, it appears that interim evaluation is not necessarily a requirement where an ex-post evaluation is planned.

Evaluation of the RCOP is covered by Article 166 of the implementing regulation, which states that the operating structures are responsible for ex-ante evaluation.⁸⁶ It also notes that *'During the programming period, beneficiary countries shall carry out evaluations linked to the monitoring of operational programmes, in particular where this monitoring reveals a significant departure from the goals initially set or where proposals are made for the revision of operational programmes.'* No specific mention is made of ex-post evaluation, although it is understood that this will be undertaken by the EC.

As noted above, the IPA II implementing regulation refers only to the evaluation responsibilities of beneficiary countries (where they have been assigned budget implementation tasks). The possible role of the EC, for example regarding ex-post evaluation, is not indicated.

Overview of evaluations undertaken since 2003

From 2003 to early 2007, 27 interim evaluation reports issued covering 133 TPI and MEDA projects and programmes with total funding (EU and TR) of EUR 1.145 billion. However, DG NEAR is unable to provide any of these reports.⁸⁷ DG NEAR notes that changes in its IT systems would make it difficult to locate the reports, and it considers that they are in any case by now likely to be irrelevant. One example is, however, currently available on the website of the Turkish Statistical Institute internet.⁸⁸ It could be

⁸⁴ Ibid., Article 41.

⁸⁵ European Commission, 'Commission Regulation (EC) No 718/2007 of 12 June 2007 Implementing Council Regulation (EC) No 1085/2006 Establishing an Instrument for Pre-Accession Assistance (IPA)', Article 82.

⁸⁶ Ibid., Article 166.

⁸⁷ For further details, see Annex 1 Turkey - Interim evaluations from 2003 to 2007 and Annex 2: Projects covered by Turkey interim evaluations from 2003 to 2007.

⁸⁸ Interim Evaluation Team Turkey, 'Sectoral Interim Evaluation No. R/TR/PAD/06.004 European Union Pre-Accession Assistance to Turkey - Administrative Capacity Building and Civil Society Development', 24 November 2006, <http://www.tuik.gov.tr/arastirmaveprojeler/uluslararasi/docs/pg/IE%20R.TR.PAD.06.004.pdf>.

argued, however, that these documents remain relevant as a tool for reflection and learning given that Turkey is still a Candidate Country, and that various institutions have continued to receive EU support over a number years, some since 2002, for example, the police, the gendarmerie, and the judiciary. In this regard, it is perhaps of interest to note that during a previous European Parliament study relating to two other countries, DG ELARG initially agreed to provide unpublished interim evaluations reports but later informed the consultants that the documents were no longer available. That report noted: *'It would appear that an important and detailed reservoir of institutional knowledge, covering many countries, and dating back to 2001 has been withdrawn from circulation within the Commission Services.'*⁸⁹

An ex-post evaluation of the TPI was undertaken in 2013.⁹⁰ The terms of reference for that report refer to the above-mentioned interim evaluations and to the ECA's special report,⁹¹ but no mention is made of any evaluation of the TPI from early 2007, when the first interim evaluation contract expired, until the completion of the 2006 annual programme of the TPI in November 2008.⁹² We have been unable to identify any reports covering this period.

DG NEAR provided a list of 23 reports issued from 2010 onwards. Of these:

- 19 are evaluation reports
- Of which, one relates to the TPI (2002-2006) and 18 to IPA I;
- Of which 10 deal exclusively with Turkey;
- Of which just six are publicly available.

Of the 10 evaluation reports dealing exclusively with Turkey (see Table 11), one is an ex post evaluation report, two are interim evaluations and seven are thematic evaluations. Seven were commissioned by DG ELARG/ NEAR, two by the Turkish authorities, and one by the EUD. The EUD indicates that it commissioned two evaluations but one of these evaluations – Private Sector Development – is not in the list of locally managed evaluations provided by DG NEAR. Another report is included in DG NEAR's list of locally managed evaluations but was not mentioned by the EUD, presumably because it is in fact a monitoring report - Monitoring of 'Strengthening Pre-School Education in Turkey' Grant Scheme.

The information provided by DG NEAR included one reference to the 2002-2006 period – an ex post evaluation report.

Two of the reports provided by DG NEAR are, in fact, contractors' final reports – one covers multiple interim evaluations of the TPI from 2003 to 2007,⁹³ and the other covers a single interim evaluation of IPA I Component I from 2007 to 2009.⁹⁴ However, none of the 28 reports produced under these two contracts are available. The latter contractor's report states the *'evaluation focused on a sample of key*

⁸⁹ Blomeyer & Sanz, 'Pre-Accession Financing for Bulgaria and Romania: What Lessons Can Be Learned for Future Enlargements?', 2011, 38, [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL-JOIN_ET\(2011\)453224](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL-JOIN_ET(2011)453224).

⁹⁰ B&S EUROPE, LINPICO, and PROMAN, 'Ex Post Evaluation Of The Assistance Provided By The EU's Turkish Pre-Accession Instrument, 2002-2006 Specific Contract N° 2012/306685 Final Evaluation Report', 15 October 2013, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2014/20140114_evaluation_the_eu_turkish_pre_accession_instruments.pdf.

⁹¹ European Court of Auditors, 'The European Commission's management of pre-accession assistance to Turkey'.

⁹² European Commission, 'Commission Decision C/2006/2206 of 09/06/2006 Establishing a National Pre-Accession Financial Assistance Programme for the Republic of Turkey in 2006 - Part I', 9 June 2006, http://ec.europa.eu/enlargement/pdf/fiche-projet/turkey/2006/2006_018_079-turkey-np-part-1-fa.pdf.

⁹³ INTEGRATION International Management Consultants GmbH, 'Interim Evaluation of Pre-Accession Programmes in Turkey EUROPEAID/112777/C/SV/Multi Final Report 01 February 2003 - 30 April 2007', 5 December 2007.

⁹⁴ Particip, 'Specific Contract No TR0804.01-01/FWC/023 Technical Assistance for Interim Evaluation of IPA I in Turkey for Years 2007-2008-2009 - Final Report', April 2012.

projects that required in-depth analysis...⁹⁵ although it does not actually indicate which projects were covered, how many projects were covered, or what amount of funding was covered.⁹⁶

Although responsibility for most pre-accession assistance has been transferred to DG NEAR, its list of evaluation reports also did not include, for example, the interim evaluation of the RCOP. DG REGIO notes that evaluation of the RCOP has been undertaken in accordance with the approach for Structural Fund. An ex-ante evaluation report was issued in 2007 and an interim evaluation report was issued in 2011.⁹⁷

Table 11: Evaluation reports dealing exclusively with Turkey included in a list provided by DG NEAR

TITLE	YEAR ISSUED	COMMISSIONED BY	TYPE	PUBLICLY AVAILABLE
2009 Country Programme Interim Evaluation of EU Pre- accession assistance to Turkey Final report	2010	DG ELARG/ NEAR	Interim evaluation	No
Evaluation on Stakeholder Participation in Programming and Implementation of Pre-Accession Assistance to Turkey	2011	DG ELARG/ NEAR	Thematic evaluation	No
Review of Twinning in Turkey	2011	DG ELARG/ NEAR	Thematic evaluation	Yes
Thematic Evaluation on Judiciary and Fundamental Rights in Turkey	2012	DG ELARG/ NEAR	Thematic evaluation	Yes
Ex Post Evaluation of the Assistance provided by the EU's Turkish Pre-Accession Instrument, 2002 – 2006	2013	DG ELARG/ NEAR	Ex post evaluation	Yes
Evaluation of European Commission Support to Private Sector Development in Turkey, 2013	2013	DG ELARG/ NEAR	Thematic evaluation	Yes
Thematic Evaluation on Environment - Republic of Turkey	2013	TR authorities	Thematic evaluation	No
Evaluation of European Commission Support to Agriculture Sector in Turkey	2014	EUD	Thematic evaluation	No
Evaluation of the EU – Turkey Customs Union with World Bank, 2014	2014	EC/ World Bank	Thematic evaluation	Yes
Health and safety at work in Turkey, 2015	2015	DG ELARG/ NEAR	Thematic evaluation	Yes

Source: based on information provided by DG NEAR

Even where evaluation reports are publicly available, they are not so easy to find on DG NEAR's website. Once the correct page has been located, it shows only 10 documents at a time. There appears to be no information, such as a list, about reports that are not publicly available.

While all of the 10 evaluations listed in Table 11 were issued following the ECA's special report on Turkey,⁹⁸ only some of them cover assistance programmed following the ECA's report. In fact, there is

⁹⁵ Ibid., 9.

⁹⁶ This information may have been provided in the annex 'Outputs prepared by the project', but the annex was blank in the version of the document provided DG NEAR.

⁹⁷ ECORYS Nederland BV, 'Technical Assistance on Institutional Building for the Implementation of RCOP in Turkey - Programme Interim Evaluation', 2011, <https://ipa.sanayi.gov.tr/en/document/rcop-interim-evaluation/271>.

⁹⁸ European Court of Auditors, 'The European Commission's management of pre-accession assistance to Turkey'.

limited coverage of IPA I funding: one of the reports deals exclusively with TPI funding, and while several thematic reports include IPA funding, they include TPI and MEDA and cover only the earlier years of IPA I. For example, the single evaluation in the area of judiciary and fundamental rights covers 20 projects of which just six are IPA I (2007 and 2008).

Moreover, two of them may be classified as 'process' evaluations, rather than results evaluations. There has been just one evaluation of assistance in the area of judiciary and fundamental rights.

Several multi-country evaluations of IPA I have included references to Turkey e.g.:

- Mid-term Meta Evaluation of IPA Assistance Evaluation Report, 2011;
- Thematic Evaluation of EU's Support to Civil Society in The Western Balkans (Namely Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo Under UNSCR 1244, Montenegro and Serbia) and Turkey, 2011
- IPA - interim evaluation and meta-evaluation of IPA assistance, 2013;
- Meta Evaluation of Cooperation Instruments - Works and Supplies, 2014.
- Thematic evaluation on IPA support to Roma communities, 2015;
- Thematic evaluation on IPA support to the fight against corruption, 2015;
- Third Interim evaluation of IPA assistance, 2015.

It is unclear to what extent these multi-country evaluations rely on other evaluations, and to what extent they include new information.

Analysis of evaluation reports and evaluation findings about effectiveness

In the context of this study, findings on effectiveness and impact in eight publicly available evaluation reports have been analysed. For comparative purposes, the analysed reports cover not only Turkey, but other countries as well, and it includes one report dealing with the Phare programme:

- Thematic evaluation on IPA support to the fight against corruption, 2015;⁹⁹
- Third Interim evaluation of IPA assistance, 2015;¹⁰⁰
- Evaluation of PHARE financial assistance to Bulgaria (BG), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Hungary (HU), Latvia (LV), Lithuania (LT), Malta (MT), Poland (PL), Romania (RO), Slovakia (SK), Slovenia (SI), 2015;¹⁰¹
- Thematic Evaluation of EU's Support to Refugees in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia, 2014;¹⁰²

⁹⁹ B&S EUROPE, 'Thematic Evaluation on IPA Support to the Fight against Corruption - Final Report', 5 August 2015, http://bookshop.europa.eu/en/thematic-evaluation-on-ipa-support-to-the-fight-against-corruption-pbEZ0416120/?pgid=lq1Ekni0.1ISR00OK4MycO9B0000uSSqyyui:sid=1yz2jCNq4ZH2jnRDZH5oK0FP0P_wXyS50f8=?CatalogCategoryID=VQqKABStyb8AAAEjVpEY4e5L.

¹⁰⁰ IBF International Consulting and BAa Consultors, 'Third Interim Evaluation of IPA Assistance - Final Report', April 2015, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2015/20150806-third-interim-evaluation-final-ipa-report.zip.

¹⁰¹ B&S EUROPE, 'Evaluation of PHARE Financial Assistance to Bulgaria (BG), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Hungary (HU), Latvia (LV), Lithuania (LT), Malta (MT), Poland (PL), Romania (RO), Slovakia (SK), Slovenia (SI) - Final Report', 19 January 2015, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2015/20150806-phare-ex-post-evaluation-final-report.pdf.

¹⁰² Conseil Santé Consortium (ECO3), 'Thematic Evaluation of EU's Support to Refugees in Bosnia and Herzegovina, Kosovo*, Montenegro and Serbia - Final Report', 31 January 2014, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2014/20140403-eu-support-to-refugees.pdf.

- Ex Post Evaluation of the Assistance Provided by the EU's Turkish Pre-Accession Instrument, 2002-2006, 2013;¹⁰³
- IPA – interim evaluation and Meta-evaluation of IPA Assistance: Country Report Serbia, 2013;¹⁰⁴
- Thematic Evaluation on Judiciary and Fundamental Rights in Turkey, 2012;¹⁰⁵
- Thematic Evaluation of EU's Support to Civil Society in the Western Balkans (Namely Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo under UNSCR 1244, Montenegro and Serbia) and Turkey, 2012.¹⁰⁶

Table 12 shows that of the 558 statements about effectiveness and impact (outcomes), 472 (85%) relate to outcomes. In other words, 15% of the statements about effectiveness and impact tend to relate to outputs rather than outcomes.

Table 12: Evaluation report analysis – statements about effectiveness and impact

REPORT YEAR	STATEMENT REFERS TO OUTPUTS	STATEMENT REFERS TO OUTCOMES	TOTAL	OUTCOMES AS % OF TOTAL
2015	58	263	321	82%
2014	1	17	18	94%
2013	18	96	114	84%
2012	9	96	105	91%
Total	86	472	558	85%

Source: author

Of the 472 statements about outcomes, 193 (41%) were accompanied by supporting evidential statements (see Table 13).

Table 13: Evidence of outcomes

REPORT YEAR	EVIDENCE PROVIDED FOR STATEMENTS OF OUTCOMES	AS % OF OUTCOME STATEMENTS
2015	112	43%
2014	7	41%
2013	36	38%
2012	38	40%
Total	193	41%

Source: author

Of the 472 statements about outcomes, approximately 12% were supported by statistical evidence (19% in reports issued in 2015) (see Table 14). However, some of the statistical evidence is in the form of anecdotal or 'snapshot' statistics that are not necessarily indicative of trends, which would require

¹⁰³ B&S EUROPE, LINPICO, and PROMAN, 'Ex Post Evaluation Of The Assistance Provided By The EU's Turkish Pre-Accession Instrument, 2002-2006 Specific Contract N° 2012/306685 Final Evaluation Report'.

¹⁰⁴ ECORYS Nederland BV, 'IPA - Interim Evaluation and Meta-Evaluation of IPA Assistance Country Report Serbia', 6 August 2013, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013/23914_rep_serbia.pdf.

¹⁰⁵ IBF International Consulting, 'Thematic Evaluation on Judiciary and Fundamental Rights in Turkey - Final Report', October 2012.

¹⁰⁶ IBF International Consulting, 'Thematic Evaluation of EU's Support to Civil Society in the Western Balkans (Namely Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo under UNSCR 1244, Montenegro and Serbia) and Turkey - Draft Final Report', April 2012, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2012_eval_cs_final_report_2.pdf.

time series data on key indicators about the performance, behaviour, attitudes, etc. of target institutions, systems, groups, etc.

Table 14: Statistical evidence of outcomes

REPORT YEAR	STATISTICAL EVIDENCE PROVIDED	AS % OF OUTCOME STATEMENTS
2015	51	19%
2014		
2013	4	4%
2012	1	<1%
Total	56	12%

Source: author

We suggest that the lack of statistical evidence about effectiveness and impact stems largely from the design of pre-accession assistance, which frequently does not identify sufficiently clearly what changes are expected or in which institutions, systems, target groups, etc. Even if evaluators can identify this, it may be that relevant data have not been collected, and collection of the data as part of any evaluation is likely to be unfeasible due to cost and/ or time constraints. Moreover, the relevant bodies and groups may be reluctant to provide the data for various reasons, including political sensitivity of the indicator. This last point is likely to be particularly problematic in the case of assistance in the areas of Chapter 23 and Chapter 24, as the identification of clearly defined indicators amount to an explicit statement about what is perceived to be 'wrong' in the way that key institutions perform, and what 'has to change'. Such an explicit statement may be politically unacceptable for beneficiary institutions and diplomatically impossible for the EC to insist upon.

The results of the above analysis for the reports covering Turkey only are similar to the overall results, except that less statistical evidence was found for Turkey and this likely because one of the reports relating to Turkey deals with the 2002-2006 TPI.

It is important to note, however, that some evaluation reports do include extensive statistical evidence on effectiveness and impact, such the report on EC Support to Private Sector Development in Turkey¹⁰⁷ (not included in the above analysis), which covers MEDA, TPI, and IPA I Component III (RCOP) funding. This may be because the indicators are more clear cut and less politically sensitive, and the data are easier to collect (e.g. jobs created).

The interim evaluation of the RCOP was not able to assess programme effectiveness due to the relatively early stage of implementation,¹⁰⁸ but it did provide a detailed analysis of programme indicators.¹⁰⁹

2.4 BASIS FOR FUNDING DECISIONS

How have changes in the volume of pre-accession funding to Turkey over time been justified, and do they corresponded to an improvement in the management and use of aid by Turkey, and by the Commission?

¹⁰⁷ DFC et al., 'Evaluation of European Commission Support to Private Sector Development in Turkey', November 2013, http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2014/20140114_evaluation_the_psd_in_turkey.pdf.

¹⁰⁸ ECORYS Nederland BV, 'Technical Assistance on Institutional Building for the Implementation of RCOP in Turkey - Programme Interim Evaluation', 133-134.

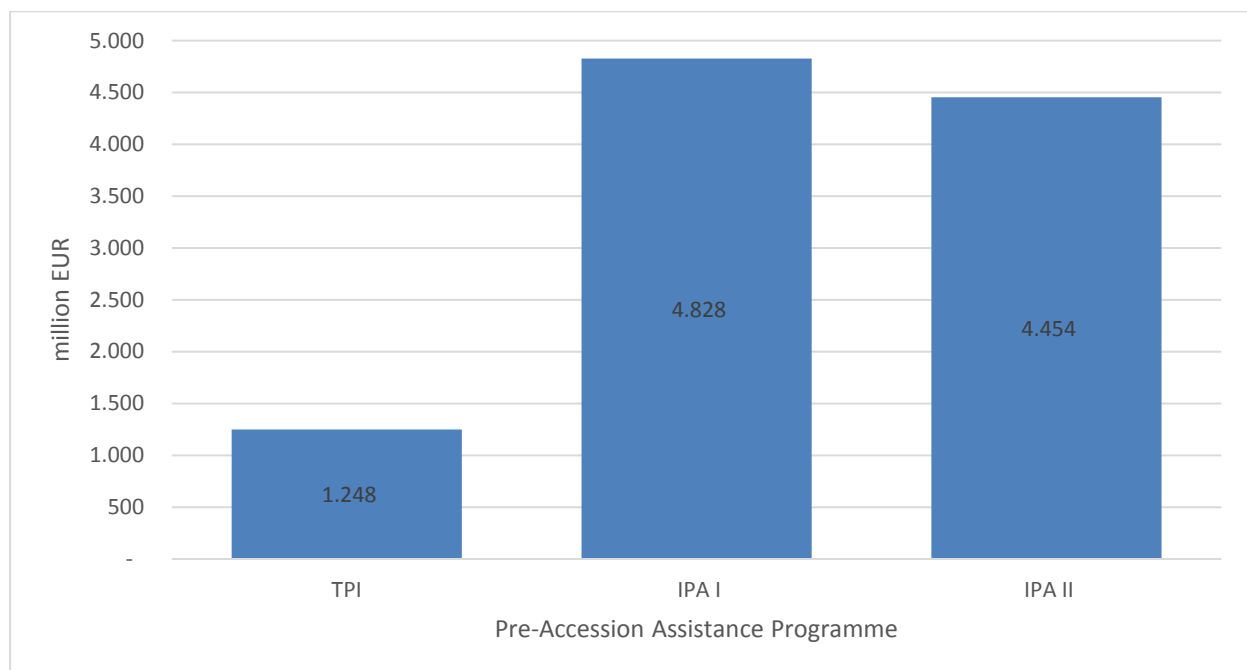
¹⁰⁹ Ibid., 81-95.

This question is considered from the perspectives of:

- Contracting rates;
- Population;
- Results of assistance;
- Political considerations.

Figure 7 provides an overview of funding to Turkey under the three successive pre-accession instruments. A total of EUR 1.248 billion of assistance was provided to Turkey under TPI. The amount provided under IPA I increased to EUR 4.828 billion (an increase of 287%), while the amount allocated under IPA II (EUR 4.544 billion) represents a reduction compared with IPA I, although it still represents an increase of 257% on the amount provided under TPI.

Figure 7: Pre-accession funding to Turkey under the three pre-accession instruments (million EUR)



Source: for 2014-2020: based on European Commission (2014);¹¹⁰ for 2007-2013: based on European Commission (2012);¹¹¹ for 2002-2006: based on Business & Strategies Europe Consortium (2013)¹¹²

Figure 8 provides an overview of annual allocations of pre-accession funding to Turkey over 18 years from 2002 to 2020. The annual figures for 2018, 2019, and 2020 are an estimate as the Indicative Strategy Paper for Turkey give a total for these three years rather individual annual allocations. From this figure, it can be seen that there were relatively large increases in allocations in 2004, 2006, 2010, 2011, 2012, and 2013, with the largest increases occurring in the 2006 and 2011 annual programmes.

The 2014 allocation (the first year of IPA II) is approximately 30% less than the allocation for the previous year (the last year of IPA I).

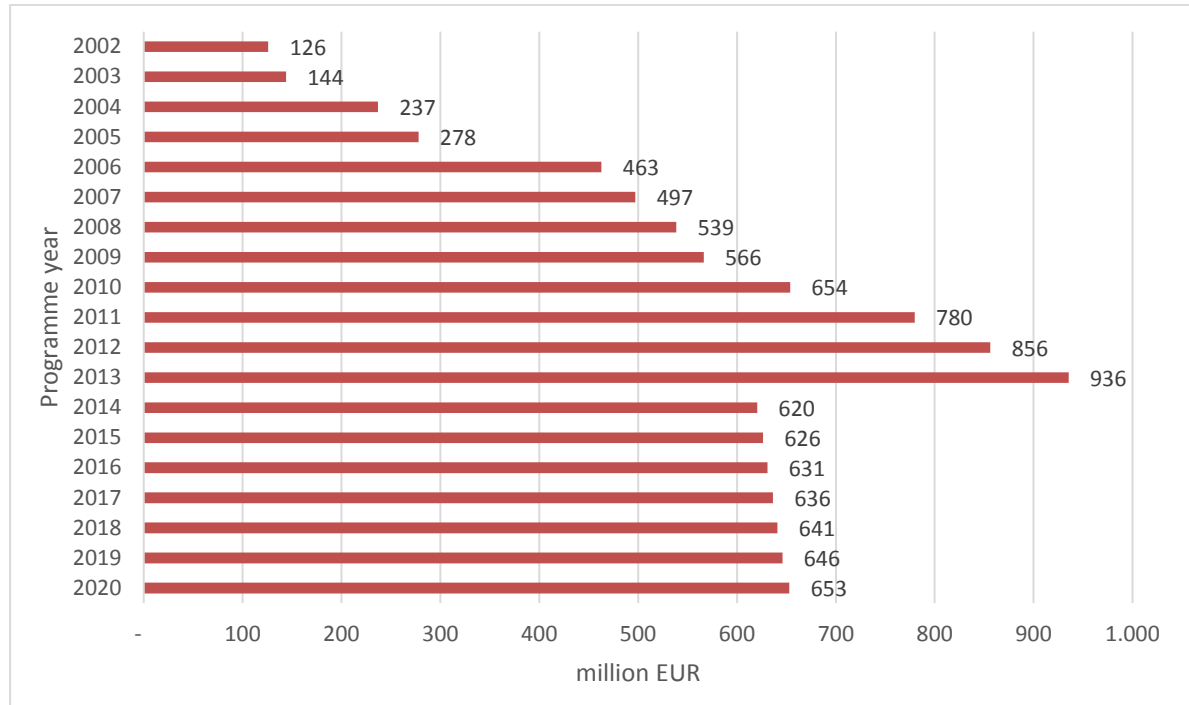
¹¹⁰ European Commission DG Enlargement, 'Indicative Strategy Paper For Turkey (2014-2020)'.

¹¹¹ European Commission, 'Instrument For Pre-Accession Assistance (IPA) Revised Multi-Annual Indicative Financial Framework For 2013 COM(2012) 581 Final', 10 October 2012, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/miff_adopted10-10-12_en.pdf.

¹¹² B&S EUROPE, LINPICO, and PROMAN, 'Ex Post Evaluation Of The Assistance Provided By The EU's Turkish Pre-Accession Instrument, 2002-2006 Specific Contract N° 2012/306685 Final Evaluation Report'.

Figure 8 shows how IPA I funding to Turkey increased each year from 2007 to 2013.

Figure 8: Annual pre-accession funding to Turkey 2002-2013 (million EUR)



Source: for 2014-2020: based on European Commission (2014);¹¹³ ¹¹⁴ for 2007-2013: based on European Commission (2012);¹¹⁵ for 2002-2006: based on Business & Strategies Europe Consortium (2013)¹¹⁶

Commitment rates

The ECA's special report on Turkey notes that understaffing in DIS institutions had led to delays in project implementation in the early years of the TPI. The ex-post evaluation of the TPI indicates that these difficulties continued throughout the life of the TPI.¹¹⁷ For example, it notes that 77% of all contracts were signed in the month prior to the contracting deadline.¹¹⁸ It goes on to say that:

The principle reason for the delayed and reduced level of deployment of the available programme funds was the initial weakness of the DIS structures in Turkey to efficiently manage the programme; in addition to the management processes supporting the procurement process the weaknesses also affected the efficiency of the implementation of progress monitoring functions. Each year a constant constraint for the DIS structures was the need to clear the contracting backlog so as to minimise the risk of loss of funds. The efficient start-up of the next years' programmes was accordingly affected.

¹¹³ European Commission DG Enlargement, 'Indicative Strategy Paper for Turkey (2014-2020)'.

¹¹⁴ The figures for 2018, 2019, and 2020 are estimates derived from the total of EUR 1,940 million given in the Indicative Strategy Paper for these three years – it does not give annual allocations for these years.

¹¹⁵ European Commission, 'Instrument For Pre-Accession Assistance (IPA) Revised Multi-Annual Indicative Financial Framework For 2013 COM(2012) 581 Final'.

¹¹⁶ B&S EUROPE, LINPICO, and PROMAN, 'Ex Post Evaluation Of The Assistance Provided By The EU's Turkish Pre-Accession Instrument, 2002-2006 Specific Contract N° 2012/306685 Final Evaluation Report'.

¹¹⁷ Ibid.

¹¹⁸ Ibid., 35.

The TPI ex post evaluation notes that 85% of the allocated funds were contracted, noting that this *'falls short of the standard contracting rates achieved by other Candidate Countries under other pre- accession assistance programmes in the pre-IPA period: traditionally minimum 90% contracting.'*¹¹⁹ Data provided by the National Fund for the present study in early 2016 provide a somewhat different picture: both the total allocation, and the contracting (commitment) rates are lower at EUR 1.022 billion and 80% respectively, compared with EUR 1.233 billion and 85% respectively in the ex post evaluation report.

A ROM report provided by the EUD suggests that the system continued to struggle to utilise available funding under IPA I. However, it should be noted that ROM covers only IPA I Component I, and the report in question summarises project monitoring results specifically in the area of judiciary and fundamental rights projects from 03 January 2011 to 30 September 2013. It states:

*The main reasons which undermine the achievement of project results are delayed starts of tendering and separate contracting of interdependent components; failure of timely project procurements; potentials for involving civil society organisations in awareness raising and follow up is untapped; community-based implementation is frequently lagging behind due to lack of effective awareness raising; frequent restructuring of beneficiary institutions and high staff turnover has hampered an integrated approach towards results achievement.*¹²⁰

An evaluation of assistance in the area of judiciary and fundamental rights referred to delays caused by *'lack of familiarity with IPA processes on the part of some SPOs [senior programme officers].'* and to delays and challenges caused by *'lack of consistency between IPA administrative and accounting rules and those of beneficiaries such as Turkish institutions and intergovernmental organisations.'*¹²¹ The report also noted that programming of IPA projects in this area was very time consuming. It is important to note, however that of the 20 projects covered by this report, 14 were funded by TPI and only six by IPA I Component I (2007 and 2008). Nevertheless, the implication of that report appears to be that problems are attributable only to Turkish institutions and structures. However, the Office of the National Authorising Officer (ONAO) observed in March 2016 in the context of this study that the many EUD ex-ante controls are a significant factor in contracting delays, as documents are passed back and forth many times between the EUD and Turkish institutions prior to contracting. It is the view of the ONAO that contracting will always be problematic.

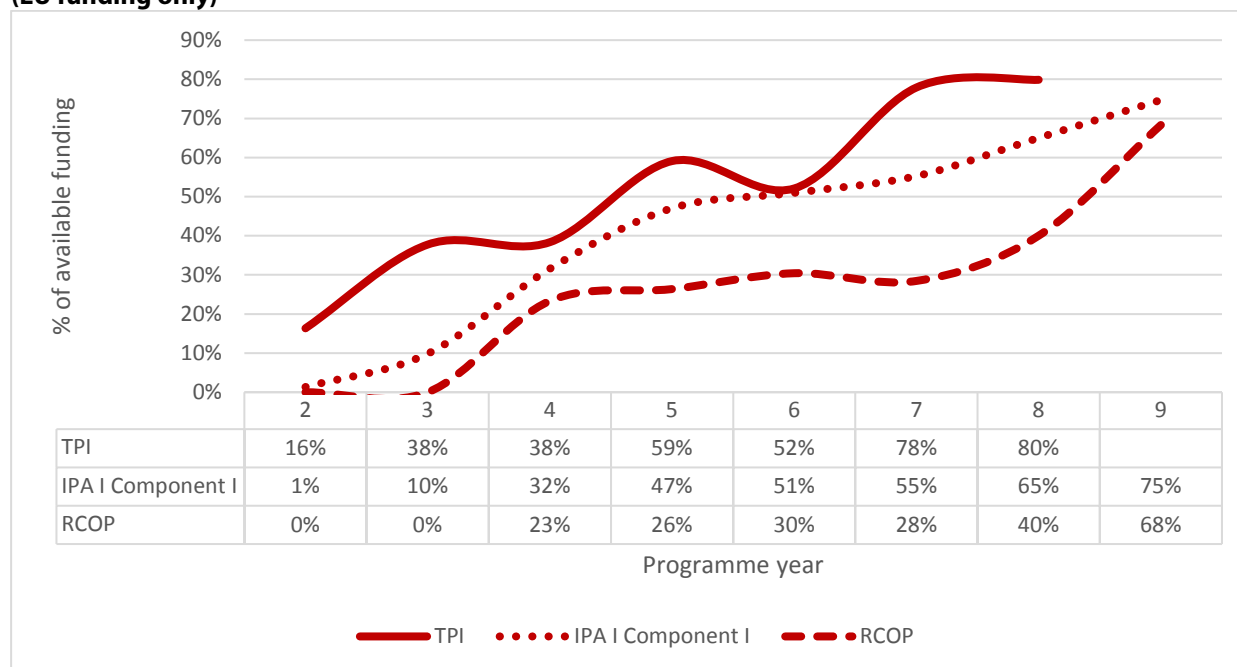
Figure 9 is based on the data provided by the National Fund. It shows cumulative commitment rates for the years from 2003 to 2015 for TPI, IPA I Component I and RCOP. The commitment rates are shown as percentage of cumulative available funding. Since financing agreements were frequently concluded at the end of the relevant programming year, the funds for each year would not have become available until the following year. In order to account for this, the annual allocations used in the calculations for Figure 9 are each deferred by one year. Figure 9 starts at Year 2 for each of the programmes, namely 2003 for TPI and 2008 for IPA I.

¹¹⁹ Ibid.

¹²⁰ Technical Assistance for Result Oriented Monitoring (ROM) - Turkey, 'Thematic Report SMSC 1.1 Judiciary and Fundamental Rights - Review of ROM Monitoring Findings during the Period 03 January 2011 - 30 September 2013', p.22.

¹²¹ IBF International Consulting, 'Thematic Evaluation on Judiciary and Fundamental Rights in Turkey - Final Report', 10.

Figure 9: Cumulative commitment rates as % of available funding: TPI, IPA I Component I, and RCOP (EU funding only)



Source: author based on data provided by the National Fund

From this it can be seen that with the exception of 2007, the cumulative commitment rate for TPI increased in every year up to 2008 (the final year for contracting). In 2007, the cumulative commitment rate for TPI fell by approximately 10 percentage points compared with the previous year, and this is possibly accounted for by the significant increase in the 2006 programme allocation (Figure 8). IPA I Component I and RCOP cumulative commitment rates have also both increased over time, but both are below TPI rates, especially RCOP. By Year 8, 65% of available IPA I Component I funds had been committed, and just 40% in the case of RCOP, compared with 80% for TPI.

From this analysis it can be suggested that the capacity of the system to manage funds increased over time during the respective programmes, although, as noted above, up to 20% of TPI funds remained unutilised, and possibly larger amounts in the case of IPA I Component I and RCOP (note that this study focuses primarily on Component I and RCOP). Indeed, some funds originally allocated to RCOP have been reallocated to the EU Trust Fund (EUTF) to support refugees from the conflict in Syria.

It is understood that, to a large extent, difficulties with IPA I relate to the introduction of new management systems to reflect Structural Funds management arrangements. In addition to being responsible for the contracting and financial management of IPA I Components I and II, the CFCU continued to manage TPI contracting and disbursements, and it undertook tendering and contracting for IPA I operating structures until the relevant systems became operational in those institutions.

This was the case for RCOP. The MSIT notes that the RCOP was ready by 2007 but there was no system in place to implement it. Eventually, the CFCU and the MSIT were jointly accredited for 2009-2010, with the CFCU performing some functions, mainly related to tendering and contract management. By 2012, the MSIT had established its own contracting authority and since 2012, it has been doing all tendering and contract management for RCOP. The MSIT could not retain technical assistance for the RCOP until four years after the programme commenced, due to its accreditation status. As a result, the MSIT developed the RCOP internally. The MSIT considers that the EUD has contributed to delays with excessively burdensome ex ante controls for which it does not have sufficient staff. The MSIT also

considers that the IPA II regulation and implementing regulations are unclear in important areas, with implication of possible delays:

- Property of funds from deducted penalties and seized guarantees;
- Accounting Systems;
- Programme Pre-Financing and form of financing;
- Declarability of pre-financings to Contractors and calculation of de-commitments.

It is worth recalling here that EU Member States have themselves experienced difficulties in the management of Structural and Cohesion Funds, for example regarding lack of clarity in rules (e.g. regarding the eligibility of expenses), and the EC itself acknowledged in late 2011 that:

Experience suggests that in the current programming period, the diversity and fragmentation of rules governing spending programmes are often perceived as unnecessarily complicated and difficult to implement and control. This imposes a heavy administrative burden on beneficiaries as well as on the Commission and Member States, which can have the unintended effect of discouraging participation, increasing error rates and delaying implementation. This means that the potential benefits of EU programmes are not fully realised.¹²²

The CFCU, which currently has 105 staff, notes that the rate of staff turnover remains relatively high due to the pressures of the job. The immaturity of tender documents developed by other institutions remains a significant problem, in part because of high staff turnover in those institutions, and in part because new institutions have become involved in EU funding.

It is important to bear in mind that the 'system' included not only the CFCU, but also beneficiary institutions, the EUSG (now the MEUA), the EUD, DG ELARG, contractors, other institutions and bodies, and political actors. The behaviour of a system (its emergent properties) is the result of how each of its element behaves and how they interact with each other.¹²³ Thus, the role of other actors in the system, and how they interacted with each other should not be ignored. How institutions and other bodies and organisations interact with each other depends, among other things, on institutional culture and interpersonal relations between individuals. While staff shortages in DIS institutions likely did contribute to underutilisation of TPI funds, underutilisation itself may be considered a symptom of underlying, systemic problems in pre-accession assistance and enlargement policy in general.

Comparison of IPA I Component I contracting rates with other countries

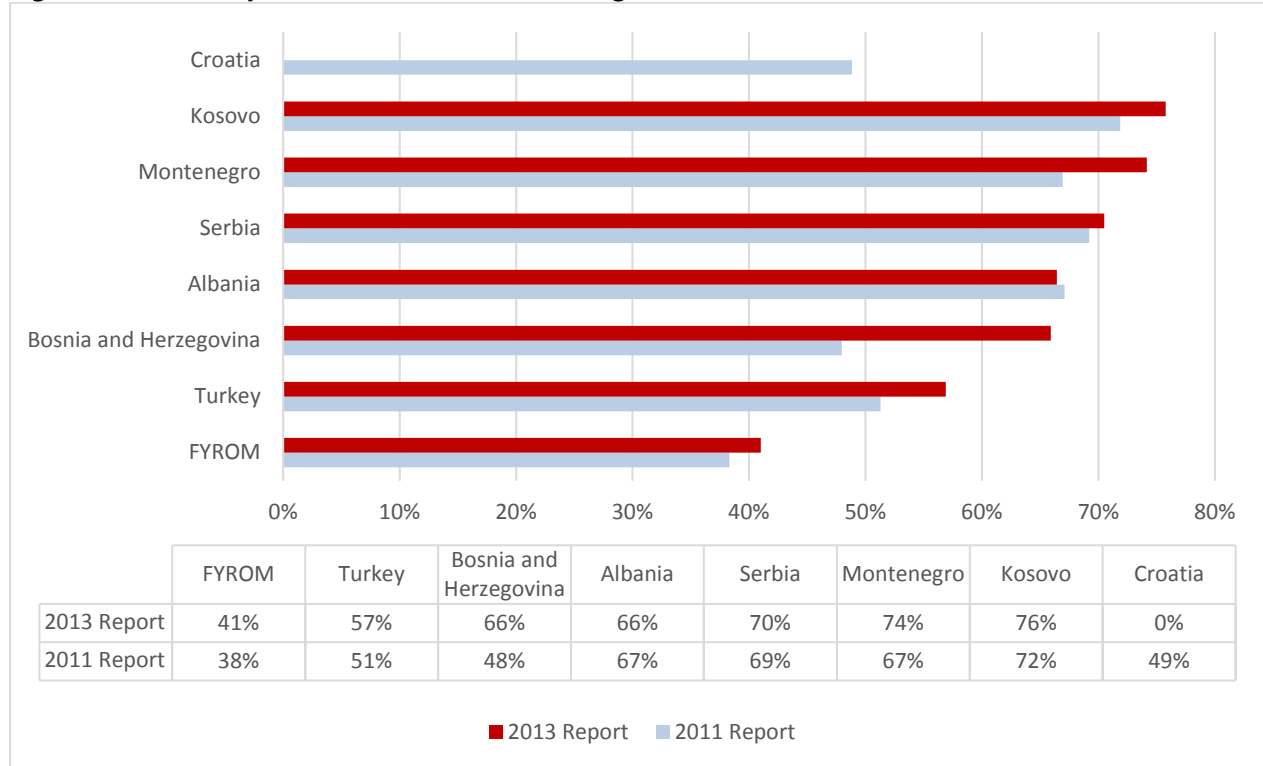
Figure 10 shows the cumulative contracting rates for IPA I Component I in five Candidate Countries and three Potential Candidate Countries as of 2011 and 2013. The figures shown are the cumulative amounts contracted as a percentage of the cumulative allocations up to 2011 and 2013 respectively. As of 2011, the cumulative contracting rate for Turkey was 51%. Three countries had lower contracting rates: Croatia, Bosnia and Herzegovina, and the Former Yugoslav Republic of Macedonia (FYROM). By 2013, the contracting rate for Turkey had increased to 57% but only FYROM had a lower contracting rate. Serbia and Montenegro, for example, had contracting rates of 70% and 74% respectively. 2013

¹²² European Commission, 'Proposal for a Regulation of the European Parliament and of the Council Laying down Common Provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund Covered by the Common Strategic Framework and Laying down General Provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and Repealing Council Regulation (EC) No 1083/2006', 14 March 2012, http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/pdf/2014/proposals/regulation/general/general_proposal_en.pdf.

¹²³ thwink.org, 'Systems Thinking - Tool/Concept/Definition', 2014, <http://www.thwink.org/sustain/glossary/SystemsThinking.htm>.

data for Croatia are not available, although EUR 57 million were allocated for IPA I Component I in Croatia in 2013 and 2014.¹²⁴

Figure 10: IPA I Component I cumulative contracting rates of IPA countries 2011 & 2013



Source: author based on European Commission^{125 126}

Population

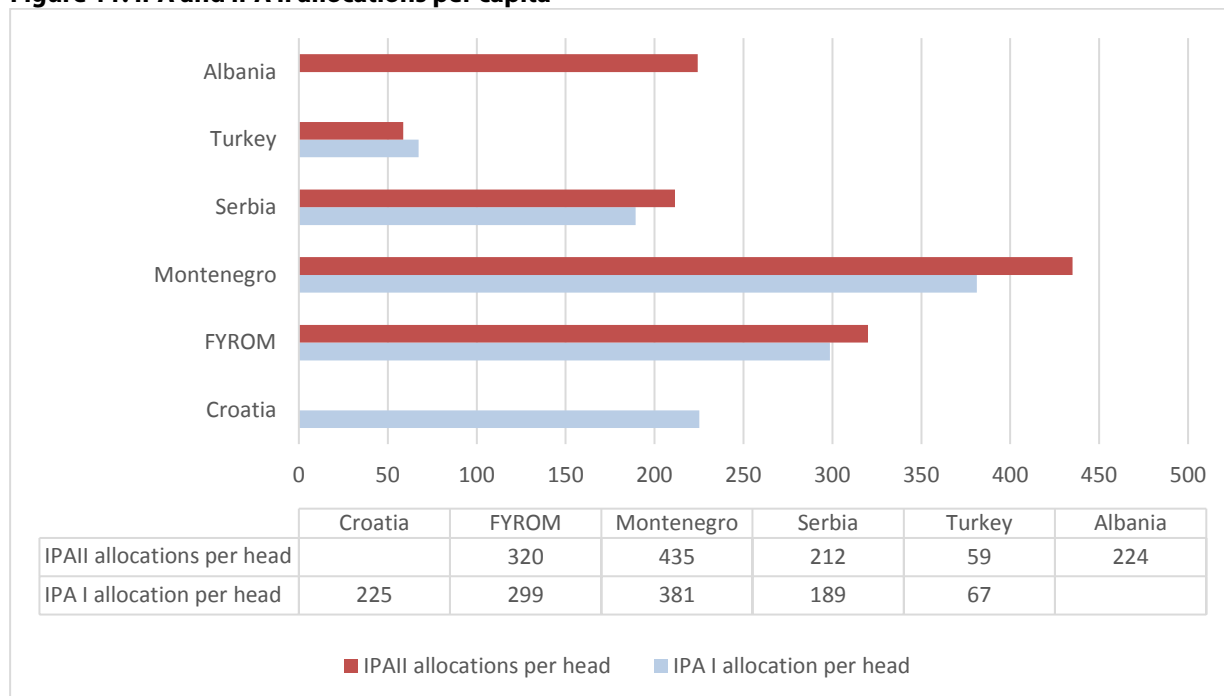
Financial allocations per head of population are sometimes used to justify allocations. Figure 11 shows the IPA I and IPA II allocations per head for Candidate Countries. From this it can be seen that Turkey has, by a long way, the lowest allocation per head of any Candidate Country for both IPA I and IPA II. From this perspective, it could be argued that higher allocations to Turkey could be justified.

¹²⁴ European Commission, 'Instrument For Pre-Accession Assistance (IPA) Revised Multi-Annual Indicative Financial Framework For 2013 COM(2012) 581 Final', 6.

¹²⁵ European Commission, 'Commission Staff Working Document Background Document Accompanying the Document Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee 2011 Annual Report on Financial Assistance for Enlargement (IPA, PHARE, CARDS, Turkey Pre-Accession Instrument, Transition Facility) {COM(2012) 678 Final}' (Brussels, 20 November 2012), http://ec.europa.eu/enlargement/pdf/financial_assistance/ipa/2011/2011-ipa-report-staff.pdf.

¹²⁶ European Commission, 'Commission Staff Working Document Background Document Accompanying the Document Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee 2013 Annual Report on Financial Assistance for Enlargement (IPA, PHARE, CARDS, Turkey Pre-Accession Instrument, Transition Facility) {COM(2014) 610 Final}' (Brussels, 30 September 2014), http://ec.europa.eu/enlargement/pdf/financial_assistance/ipa/2014/2013-ipa-report-staff.pdf.

Figure 11: IPA and IPA II allocations per capita



Source: European Commission (financial data)¹²⁷ and World Bank (population data for 2010 and 2014)¹²⁸

However, Figure 12 indicates that there is an inverse relationship between population size and IPA allocations per head of population. Montenegro, with smallest population, has by far the largest allocation per head of population, while Turkey, with the largest population has by far the lowest allocation per head of population. On this basis, the lower IPA allocations per head in Turkey would appear to be justified. Indeed, applying Montenegro’s allocation rate to Turkey would result in an IPA II allocation of approximately EUR 34 billion (equivalent to approximately 3.5% of the EU’s entire multiannual financial framework for 2014-2020). Conversely, applying Turkey’s rate to Montenegro would result in an IPA II allocation of just EUR 36 million.

¹²⁷ For IPA I, the 2012 Revised Multi-Annual Indicative Financial Framework for 2013 COM(2012) 581 final, and for IPA II, the EC’s individual 2014 indicative country strategy papers for 2014-2020 available at http://ec.europa.eu/enlargement/news_corner/key_documents/index_en.htm?key_document=080126248ca659ce

¹²⁸ World Bank, ‘Data, Population, Total’, 2016, <http://data.worldbank.org/indicator/SP.POP.TOTL>.

Figure 12: Ratio of IPA allocations per head of population to size of population



Source: European Commission (financial data)¹²⁹ and World Bank (population data for 2010 and 2014)¹³⁰

Results of assistance

Logically, it might be expected that there is some link between the results of assistance and subsequent funding allocations. However, as noted above (2.3.4.4), evaluations provide little evidence (such as time series data) about outcomes of pre-accession assistance in terms of changes in the performance or behaviour of target institutions, systems, or groups over time. This appears, in part, due to the design of projects or actions, which continue lack clearly defined objectives and suitable indicators (see 2.3.3.1).

Without evidence of outcomes, it is difficult to conclude what, if any, link there was between annual increases in pre-accession funding to Turkey from 2002 to 2013, and from TPI to IPA I.

Political considerations

According to DG NEAR, funding decisions are based purely on political considerations which are reflected in the EC's annual reports on Turkey. The relevant political considerations are identified in the sector indicators in the Indicative Strategy Paper for Turkey (2014-2020). However, as noted above, while the EC's 2015 report on Turkey provides much detailed narrative information and a brief summary assessment, it does not include or update the list of indicators provided in the Indicative Strategy Paper. Recent events suggest that the EC may prefer not to monitor these indicators explicitly, in order to maintain flexibility in negotiations with Turkey on urgent strategic matters.¹³¹ Moreover, the EUD pointed out that while a performance bonus may be available for countries that perform well,

¹²⁹ For IPA I, the 2012 Revised Multi-Annual Indicative Financial Framework for 2013 COM(2012) 581 final, and for IPA II, the EC's individual 2014 indicative country strategy papers for 2014-2020 available at http://ec.europa.eu/enlargement/news_corner/key-documents/index_en.htm?key_document=080126248ca659ce

¹³⁰ World Bank, 'Data, Population, Total'.

¹³¹ Peter Spiegel and Alex Barker, 'Human Rights Blow to Turkey's Visa-Free Travel Hopes', *Ft.com*, 3 May 2016, http://www.ft.com/cms/s/8a1fe6d2-110d-11e6-839f-2922947098f0.Authorised=false.html?siteedition=uk&i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2F8a1fe6d2-110d-11e6-839f-2922947098f0.html%3Fsiteedition%3Duk&i_referer=&classification=conditional_standard&iab=barrier-app#axzz48vbjgN22.

funds are not deducted if countries perform less well than expected or hoped for. Thus the financial allocations can be considered as more or less fixed for the duration of the financial perspective, suggesting that regular updating of strategic indicators is not essential as far as funding is concerned.

As noted above, Turkey's IPA II allocation is approximately 8% less than its IPA I allocation, possibly reflecting, at least in part, the EC's assessment of key indicators for Turkey during the IPA I period. Nevertheless, it is unclear what basis was used to set the level of IPA II funding.

2.5 LEGISLATIVE DEVELOPMENTS IN TURKEY SINCE 2005

What legislative changes have taken place in Turkey in the context of accession negotiations (i.e. since 2005), and have these changes moved Turkey towards, or away from, EU accession requirements?

This section looks at legislative developments in the area of Chapter 23 Judiciary and Fundamental Rights. The analysis is based on a survey of EC regular reports for Turkey from 2005 to 2015 inclusive. Each report was surveyed for references to specific pieces of legislation, and each reference was grouped into one of four categories:

- **Away:** the reference is critical of the legislative development, indicating that it moves Turkey away from the EU;
- **Can not be determined:** the reference is neither critical nor positive – the 'direction of travel' can not be determined from the reference;
- **Towards, with serious reservations:** the reference is generally positive, but serious reservations are also expressed;
- **Towards:** the reference is positive, indicating the legislation moves Turkey towards the EU.

In a small number of instances, the analysis includes other documents.¹³²¹³³

It is important to note that this analysis does not indicate the significance of the referenced legislation. Nor does it identify the net 'direction of travel' or the cumulative effect of legislation: for example, while there may have been a critical reference to a specific piece of legislation in one year, that legislation may have been subsequently amended resulting in a positive reference in a subsequent year – both references are included in the analysis independently of each other.

The analysis, which is presented in Table 15 and Figure 13 below, identifies a total of 230 reference to legislative developments from 2005 to 2015. Of these, 117 (51%) are categorised as 'Towards'; 23 (10%) are categorised as 'Towards, with serious reservations'; 60 (26%) are categorised as 'Can not be determined'; and 30 (13%) are categorised as 'Away'.

¹³² Wendy Zeldin, 'Turkey: Tightening of Regulation on Meetings and Demonstrations | Global Legal Monitor', *Library of Congress*, 7 August 2015, <http://www.loc.gov/law/foreign-news/article/turkey-tightening-of-regulation-on-meetings-and-demonstrations/>.

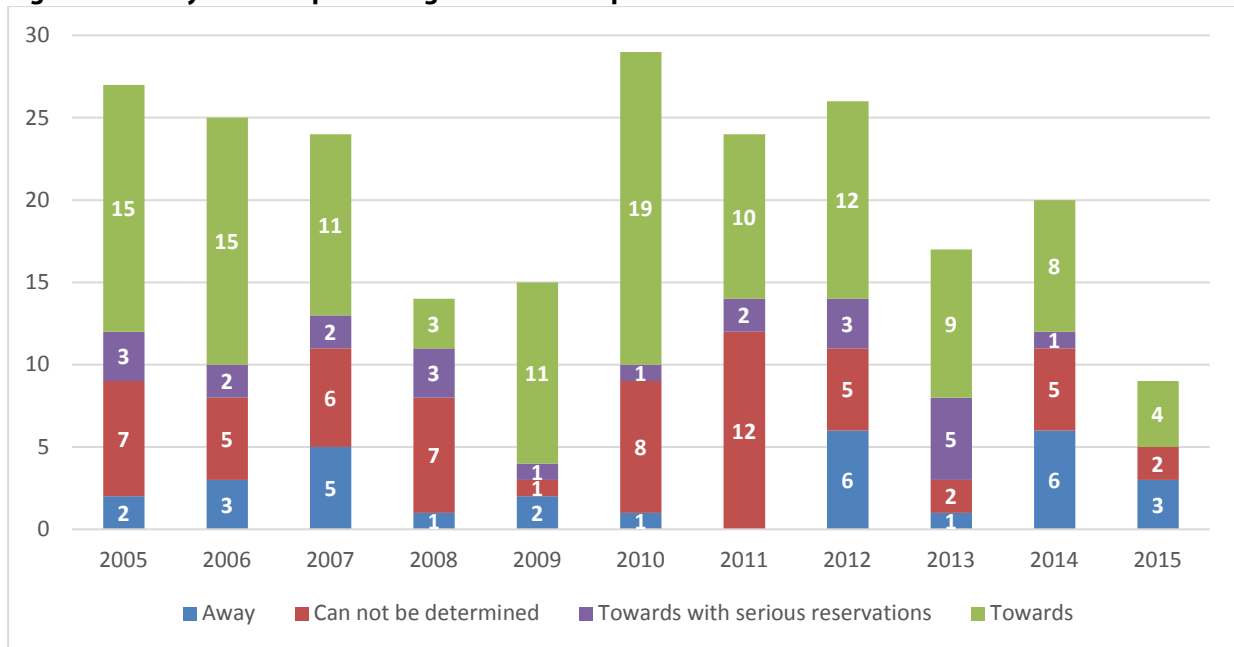
¹³³ Sıtkı Hasan Söylemezoğlu, 'Chapter 23, Judiciary and Fundamental Rights; The Engine for The Reform Process in Turkey', *Law & Justice Review* V, no. 1 (June 2014), <http://www.taa.gov.tr/indir/chapter-23-judiciary-and-fundamental-rights-the-engine-for-the-reform-process-in-turkey-bWFrYWxIfGQ2NTlmlWRhOTBmLTMwNzdLThhYjQ1LnBkZnw1OTM>.

Table 15: Analysis of Chapter 23 legislative developments 2005-2015

YEAR	AWAY	CAN NOT BE DETERMINED	TOWARDS, WITH SERIOUS RESERVATIONS	TOWARDS	TOTAL
2005	2	7	3	15	27
2006	3	5	2	15	25
2007	5	6	2	11	24
2008	1	7	3	3	14
2009	2	1	1	11	15
2010	1	8	1	19	29
2011		12	2	10	24
2012	6	5	3	12	26
2013	1	2	5	9	17
2014	6	5	1	8	20
2015	3	2		4	9
Total	30	60	23	117	230

Source: EC regular reports for the years 2005 to 2015, and other documents

Figure 13: Analysis of Chapter 23 legislative developments 2005-2015



Source: Author, based on EC regular reports for the years 2005 to 2015, and other documents

Table 16 summarises references that are categorised as ‘Away’ or ‘Towards, with serious reservations’ and groups them according to the headings under which they appear in the regular reports. These headings are not particularly clear, and it seems that they are not used consistently from year to year. However, several themes can be clearly identified here: equality, with a total of seven references; fight against corruption, with a total of six references; and functioning of the judiciary, with a total of nine references.

Table 16: Types of legislative developments 2005-2015 categorised as 'Away' or 'Towards, with serious reservations'

CATEGORY	AWAY	TOWARDS, WITH SERIOUS RESERVATIONS	TOTAL
Equality - fundamental freedoms	2		2
Equality - fundamental rights	2	3	5
Equality - fundamental rights Freedoms - fundamental rights		1	1
Fight against corruption	5		5
Fight against corruption Freedoms - fundamental rights		1	1
Freedoms - fundamental rights	12	6	18
Freedoms - fundamental rights Functioning of the judiciary		1	1
Freedoms - fundamental rights Functioning of the judiciary Fight against corruption Equality - fundamental rights Dignity - fundamental rights		1	1
Freedoms - fundamental rights Justice - fundamental rights	1		1
Functioning of the judiciary	6	3	9
Functioning of the judiciary Freedoms - fundamental rights		1	1
Fundamental rights		1	1
Justice - fundamental rights	1	4	5
Solidarity - fundamental rights	1	2	3
Total	30	24	54

Source: EC regular reports for the years 2005 to 2015, and other documents

2.6 EU SUPPORT FOR PROMOTION OF BEST PRACTICES IN CANDIDATE COUNTRIES

What support is available to candidate countries from EU institutions to promote best practices in the management of EU funds?

Candidate countries have had, and continue to have, access to a wide range of assistance to promote best practices in the management of EU funding. Some of this assistance is provided directly by EU institutions, while other assistance is provided with EU funding by third parties.

Examples of assistance provided directly by EU institutions includes:

- Extensive EUD involvement in programme design, ex-ante control and monitoring.
- Advice and guidance of specific EC Directorates General regarding the design and management of operational programmes (e.g. DG REGIO in the case of RCOP). However, it is unclear if DG NEAR is in a position to provide the same level of support now that it has taken

over the management of all pre-accession funding from other sector-specific DGs with many years' experience of managing Structural Funds.

- Annual OLAF meetings of candidate country AFCOS.¹³⁴

Examples of assistance provided with EU funding by third parties:

- Under IPA II, support is provided through Regulatory Reform and Acquis Alignment Action (RRAA-A). *'RRAA-A will include as a first component a Project Preparation Facility (PPF) with the aim to strengthen the ability of the relevant institutions (potential beneficiaries) to design and appraise programmes and actions to be programmed in the framework of the pre-accession financial assistance to Turkey and to help beneficiary institutions in the assessment tasks regarding grant-schemes.'*¹³⁵ Similar support was provided by IPA I under the heading of 'Support for EU integration process' to support project preparation and ad hoc needs.
- Substantial support has been provided through technical assistance in the past to bodies directly involved in the financial management of EU funds, such as the CFCU. However, it is understood that this type of assistance is now less frequent, given that relevant institutions are well-established. The CFCU notes that it has not had technical assistance since 2007 and that it now supports other contracting authorities in Turkey. Other technical assistance has addressed the management and control of public finances in general, not only EU funds.
- Substantial support has been provided through twinning – *'Twinning aims to provide support for the transposition, implementation and enforcement of the EU legislation (the Union acquis). It builds up capacities of beneficiary countries' public administrations throughout the accession process, resulting in progressive, positive developments in the region.'*¹³⁶ While not necessarily addressing the management of EU funds specifically, it is possible that twinning assistance may relate to this.
- TAIEX *'TAIEX is the Technical Assistance and Information Exchange instrument of the European Commission. TAIEX supports public administrations with regard to the approximation, application and enforcement of EU legislation as well as facilitating the sharing of EU best practices.'*¹³⁷
- SIGMA – *'SIGMA (Support for Improvement in Governance and Management) is a joint European Commission and OECD initiative, principally financed by the EU. It focuses on strengthening public management in areas such as administrative reform, public procurement, public sector ethics, anti-corruption, and external and internal financial control.'*¹³⁸

¹³⁴ Presentations from the 2012 conference are available from

http://www.ab.gov.tr/files/TAIEX%20AFCOS%20Semineri/taieux_afcos_semineri_sunumlar.rar

¹³⁵ European Commission, 'Regulatory Reform and Acquis Alignment Action (RRAA-A) Annual Action Programme for Turkey 2014', n.d., 3, <http://ec.europa.eu/enlargement/pdf/turkey/ipa/2014/ipa2014-031-874.2-tr-rraa.pdf>.

¹³⁶ European Commission, 'Twinning, TAIEX, and SIGMA', n.d.,

http://ec.europa.eu/enlargement/neighbourhood/neighbourhood-wide/twinning-taieux-and-sigma/index_en.htm.

¹³⁷ European Commission, 'TAIEX', 11 May 2016, http://ec.europa.eu/enlargement/tenders/taieux/index_en.htm.

¹³⁸ European Commission, 'Twinning, TAIEX, and SIGMA'.

3 STUDY AREA 2 – EUROPEAN INVESTMENT BANK LOANS TO TURKEY

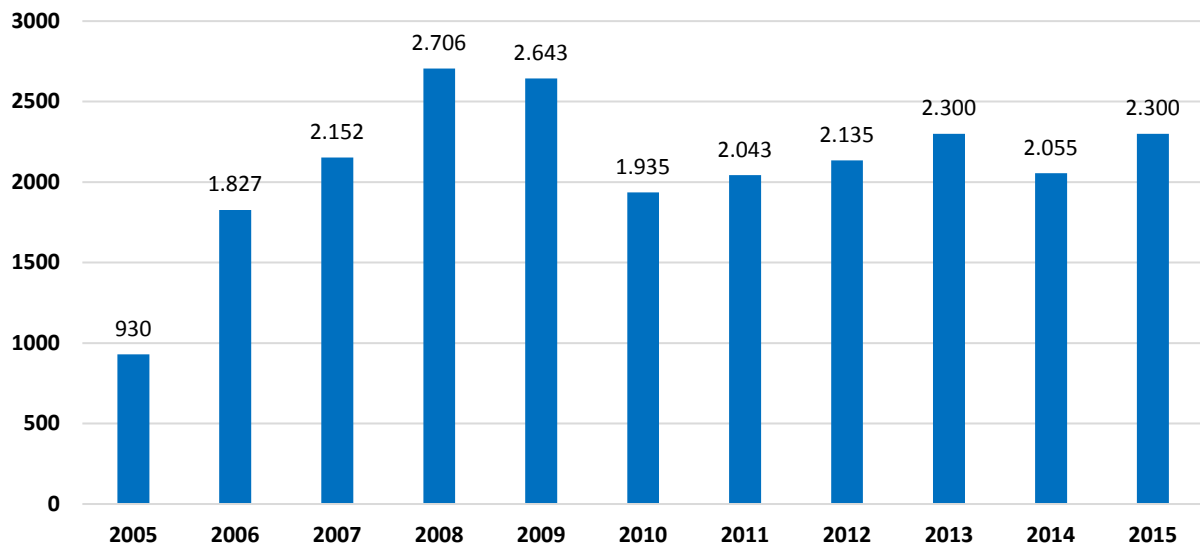
KEY FINDINGS

- The EIB is the largest foreign financier in Turkey which currently ranks first among EIB recipient countries outside the EU with some 3.5% of EIB loans.
- There are three main priority areas: corporate and public support, and co-operation with the banking sector. Most (42%) is for loans to SMEs, followed by transport (22%) and energy projects (10%).
- EIB has a number of guiding principles to ensure its operations in Turkey are aligned with good banking practices, including anti-fraud (Fraud Investigations Division) and monitoring/evaluation (EV) as regards achieving objectives.
- In countries outside the EU lending is guided by EU policy objectives and the Bank uses its Results Measurement Framework for the appraisal and monitoring of projects throughout the project cycle. Projects must demonstrate additionality.
- Overall, we found it difficult to obtain information that could be used to assess to what extent EIB loans provided to Turkey have been the subject of good or bad practices. There is no specific mention of Turkey in the annual report on anti-fraud activities. However, we understand from the EIB that there are few allegations of fraud, and as a result no avenues of co-operation with Turkish judiciary have been set up.
- It was not possible to determine the extent to which the recommendations of the 2009 Report of the Court of Auditors have been implemented, although some of the criticism would seem to be still valid.
- While specific evidence of the extent to which EIB financing operations contribute to the general principles guiding EU external action was not found, data as regards types of projects funded (energy, transport and credit lines) suggest that this is probably the case.
- Although EU firms may have benefitted indirectly from EIB funded projects in Turkey, we have found no evidence of EIB funds being used to attract investments to Turkey, that could have gone to the EU.
- It should be noted that we were only able to assess publicly available information on loans to Turkey.

3.1 INTRODUCTION

The European Investment Bank is the largest foreign financier in Turkey and has been active in financing projects there since the mid-1960s. Following the opening of the accession negotiations in 2004, the EIB stepped up its lending operations to the country and some EUR 23 billion has been made available over the past decade. Turkey currently ranks first among EIB recipient countries outside the EU as the destination of some 3.5% of total EIB loans (2015).

Figure 14: EIB lending to Turkey 2005-15 (million EUR)

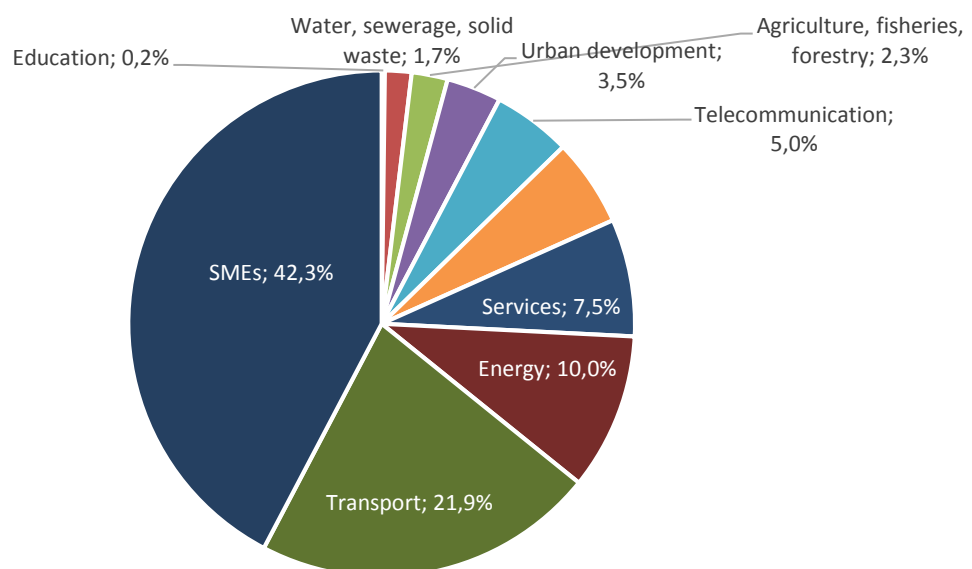


Source: EIB

The EIB Group's role is to support Turkey's economic development and assist the country in its pre-accession phase to the EU. Lending priorities are set in reflecting the national and EU priorities, in close consultation with the Turkish Treasury and the EC. There are three main 'pillars':

- Corporate sector – this includes loans for energy projects (including renewables, combined heat and power), R&D, Foreign Direct Investments (telecom, automotive, etc.).
- Public sector support - i.e. transport (national flagship projects such as the Istanbul Ankara high speed railway, Marmaray tunnel, and Eurasia Tunnel PPP), the environment / local infrastructure (e.g. water, waste water, metro, light rail, earthquake risk mitigation); climate change (afforestation, flood prevention) and investment in human capital (R&D through TUBITAK and YÖK).
- Co-operation with banking sector (public and private) – there the focus is on SMEs (the EIB reaches SMEs through extensive cooperation with local banking partners), energy efficiency and renewable energy, the environment, and municipal infrastructure.

Figure 15: Sectoral breakdown of EIB loans to Turkey 2005-15



Source: EIB

The largest part (42%) of the EIB portfolio of loans to Turkey is accounted for by loans to SMEs, followed by transport project (22%) and support for energy projects (10%). The chart above provides a sectoral breakdown.

To take the most recent year for which data are available, in 2015 the EIB signed loans amounting to EUR 2.3 billion to support investment in Turkey. EIB financing to SMEs and midcaps accounted for the largest single proportion of loans with a total value of EUR 1.3 billion (56%). Loans to SMEs were channelled through the EIB's partner banks in Turkey (Eximbank, Finansbank, Garanti Bank, Halkbank, Isbank, Sekerbank, Industrial Development Bank of Turkey (TSKB), Vakifbank, Yapi Kredi and Ziraatbank).

Examples of recently-approved EIB loans in the key sectors include:

- In the area of sustainable urban transport, a EUR 295 million loan was signed in 2015 with the Municipality of Istanbul for the construction of a new underground metro line on the European side of the city between Mahmutbey and Kabatas.
- Strengthening the science system and improving research and innovation capacity in the Republic of Turkey – EIB funding of EUR 375 million was granted for a project aimed at strengthening the research and innovation capacity of Turkey by co-financing the national academic research and development (R&D) programme and the industrial R&D programme managed and implemented through the Scientific and Technological Research Council (TÜBİTAK).
- A EUR 900 million loan to help strengthen public buildings in Istanbul and increasing the city's resistance to major earthquakes. The EIB finances the Turkish Government's large-scale earthquake investment and preparedness programme together with the World Bank. The financing mainly supports the health and education sectors in retrofitting existing public buildings and implementing earthquake risk minimisation and prevention-related projects both in Istanbul and in the wider Marmara earthquake area.

Overall, there is a quite diversified EIB portfolio split in Turkey in terms of products, mandates and public / private weighting.

Also worth highlighting are the European Investment Fund (EIF) operations in Turkey. The EIF has been providing venture capital, private equity and guarantees to partners and financial intermediaries in Turkey for over 10 years.

The EIF has played a major role in promoting the development of a sustainable SME financing market in Turkey. Jointly with its local public and private partners - the SMEs Development Organisation of Turkey (KOSGEB), the Technology Development Foundation of Turkey (TTGV), the Development Bank of Turkey (TKB) and Garanti Bank – EIF laid the groundwork for supporting access to finance for SMEs through the development of the private equity market.

The EIF also operates the Instrument for Pre-Accession Assistance (IPA) funds. This initiative aims to commercialise applied research from universities and scale up the technology transfer market in Turkey, with the aim of creating positive spill-over effects on less developed regions. The first fund, 'Diffusion Capital' (DCP) involved a EUR 26.3 million IPA commitment and reached a final closing of EUR 30 million in April 2015 involving five additional investors. The second fund, 'Accelerating the Commercialisation of Technology' (ACT), committed EUR 18.3 million IPA financing and resulted in a final closing of EUR 22.5 million in July 2015 with one additional investor.

3.1.1 EIB Operating Framework

The EIB has a number of guiding principles to help ensure that its operations in Turkey (and elsewhere) are aligned with good practices. Apart from prudential lending rules, the framework is made up of guidelines relating to anti-fraud and to the monitoring and evaluation of interventions to help ensure they achieve the intended objectives. These guidelines are relevant to answering several questions in the EP terms of reference, notably those on good (and less good) practices and the compliance of EIB operations in Turkey with the general principles of the European Union.

3.1.1.1 External lending mandate and loan specific framework

The EIB's lending beyond the EU is guided by objectives set by the EU or the Member States. These are given in the 'External Lending Mandate', the Cotonou Agreement and under dedicated facilities for own risk lending. The EIB's External Mandate covers 68 countries and/or territories in four regions: pre-accession countries; the EU's Southern and Eastern Neighbourhood and Russia (MED and EAST); Asia and Latin America (ALA); and the Republic of South Africa. The Cotonou Partnership Agreement covers operations in the 78 African Caribbean and Pacific States (ACP) States. Non-EU destinations accounted for some 10% of total EIB loans in 2015.

All EIB lending outside the EU supports one or both of two key objectives: local private sector development and the development of social and economic infrastructure. Many projects also support two cross-cutting objectives: climate change mitigation and adaptation, and regional integration. The over-arching objective of the Cotonou Agreement is to reduce and eventually eradicate poverty, in line with the objectives of sustainable development and the gradual integration of the ACP countries into the global economy.

Outside the EU the Bank uses the Results Measurement (ReM) Framework not only to strengthen the appraisal process, but to enhance the Bank's ability to monitor the actual results achieved, tracking results throughout the project cycle. It thereby complements the EIB's due diligence and monitoring processes. At the outset of a loan, sector-specific, standardised and measurable indicators are identified and projects are rated according to three 'pillars'. Baselines and targets are set to capture expected economic, social and environmental outcomes of the operation. This approach reflects the framework used for EU expenditure programmes generally.¹³⁹

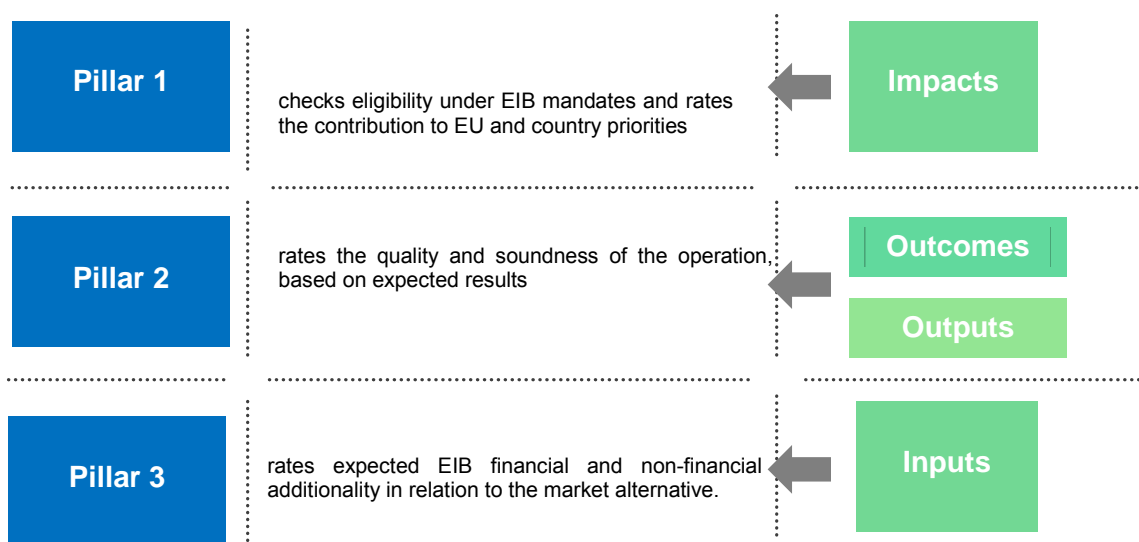
A key principle of EIB loans is that they should demonstrate additionality, i.e. the intervention achieves results that would have been difficult or impossible to achieve without the Bank's support. In seeking to maximise additionality, it is envisaged that the EIB's contribution will go beyond the standard market alternative. According to the EIB's last annual report on results outside the EU,¹⁴⁰ in a very large majority of operations, the additionality of EIB support is rated significant (72%) or high (14%). The degree of additionality provided in each case reflects the needs of projects and promoters – it will be higher for

¹³⁹ The Financial Regulation requires SMART (specific, measurable, achievable, relevant and time-bound) objectives to be established for all policy measures covered by the EU budget. They should be set out in the annual activity statements as part of the activity based budgeting and management processes. However, the Commission did not include such objectives in the activity statements for pre-accession expenditure in Turkey. The 2006 Accession Partnership had 236 priorities for Turkey to meet the *acquis* requirements and address the Copenhagen criteria. However, the Accession Partnership priorities were not consistently stated in specific, measurable terms. In 2007, the Commission introduced a Multi-annual Indicative Planning Document (MIPD). This is a broad strategy document intended to set the main priorities that should be addressed with the IPA funds over the following three years. The MIPD is an essential tool for this purpose and has potential to better direct EU funding. However, the level of aggregation limited how specific it could be. For some areas, the document did little more than restate the relevant Accession Partnership priorities.

¹⁴⁰ European Investment Bank, '2014 Report on Results Outside the EU', 2015.

complex projects in less developed regions, and less pronounced where the EIB is dealing with highly experienced promoters or sophisticated intermediary banks.

Figure 16: EIB’s Results Management (ReM) framework



Source: EIB

Performance against benchmarks set at the loan agreement stage is monitored throughout a project’s life and reported at two major milestones. For direct investments, results are reported at project completion and again three years after completion. For intermediated operations results are reported at the end of the allocation period (credit lines) or at the end of the investment period (equity funds). Equity fund results are reported again at the end of the fund’s life. To the extent possible, ReM indicators have been harmonised with those of other international financial institutions, European development finance institutions and EU development agencies to simplify client reporting requirements for co-financed operations.

3.1.1.2 Monitoring and evaluation

In addition to the Anti-Fraud Policy, the EIB has an in-house evaluation function (Operations Evaluation or EV) which is assisted by external consultants, especially where a large amount of data collection is required. EIB departments directly involved in operations are also expected to make a contribution by monitoring loans and other interventions in a way that makes subsequent evaluation possible. The EV’s mandate and operating principles are set out in EIB guidelines¹⁴¹ which state that:

“EV focuses on the quality and the results of the EIB Group’s operations within the framework of relevant EU policies (the Treaty, Directives, Council Decisions, Mandates, etc.) and the decisions of the EIB Governors. EV independently and systematically evaluates both public and private sector operations supported by all types of financial resources as well as related policies and strategies. Evaluations may identify aspects of EU policies which may need to be reviewed by the appropriate bodies to enable the EIB Group to implement its operations better.”

The purpose of an EV evaluation is to assess the EIB’s operations with a view to identifying aspects which could improve operational performance, accountability and transparency. The type of assessment undertaken is usually an ex-post evaluation, i.e. an assessment that is undertaken once an

¹⁴¹ European Investment Bank, ‘Operations Evaluation (EV) Terms of Reference’, September 2009, http://www.eib.org/attachments/thematic/ev_terms_of_reference_2009_en.pdf.

operation has been concluded. The guidelines stress that EIB Group operations are assessed using “internationally accepted evaluation criteria (based on relevance, effectiveness, efficiency and sustainability)”. Both the financial and non-financial aspects of an intervention are assessed.

3.1.1.3 EIB’s anti-fraud and anti-corruption policies

Responsibility for combatting fraud and corruption in the EIB’s operations lies with the Fraud Investigations Division (IG/IN) which is responsible for launching and carrying out investigations.¹⁴² It collaborates closely with OLAF as well as its counterparts in other international financial institutions.

The Bank’s key reference documents to combat bad practices are the EIB’s Anti-Fraud Policy¹⁴³ and the ‘Procedures for the Conduct of Investigations’. These documents are based on the ‘Uniform Framework’ agreement reached by the International Financial Institution (IFI) Anti-Corruption Task Force in September 2006 which harmonises the definitions of prohibited conduct across the IFIs. Prohibited conduct includes corruption, fraud, coercion, collusion, obstruction, money laundering and the financing of terrorism. The EIB’s Guide to Procurement contains a number of measures to ensure transparency and integrity in procurement.

At the loan appraisal stage, the EIB performs a ‘Know Your Customer’ (KYC) due diligence on all new counterparts and a due diligence of all new operations in order to detect possible compliance or integrity concerns. Operational departments are the first line of protection in preventing Prohibited Conduct through the project appraisal process. They are the first line of detection for possible integrity concerns during the project appraisal process given their knowledge of the potential promoters, borrowers and the circumstances in which the project will be undertaken. Integrity concerns arising during the loan appraisal process will be reported on a timely basis to the EIB’s Office of the Chief Compliance Officer. After a loan is approved, in addition to routine monitoring of projects, EIB’s Fraud Investigations Division may carry out a Proactive Integrity Review (PIR)

Outside the European Union, the EIB has implemented a number of measures to ensure that equivalent standards of protection and measures to prevent and deter Prohibited Conduct exist as within the EU.

3.2 GOOD AND BAD PRACTICES IN THE USE OF EIB LOANS TO TURKEY

To what extent have EIB loans provided to Turkey been the subject of good or bad practices, and what are the lessons to be learned?

The last section has set out the framework that can be used to help assess the extent to which EIB loans provided to Turkey have been the subject of good or bad practices. Below we assess the available information on the extent of fraud and corruption, as well as prudential lending practices and monitoring and evaluating financial interventions.

Overall, we found it difficult to obtain any publicly available information that could be used for an assessment of this question. Written sources are limited to the EIB’s own documentation, namely a

¹⁴²The Fraud Investigations Division is one of four Divisions (the others are Internal Audit, Evaluations and Complaints Mechanism) making up the EIB’s Inspectorate General (IG).

¹⁴³ European Investment Bank, ‘Anti-Fraud Policy - Policy on Preventing and Deterring Prohibited Conduct in European Investment Bank Activities’, 2013, http://www.eib.org/attachments/strategies/anti_fraud_policy_20130917_en.pdf.

The legal basis for the EIB Anti-Fraud Policy and the authority for EIB to conduct investigations stems from: (i) Article 325 of the Treaty on the Functioning of the European Union (TFEU); (ii) Article 18 of the EIB Statute; (iii) Council Regulation (EC, Euratom) No 966/2012 of 25 October 2012; (iv) EIB Board of Governors’ Decision of 27 July 2004 concerning EIB’s cooperation with OLAF.

report on its lending activities in Turkey (reviewed earlier), the last annual report on the EIB's anti-fraud activities, and a Court of Auditors report on EU pre-accession finance for Turkey.

3.2.1 Evidence of fraud and corruption

Taking the question of fraud first, according to the EIB's most recent report on anti-fraud activities:¹⁴⁴

- In 2014, the Fraud Investigations Division (IG/IN) received a significantly increased number of allegations compared to previous years (116, which is 25% higher than the average for 2011-2013).
- 43 (37%) of cases emanate from or were primarily connected with non-EU Member States (the Balkans and Eastern Europe, the Middle East, ACP, Asia and Central America (ALA) compared to 40% in 2013 and 39% in 2012); •
- Overall, 31% of cases closed in 2014 resulted in a finding that the allegation was at least partly proven, which is similar to 2013 (38%).

There is no specific mention of Turkey in the annual report on anti-fraud activities (or any mention of other individual countries) and it therefore not possible to use it as a source of information on good and/or bad practices in relation to anti-fraud and corruption associated with EIB operations in the country. In general, however, it seems that whilst the number of cases dealt with by IG/IN has tended to increase over the years, the proportion of these cases accounted for by EIB operations in non-EU member states has remained at about the same level. The extent to which this is also true specifically for Turkey is not possible to ascertain in detail. According to feedback from an interview with an official from the EIB's Fraud Investigation Division (who has been there since 2010 and was not aware of the ECA Report) there have been very few fraud allegations as regards loans to Turkey. Hence no avenues for co-operation with local judiciary authorities were explored. One instance occurred of a bank (an EIB intermediary) that was investigated, in view of the lack of avenues for co-operation with the Turkish judiciary, the EIB could not follow up and investigate that instance itself. There have been a small number of other allegations but these have not been followed up by investigations for the reason mentioned above.

More generally, according to the European Commission (DG Migration & Home) Business Anti-Corruption Portal,¹⁴⁵ corruption is widespread in Turkey's public and private sectors. Politics, public procurement and construction projects are particularly prone to corruption, and bribes are often demanded. Transparency International (TI) Turkey's 2014 report, the 'Overview of Corruption and Anti-Corruption in Turkey' reported that Turkey was hampered by a lack of coordinated and strategic approach to anti-corruption and that government accountability continued to be low. Transparency International argued that problems with public procurement had increased in the last decade and noted allegations that some state-owned enterprises enjoyed preferential treatment. The report said that Turkey's public procurement law, which came into force in 2001, had been violated and subjected to change.

Overall, there is no evidence to suggest that the EIB's operations in Turkey are conducted in a way that is inconsistent with the Bank's anti-fraud and corruption guidelines. Clearly, there could be fraudulent and corrupt practices in relation to the activities of EIB loan beneficiaries, e.g. in the sphere of public procurement, but it is beyond the scope of this research to determine whether is the case or not.

¹⁴⁴ European Investment Bank Group, 'Annual Report on Anti-Fraud Activities - 2014', 2015,

http://www.eib.org/attachments/general/reports/ig_fraud_investigations_annual_report_2014_en.pdf.

¹⁴⁵ GAN Integrity Solutions, ApS, 'Business Anti-Corruption Portal - Compliance Resources', n.d., <http://www.business-anti-corruption.com/>.

3.2.2 Management of EIB loans to Turkey

The EIB's operations in Turkey, as elsewhere, are conducted in a way that is consistent with prudential banking practices. This includes a detailed appraisal of the financial and non-financial case for a loan at the project appraisal stage, and various controls and checks at subsequent stages in the project life cycle.

Putting the purely banking aspects aside, there are a number of other issues relating to how the performance of lending operations is assessed that also need to be examined, namely practices with regard to monitoring and evaluation.

In 2009, the Court of Auditor published a report on 'The European Commission's management of pre-accession assistance to Turkey'.¹⁴⁶ Although limited to grant-funded programmes managed by the European Commission, some of its findings are also potentially relevant to EIB operations in Turkey. Overall, the Court found weaknesses in the European Commission's management of pre-accession assistance to Turkey in the TPI period. The main criticisms are summarised below:

- There was no mechanism to ensure that the projects proposed and selected were those that represented the best use of EU financial resources in achieving the Accession Partnership priorities. More specifically, it was argued that: "the Council and Commission strategy documents were insufficient in directing the EU assistance towards an achievable set of objectives within the pre-accession process. Moreover, the strategic and project objectives were not sufficiently specific to allow an assessment of the project outcomes."
- Secondly, the report asserts that the "TPA [Turkey Pre-Accession Instrument] project selection was not sufficiently guided by the Accession Partnership priorities". It was argued that an effective process is necessary to ensure that the bottom-up project identification nevertheless meant that projects being developed and approved that are designed to achieve Accession Partnership priorities. Another criticism was that "TPA project objectives and indicators were insufficient for performance monitoring". Here the problem was that project objectives and expected results were not SMART or RACER.¹⁴⁷
- A further criticism concerned the absence of baselines — the starting point against which to measure improvement — made any assessment of the extent to which projects achieved their objectives almost impossible". Although these conclusions applied to pre-accession grant programmes, it could apply just as easily to EIB projects.

The Court of Auditor's report was produced in 2009 and made a number of recommendations, some of which will probably have been implemented by now. However, some of the comments summarised above are almost certainly still valid.

3.2.3 Example – EIB loan to promote Research, Development and Innovation programmes

A good example of the EIB's approach to monitoring and evaluation its loan operations in Turkey – and that of the Turkish authorities in relation to EIB interventions in the country – is provided by material in a recent EIB study entitled 'Evaluation of the EIB's contribution to Europe's knowledge economy'. This assignment, which was carried out in 2014-15 and has subsequently been published, covered a number of EU Member States as well as Turkey.

¹⁴⁶ European Court of Auditors, 'The European Commission's management of pre-accession assistance to Turkey'.

¹⁴⁷ SMART = Specific, Measurable, Achievable, Relevant, and Time-bound); RACER = Relevant, Accepted, Credible, Easy, and Robust.

The research (carried out by EV with external support) was based on a sample of 58 loans including several credit lines to support Turkey's Research, Development and Innovation (RDI) programmes and projects implemented through the Scientific and Technological Research Council (TÜBİTAK). The EUR 400 million EIB loan (47.7% of the total project cost, the remaining part of the funding being covered by the national budget) was used to co-finance Turkey's national contribution to the Research, Development and Innovation (RDI) programmes. The eligible programmes ranged from academic research measures to R&D facilities such as for laboratories and scientific equipment.

Taking the above-cited 2009 Court of Auditor's report in relation to European Commission pre-accession programmes in Turkey, some but not all of these criticisms would appear to also apply to EIB operations, at least as evidenced by the case of the loan to TÜBİTAK.

Firstly, the criticism that there was no mechanism to ensure that the projects proposed and selected were those that represented the best use of EU financial resources in achieving the (Accession Partnership) strategic priorities does not seem to apply to the EIB loan to TÜBİTAK which was clearly linked to the aim of Turkish policy to strengthen the knowledge-base of the economy as a way of escaping from the 'middle income trap' as well as EU policies with regard to Turkey's participation in the European Research Area. However, the Court's criticism that (TPI) project objectives and indicators were insufficient for performance monitoring also applies to the EIB intervention where there seems to have been an absence of targets for the outcomes to be achieved by the loan assistance beyond simply contributing to the development of RDI in Turkey. A related point highlighted by the Court's report also applies to the EIB, namely the absence of baselines although here the criticism is only partially valid.

Otherwise, financial and non-financial aspects of the EIB loan to TÜBİTAK seem to have been subject to a thorough appraisal before the facility was approved to ensure that the case for a loan is fully justified and the intervention has a good chance of achieving its aims.

The EIB loan appraisal system involves a number of stages and criteria culminating in a report that is submitted to the Board for approval. As noted above, normal prudential banking practices are applied. However, financial additionality – a key consideration that goes beyond purely financial factors in justifying an intervention - seems to be generally rather narrowly interpreted by the EIB and seen as lying in factors such as the relatively low interest rates offered by the Bank compared to the commercial banking market and long-term duration of loans. But additionality was also assessed at the macro-economic level and considered to have been demonstrated by the fact that because of the difficult financial and economic circumstances prevailing around the time when the EIB loan to TÜBİTAK was approved, without the loan, Turkish Government spending on RDI programmes would have had to have been reduced, or at best remained constant, whereas overall expenditure in fact increased by 4% over the period 2007-11.

Overall, the evaluation concluded that the project had made an important contribution to funding Turkey's strategy to develop the knowledge economy which, in turn, was central to its aim of making a transition from a 'developing' to 'developed' country ('escaping from the middle income trap'). The 'satisfactory' ratings for most key evaluation issues reflect the fact that there is relatively little hard data on project and programme outcomes.

3.2.4 Conclusions and lessons to be learnt

The evaluation of the EIB loan to TÜBİTAK highlights some points that almost certainly apply more generally to the Bank's interventions in Turkey, albeit in varying degrees.

Firstly, until recently, there has been no systematic monitoring of project outcomes by the Turkish authorities. Thus, to take TÜBİTAK as an example, the only monitoring activity being undertaken at the time when the study took place was to collect 'success stories', i.e. examples of successful projects that could be used to help publicise the positive role of EIB operations in the country. However, we understand that since 2013 TÜBİTAK has started undertaking surveys of beneficiaries across the 23 programmes it operates (as well as some rejected applicants) to obtain feedback on the benefits of its activities. This is a good start but there is clearly scope for further development of evaluation practices and a more widespread evaluation culture.

Secondly, whilst an assumption tends to be made, almost certainly correctly, that EIB loans will have a positive long-term impact, there is very little hard evidence to back this up. Short of EIB personnel from EV undertaking in-depth studies to assess loan operations, which is clearly impractical given the large number of interventions, the information required to improve the understanding of longer term impacts can only come from the Turkish authorities themselves. The development of Turkey's evaluation capacity should therefore be a priority. Development of performance indicators for different programmes and data collection methods including 'self-evaluation' by beneficiaries, as well as capacity building for Turkish authorities' personnel, would all be important in this respect. To help develop the necessary capacity, future EIB loans could include a financial provision for project monitoring and evaluation activities. This is already done with most European Commission grant-funded programmes including the Structural Funds.

3.3 COMPLIANCE WITH GENERAL EU PRINCIPLES

Have loans been used 'in compliance with the general principles of the European Union'?

It is required that EIB financing operations 'should contribute to the general principles guiding Union external action'. These are:

- Promoting and consolidating democracy and the rule of law, human rights and fundamental freedoms; and
- The implementation of international environmental agreements to which the Union is a party.' Of particular interest in this regard is the extent to which directly and indirectly funded projects have addressed environmental and social concerns.

The EIB's *Environmental and Social Handbook* (2013) provides an operational translation of the EIB's *Statement on Environmental and Social Principles and Standards* (2009), with guidelines that are clear, decisive and designed for partners, loan beneficiaries and third party operators to follow. It describes the EIB's due diligence processes involved in lending decisions, and sets out ten environmental and social Standards that recipients of EIB loans must comply with.

Human rights considerations are an integral feature of the Handbook that states that EIB restricts its financing to projects that respect human rights, and effectively integrates human rights and promotes robust, human-rights-responsive due diligence processes. Central therein is a human rights mitigation hierarchy premised on the principle of remedy, a focus on the materiality of risk to affected persons, and considerations of likelihood, severity and frequency of human rights impacts anticipated, thereby ordering the prioritisation of mitigation measures accordingly. The relevant social Standards are:

- Involuntary resettlement;
- Rights and interests of vulnerable groups;
- Labour standards;

- Occupational and public health, safety and security;
- Stakeholder engagement.

A recent report on *EU Engagement with Non-State Actors*¹⁴⁸ found that EIB’s experience of incorporating human rights norms into its project activities could serve as a useful template for other IFIs, and that the EU should actively facilitate this exchange and commence a more regular dialogue with the other IFIs on the subject of human rights.

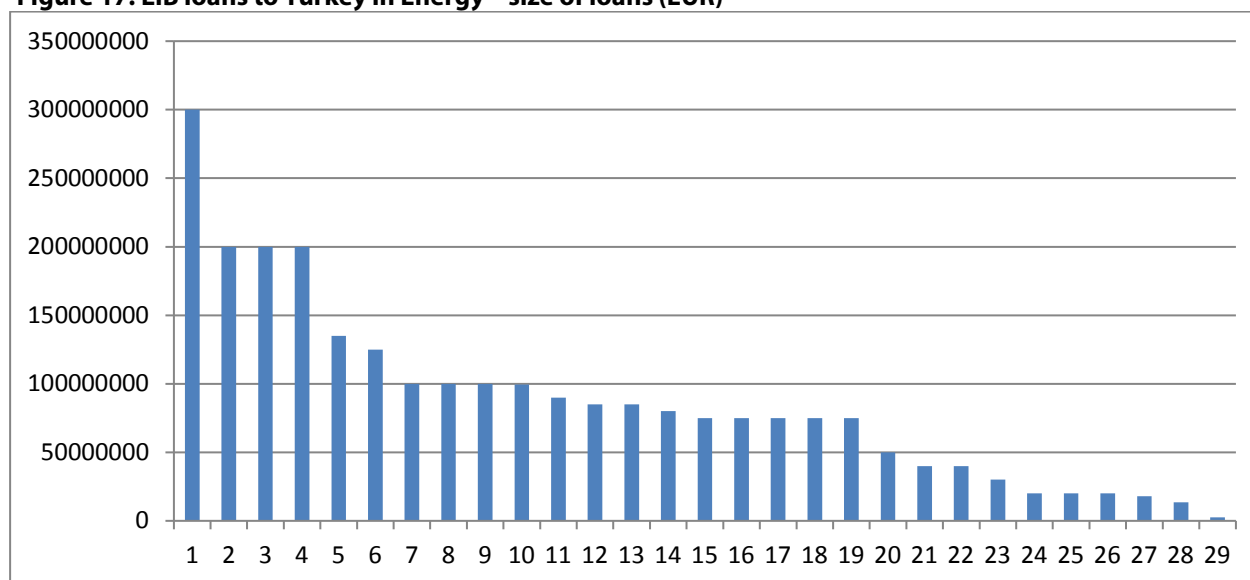
Section B.3.1 of the Environmental and Social handbook sets out what is expected in terms of monitoring in the course of follow-up and implementation of operations to ensure compliance with the EIB’s obligations and objectives. Promoters need to be able to present evidence to this end.

According to data on the EIB website, the EIB has made 237 loans to Turkey since 1995, amounting to approximately EUR 25.5 billion, of which approximately 40% (by number and volume) were for credit lines, followed by transport (21% by volume) and energy (10% by volume).¹⁴⁹ In addressing this question, we focus on the three largest sectors that between them have accounted for approximately 70% of EIB loan funding: credit lines, transport, and energy.

3.3.1 Energy

As regards the three categories of loan under consideration, 29 loans were made in the category “energy” between 1995 and 2015. Since the end of 2009 these have specifically aimed at developing renewable energy or increasing energy efficiency. The sizes of these loans range from EUR 2.5 million to EUR 300 million, with an average (arithmetic mean) of EUR 87 million.

Figure 17: EIB loans to Turkey in Energy – size of loans (EUR)



Source: EIB

¹⁴⁸ Leuven Centre for Global Studies.

¹⁴⁹ European Investment Bank, ‘Turkey Finance Contracts Signed’, *European Investment Bank*, 2015, <http://www.eib.org/projects/loans/regions/enlargement/tr.htm?start=1990&end=2015§or=>

Examples of typical projects are set out in Table 17 below.

Table 17: Examples of loans in Energy

PROJECT	DATE SIGNED	VALUE (EUR M)	SUMMARY
ENVIRONMENT & ENERGY FRAMEWORK LOAN II	10/12/2009	300	Financing of environmental and energy projects
YAPI KREDI CLIMATE CHANGE FACILITY	17/12/2010	200	Financing of renewable energy, energy efficiency and climate change mitigation projects
SAMSUN COMBINED CYCLE POWER PLANT	15/11/2011	100	Construction of gas-fired combined-cycle power plant in Samsun province (eastern Turkey)
VAKIFBANK CLIMATE CHANGE FACILITY	09/12/2011	75	Framework loan for financing eligible renewable energy and energy efficiency projects
ENERGY EFFICIENCY COFINANCING FACILITY	15/07/2013	50	Framework loan to support energy efficiency projects across the country
OSMANIYE WIND FARM	08/05/2009	30	Construction of 135 MW wind farm in Osmaniye region (eastern Turkey)
GREEN FOR GROWTH FUND II	03/12/2013	25	Increase of EIB investment in the Green for Growth Fund, targeting energy efficiency and smaller renewable energy investments in the South-Eastern Europe and Eastern Neighbourhood regions

Source: EIB

These projects include specific environmental/ climate-related objectives. Further information about some of these projects is provided below.

The Environment & Energy Framework Loan II - the promoters (financial intermediary) for this loan are TSKB and the Development Bank of Turkey (TKB). The operation follows the successful implementation of the initial facility signed in 2008. It is dedicated to financing environment and energy investments in Turkey through a framework loan structure.

The objective is that sub-projects financed through the facility will be small to medium sized investments with a total cost up to EUR 50 million. The facility mainly targets renewable energy, energy efficiency and pollution abatement investments as well as other investments with a significant positive environmental impact.

Environmental aspects: all investments financed from the resources made available by the Bank are required to comply with the relevant national legal framework and with the EU environmental policy and the environmental acquis, as appropriate and in particular the Environmental Impact Assessment (EIA) Directive (as amended), the Habitats and Birds Directives and the relevant sectoral environmental legislation, in such a way that the main principles and requirements of the EU EIA Directive will be fully respected.

Vakifbank Climate Change facility - the promoter for this project is Türkiye Vakıflar Bankası A.Ş. It is financing climate change related investments carried out by small businesses and midcap companies

throughout Turkey. The funding is provided within the framework of a joint financing programme, the Mid-size Sustainable Energy Financing Facility (“MidSEFF”), provided with the European Bank for Reconstruction and Development (EBRD). It comes as the third operation signed within MidSEFF. The facility includes a Technical Assistance component funded by the European Commission from IPA funds.

The loan facilitates the support of a series of small and medium sized private sector investments in renewable energy, industrial energy efficiency and waste-to-energy projects in Turkey, which contribute to the country’s security of energy supply, while supporting the European climate change policies, falling thus within a European Investment Bank (EIB) priority objective. It demonstrates the EIB’s sustained commitment to smart growth in Turkey, as it helps Turkey to reach its target of 30% energy generation from renewables by 2023.

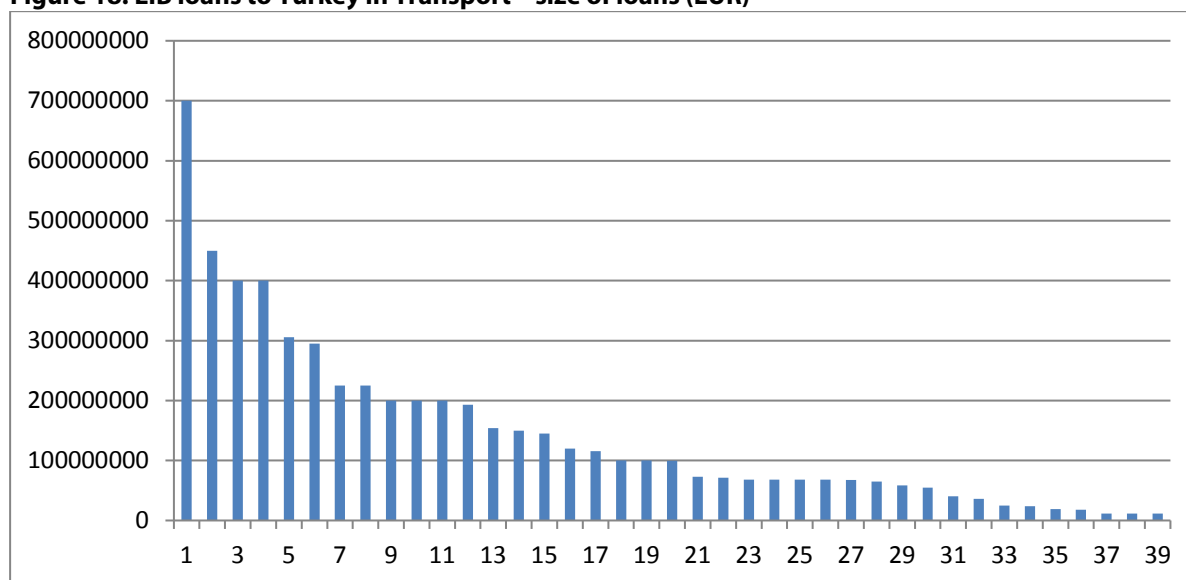
The individual schemes could be categorised as Annex I or II-type projects under the EIA Directive, which would require respectively a mandatory EIA or a review by the competent authority for the need to conduct one. The Bank will assess the promoter’s capacity and procedures to ensure compliance with national and European environmental and biodiversity regulations as well as its capacity to support the Bank’s Public Disclosure Policy.

In conclusion, although a detailed review of each project in this category is beyond the scope of this assignment, the preceding examples suggest that these loans do meet the requirements as regards EU external action in addressing environmental concerns.

3.3.2 Transport

In the case of **loans in the transport** field, 39 loans were made ranging in value from EUR 11.6 to EUR 700 million, with an average (arithmetic mean) size of EUR 144.5 million.

Figure 18: EIB loans to Turkey in Transport – size of loans (EUR)



Source: EIB

Examples of typical loans in “Transport” are provided in Table 18.

Table 18: Examples of loans in Transport

PROJECT	DATE SIGNED	VALUE (EUR M)	SUMMARY
ISTANBUL UNDERGROUND RAIL NETWORK	18/12/2015	295	Construction of a new 23 km underground metro line in Istanbul.
BOSPHORUS TUNNEL TRANCHE B	08/05/2014	200	Additional financing of the Bosphorus Tunnel project "Marmaray", a rail tunnel crossing underneath the Bosphorus Strait to link the commuter lines on the European and Asian sides of Istanbul
ISTANBUL-ANKARA RAILWAY TRANCHE B	10/06/2013	200	Construction of electrified high-speed line between Ankara and Istanbul
TURKISH AIRLINES - RENEWAL & EXPANSION	08/09/2008	100	Fleet renewal and expansion
BOSPHORUS TUNNEL	09/12/2005	450	Construction of tunnel including section under Bosphorus and upgrading of rolling stock and existing rail network

Source: EIB

The main headings that these loans fall under are:

- For the fleet of Turkish Airlines, between 2006-2008 for renewal and expansion, 10 loans worth EUR 500 million;
- For the Bosphorus tunnel, between 2004 and 2014, four loans worth EUR 1.25 billion, covering the construction of the tunnel including the section under the Bosphorus and upgrading of rolling stock and existing rail network; and purchase of trains to operate commuter services on the Bosphorus tunnel and commuter rail system in metropolitan area of Istanbul;
- For Istanbul, 12 loans related to urban transport, developing the underground rail network and a rail link with Ankara, worth some EUR 2.48 billion.

Some details about individual projects are provided below.

Istanbul Underground Rail network - the promoter/ financial intermediary for this loan is Istanbul Buyuksehir Belediyesi. The project involves construction of a new 23 kilometre underground metro line in Istanbul, on the European side of the city between Mahmutbey and Kabatas.

The project is expected to generate savings in user time, vehicle operating costs, road accident costs, local air/noise emissions as well as a reduction in greenhouse gas emissions as a result of the expected modal shift of passengers from road to rail.

If situated within the EU, the project would fall under Annex II of Environmental Impact Assessment EIA Directive 2011/92/EU and therefore be subject to a screening decision of the competent authority. In this case, the project was screened out based on an environmental assessment prepared in 2007. These documents will be reviewed and assessed during the appraisal to ensure compliance with the EIB's environmental and social standards.

The Bank requires the promoter to ensure that for works to be financed by the proposed EIB loan, procurement procedures are carried out in accordance with the Bank's Guide to Procurement.

Istanbul-Ankara Railway Tranche B - Investment Loan – the Promoter – Financial Intermediary for this loan was The General Directorate of State Railways Administration (TCDD). The project involves construction of a 490 kilometer new high-speed railway line along the Istanbul-Ankara corridor.

The provision of high-speed rail services between the two most populous cities of the country cuts travel time between the cities significantly, providing a modern connection attractive to customers. The total cost (approximate) is estimated to be in the order of EUR 3.5 billion.

The original project was appraised in 2004/5 for compliance to the then prevailing EIB environmental policy and found to be acceptable subject to conditions. The project has, in part, been implemented as originally intended and in accordance with relevant original environmental decisions. However, for technical reasons, certain sections have had to be realigned. Depending on the scope of such realignments, some or all may fall under Annex 1 or Annex II of the Directive and may require a new EIA procedure. This is to be further appraised.

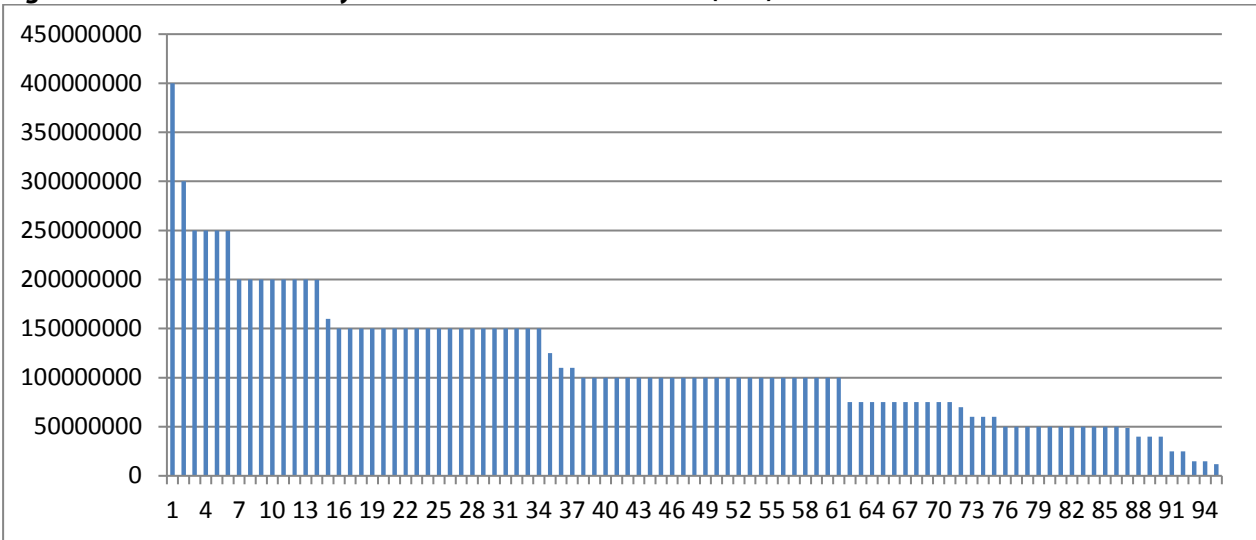
The promoter of the project, the Turkish State Railways / TCDD, has undertaken to comply with the Bank’s procurement guidelines, including international tendering. Major parts of the project have already been tendered drawing significant competition from major international railway contractors. The section Gebze-Kosekoy, which is being financed with Instrument for Pre-Accession Assistance (IPA) funds from the EU, is being procured by the Turkish Central Finance and Contracts Unit in accordance with EU procurement procedures. This is unlike all other sections, which are being procured by TCDD under EIB procurement guidelines.

The preceding paragraphs suggest that the loans in the category “Transport” also are subject to robust environmental as well as social impact scrutiny. Projects have usually included environmental impact assessments and where social and cultural matters occur, for example effects on historic buildings, those matters are also assessed and mitigation measures proposed and approved before projects are proceeded with.

3.3.3 Credit lines

As stated above, the 97 loans provided **for credit lines** make up the largest category of EIB loans, some EUR 10.8 billion. Values range from EUR 12 million to EUR 400 million, with an average value (arithmetic mean) of EUR 112 million.

Figure 19: EIB loans to Turkey for credit Lines – size of loans (EUR)



Source: EIB

Table 19 provides examples of the loans in question.

Table 19: Examples of loans for Credit Lines

PROJECT	DATE SIGNED	VALUE (EUR M)	SUMMARY
ZIRAATBANK LOAN FOR SMEs AND MIDCAPS	08/07/2014	100	Financing of small and medium-scale projects carried out by SMEs and midcaps
VAKIFBANK ADDITIONAL LOAN FOR SMEs	19/12/2013	100	Financing of small and medium-scale ventures undertaken by municipalities or municipality-related entities
GARANTI BANK LOAN FOR SMEs	08/12/2011	25	Financing of small and medium-scale projects carried out by SMEs, primarily in manufacturing and services sectors
GREATER ANATOLIA SME LOAN	22/10/2010	75	Financing of small and medium-scale projects carried out by SMEs located in least-developed provinces of eastern Turkey
SMALL BUSINESSES GLOBAL LOAN	08/06/2009	150	Financing of small and medium-scale projects, with particular focus on smaller businesses

Source: EIB

Since 2012 it has been possible to include mid-caps with SME loans. More details are provided as regards three of the above loans.

Vakifbank Municipal Global Loan - for this project the promoter – Financial Intermediary was Turkiye Vakiflar Bankasi TAO. This was a dedicated loan for the financing of investments of limited size undertaken by Municipalities and Municipality related entities. The operation was focused on improving the public service and infrastructure, thus improving the quality of life of the inhabitants and the economic climate and prospects to attract investments in regions served by such municipalities.

Final beneficiaries are requested to comply with applicable national and EU legislation, as appropriate.

Garanti Bank Loan for SMEs - the promoter – Financial Intermediary in this instance was Turkiye Garanti Bankasi A.S. The loan in question is a dedicated EIB Loan for SMEs for the financing of small and medium scale productive investments across Turkey. The objective is to enhance the prospects for economic growth and employment in Turkey through the provision of long-term financing for small/medium scale projects undertaken by small and medium sized enterprises. Final beneficiaries are requested to comply with applicable national and EU legislation, as appropriate.

Greater Anatolia SME Loan (Turkey) - in this instance the promoter – Financial Intermediary is five to six Turkish banks selected by the EIB in coordination with the Turkish Treasury and the EC as intermediaries for the facility. The loan will support the financing of SMEs located in the least developed provinces of East Turkey having an income per capita of less than 75% of the Turkish national average. The overall objective is to enhance Turkey's economy through the provision of long-term financing for small/medium scale projects undertaken by small and medium sized enterprises. Final beneficiaries are requested to comply with applicable national and EU legislation, as appropriate.

From the examples provided above, it is clear that tens of thousands of SMEs and a large number of mid-caps have been affected by the credit lines provided. In principle final beneficiaries must meet EU environmental and procurement standards.

3.4 USE OF EIB LOANS TO INCENTIVISE EU COMPANIES TO RELOCATE TO TURKEY

Have certain funds been used to attract European companies so that they would settle in Turkey?

Companies relocate their activities to different areas for four reasons: to access raw materials; to achieve efficiencies by reducing costs; to access markets; and to access strategic assets such as for example specific technologies or industry clusters, or avoid regulation.

The question as to whether EIB funds may have been used to attract EU companies to settle in Turkey can arise in several ways: a company can act as a supplier for some infrastructure projects funded by the EIB (section 3.4.1); an EU company may decide to establish in a municipality that has upgraded its facilities thanks to EIB funding or the municipality may have become accessible through EIB funding of a road or railway line, for example (section 3.4.2); an EU company (SME or Mid-Cap) that is already established in Turkey may be able to obtain funding through an intermediary of the EIB, or it may be possible for a company to establish operations in Turkey thanks to such funding (section 3.4.3).

3.4.1 Company acts as supplier for EIB-funded infrastructure project

A company can act as a supplier for some infrastructure projects funded by the EIB

As part of its nation-wide transportation upgrade program, the Turkish government plans to acquire billions of euro worth of light rail sets for urban transportation in the coming years. The country will also invest heavily in its railways, increasing the length of tracks to 26,000 kilometres – nearly double the current 12,000 kilometres – of which high-speed lines will make up 10,000 kilometres. A tender for the acquisition of 80 high-speed train sets, which is being closely followed by global rail companies including Siemens, is expected to take place this year. As indicated above, EIB funding does support some of these initiatives.

In this context, Invest in Turkey (ISPAT) reports that Siemens is to manufacture trams and expand R&D in Turkey.¹⁵⁰ The company is to spend some EUR 30 million on building a tram factory in the Gebze district of Kocaeli near Istanbul. Not only will trams made at the plant be sold there but Siemens' transportation division will also utilise the country's strategic location to access nearby markets, including several in Europe. "Siemens trams are chosen for the light rail systems of many countries and will be exported from Turkey. We aim to have a localization ratio of 50 percent for the trams to be manufactured in the Gebze plant by relying on local suppliers," said Siemens Turkey's transportation unit head, Cüneyt Genç. The Gebze factory will become operational in 2017, initially employing 300 people. Production will start at 100 trams per year, which can be expanded to meet demand and make new models, according to Genç. Siemens also plans to invest in an R&D centre to accompany the tram plant to develop and engineer mobility solutions.

In this instance, it is a case of a market seeking investment, as well as achieving cost reduction benefits because of the lower cost base in Turkey, as well as proximity to the surrounding countries, all of which make Turkey a good location from which to expand into the region.

¹⁵⁰ Republic of Turkey Prime Ministry Investment Support and Promotion Agency, 'Siemens to Manufacture Trams and Expand R&D in Turkey - Invest in Turkey', *Invest in Turkey*, 11 March 2013, <http://www.invest.gov.tr/en-US/infocenter/news/Pages/110316-siemens-to-manufacture-trams-in-turkey.aspx>.

Three points can be made about an investment such as this:

- To what extent has the EIB funding led to attracting EU companies? It is probable that the EU was going to fund the projects in question anyway through the EIB for accession purposes. In such an instance it is probably preferable for an EU company to win the work.
- The company would not have been able to access this market if manufacture were to occur, for example, in Germany or France, as other suppliers such as Bombardier would locate in Turkey to win the business.
- The establishment in Turkey provides access to the Turkish as well as other regional markets and makes SIEMENS a stronger and more competitive and sustainable enterprise.

3.4.2 EU company establishes in municipality with EIB-funded upgraded infrastructure

An EU company may decide to establish in a municipality that has upgraded its facilities thanks to EIB funding or the municipality may have become accessible through EIB funding of a road or railway line (for example)

In this instance it is probable that the company was going to establish in a location outside the EU anyway, otherwise why would it be looking at different Turkish municipalities, and the package provided by the upgraded municipality, as opposed to a different municipality in Turkey, or China or Vietnam, just helped them decide where to go. This may be related to any of the four main drivers of foreign direct investment mentioned above.

3.4.3 EU company already established in Turkey

An EU company (SME or Mid-Cap) that is already established in Turkey may be able to obtain funding through an intermediary of the EIB, or it may be possible for a company to establish operations in Turkey thanks to such funding

In both these instances it is necessary to ask – why is the company either expanding or establishing in Turkey rather than the EU, and what are the consequences?

Several instances are conceivable. For example, the company may be accessing raw materials or intermediate goods to provide to a (or its) business based in the EU, and such an investment may cut out an intermediary, improving the sustainability of the EU – based operations. Or the company may be manufacturing in Turkey to circumvent EU legislation, e.g. as regards for example the marketing of certain chemicals that cannot be put on the market as part of articles (e.g. in a textile product) from within the EU, but can be included in the product if supplied from outside the EU. In such an instance also it improves the sustainability of the operations remaining in the EU, even if some had to close down or reduce activity as a consequence.

If the EU company has decided to establish or expand in Turkey rather than in the EU due to high labour costs and inflexible labour markets in the EU, this would probably have occurred even without EIB funds, and other sources of finance would have been accessed to realise such a venture. The same is true as regards market – seeking investments. Costs are not usually a significant issue for strategic asset seeking investments, and companies pursuing such possibilities would probably access other sources of finance if EIB – related funds were not available.

The significant presence of a major financial institution such as the EIB can make a difference as regards access to funding in the whole country. It would not be practical to want to exclude EU enterprises from such an environment.

In conclusion it can be said that while there are clearly several instances where EIB funds can play a role in the establishment or expansion of EU enterprises in Turkey, from the point of view of the competitiveness of the businesses in question, in many instances these would have a positive effect. If EIB funding was not present and contributing to the expansion of the opportunities in the Turkish economy, some of those opportunities might not be available for EU industry. But even if there were no EIB presence, many projects would still go ahead, driven by the incessant quest of businesses for raw materials, efficiency, markets and strategic assets.

4 STUDY AREA 3 – EU FUNDING FOR SYRIAN AND IRAQI REFUGEES LOCATED IN TURKEY

KEY FINDINGS

- This study finds that it is complicated to have clear overview and a clear breakdown of the EU spending to help refugees located in Turkey. The novelty of some of the EU instruments does not allow to have a clear picture of coordination and coherence in practice.
- It is too soon to assess the effectiveness of ex-post monitoring and control mechanisms because of the novelty of the situation and of some of the instruments.
- It is unclear what the EC has done so far to assess the effectiveness of EU funded projects to help refugees in Turkey. There are reasons to believe that effectiveness will be difficult to assess because of the lack of assessment of the needs of refugees located in Turkey.
- This study finds that decisions for funding were not based on a sound assessment of the needs of refugees in Turkey so far. This study was not able to find the basis for the current aid priorities of the EU in Turkey.
- A case study suggests that funds channelled through a UN agency were subject to poor monitoring and control, and initial competition between UN agencies may have constrained effectiveness in the early stages. It also suggests that lessons learned from that project have been taken into account in further collaboration.
- The role of Turkish authorities in the management of EU funds is in general limited to coordinating implementing partners' actions. However, the recent special measure under the Refugee Facility fast tracking EUR 60m to the IPA and then the DGMM of the Turkish Ministry of Interior is to be monitored closely, as the monitoring and control mechanisms of that measure are not clear and the objectives quite vague.
- The study finds that the EC takes into account the growing concerns on EU funding to help refugees located in Turkey after the EU-Turkey Statement. The EC seems to address these concerns through more frequent and detailed communication.
- There are concerns on the respect of human rights and the UN refugee convention in the implementation of the EU-Turkey Statement. Currently, whether the safeguards are in place and effective to ensure international and European laws are respected is not clear.

4.1 INTRODUCTION

The refugee crisis started in April 2011 in the wake of the Syrian war. The number of people fleeing Syria dramatically increased since 2013 and has led to the current situation with more than 4.8 million registered Syrian refugees in Turkey and Middle East and North African countries.¹⁵¹ Currently, only 10%

¹⁵¹ United Nations High Commissioner for Refugees (last), 'UNHCR Syria Regional Refugee Response', *UNHCR Syria Regional Refugee Response*, 25 February 2016, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

of the refugees live in camps in neighbouring countries.¹⁵² There are more than 2.7 million refugees in Turkey alone,¹⁵³ of whom 263,383 reside in 26 camps.¹⁵⁴

At the very beginning of the crisis in Syria, Turkey adopted an open-door policy, welcoming all Syrian refugees and setting up camps in border areas. In 2011, the Government of Turkey (GoT) indicated it had sufficient resources to deal with the refugee inflows. A year after the first flow of refugees arrived in Turkey, in April 2012, the GoT accepted support from international organisations, and subsequently formally requested the United Nations (UN) assistance. Only in March 2013, the GoT asked for support to help refugees outside of camps. Before, access to refugee population was very restricted and the UN agencies were almost the only ones having broad access.¹⁵⁵

The EU strategy regarding the refugee crisis aims at addressing the root causes leading to the massive influx of Syrians, supporting Syrians under temporary protection in their host communities in Turkey, and strengthening cooperation to prevent irregular migration flows to the EU. Those objectives have been formalised in the EU-Turkey Joint Action Plan (JAP) of 15 October 2015.¹⁵⁶ The EU has been providing EUR 365 million¹⁵⁷ in aid to Syrian refugees since 2011 and was already working on migration and asylum issues jointly with the Turkish authorities through the IPA. In the wake of the refugee crisis, the EU identified several priority areas for aid: education of children in order to avoid a 'lost generation', addressing women's needs and strengthening the resilience of local communities.¹⁵⁸ In November 2015, the Refugee Facility for Turkey was created in order to coordinate at least EUR 3 billion funding to refugees located in Turkey.¹⁵⁹

This part of the study aims at showing the structure of the EU funding to refugees in Turkey (section 4.2), how this aid is managed and what are the monitoring and control mechanism of aid implementation (section 4.4). This part will also include an analysis of the effectiveness of EU aid (section 4.4), as well as the current conditions for aid to refugees in Turkey (section 4.5).

4.2 STRUCTURE OF EU AID FOR REFUGEES IN TURKEY, COHERENCE AND COORDINATION

How is the EU aid to Syrian and Iraqi refugees located in Turkey structured and managed?

Since the beginning of the crisis, the EU has been providing aid to refugees in Syria's neighbouring countries through various instruments and channels. This section provides an overview of the funding instruments (4.2.1), and looks at the coordination and coherence of EU funding (4.2.2). Funding instruments can be divided into three categories: the instrument providing humanitarian emergency

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Republic of Turkey Prime Ministry Disaster & Emergency Management Authority, 'Current Status in AFAD Temporary Protection Centres - AFAD | Afet ve Acil Durum Yönetimi Başkanlığı', 25 February 2016, <https://www.afad.gov.tr/en/IcerikDetay1.aspx?IcerikID=848&ID=16>.

¹⁵⁵ James Darcy (Team leader), 'An Independent Evaluation of UNICEF's Response to the Syrian Refugee Crisis in Turkey, 2012-2015', Final report, (November 2015).

¹⁵⁶ European Commission, 'Press Release - EU-Turkey Joint Action Plan', 15 October 2016, http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.

¹⁵⁷ Information provided by EUD

¹⁵⁸ Delegation of the European Union to Turkey, 'Delegation of the European Union to Turkey', 24 February 2016, <http://avrupa.info.tr/eu-delegation/mission.html>.

¹⁵⁹ European Commission, 'Commission Decision on the Coordination of the Actions of the Union and the Member States through a Coordination Mechanism - the Refugee Facility for Turkey', 24 November 2015, http://ec.europa.eu/news/2015/docs/c-2015-9500-final-complet_en.pdf.

aid – ECHO, the usual EU external funding instruments, and the new EU instruments created specially to deal with the Syrian war and the refugee crisis.

4.2.1 Structure of the aid for refugees

4.2.1.1 The EU humanitarian funding instrument – ECHO

Since the beginning of the crisis in 2011, EC DG Humanitarian Aid and Civil Protection has provided EUR 161 million in humanitarian aid.¹⁶⁰ This includes EUR 71m from the regular EU budget and EUR 90m from the Refugee Facility (see section 4.2.1.3) ECHO funds humanitarian operations including the provision of food, non-food items, health and medical assistance, protection, shelter, water and sanitation, protection and education in emergencies.¹⁶¹ ECHO is also contributing to the “Children of peace” EU Commission initiative implemented by the United Nations Children’s Emergency Fund (UNICEF) on education programme for children.

ECHO is funding humanitarian projects through accredited international humanitarian partners such as the UN, International Organisations (IO) and International Non-Governmental Organisations (INGO) that have a Framework Partnership Agreement with the EU and a legal base in one of the 28 Member States. Those actors then often work in close cooperation with local non-governmental organisations (NGO). In 2015, approximately 30% of ECHO funding to Turkey went to UN agencies/IOs and the rest to INGOs. No humanitarian funding is channelled through national authorities.¹⁶²

Decisions to fund projects are based on the Humanitarian Implementation Plan ECHO publishes for each crisis. The proposals submitted are then appraised by both Brussels headquarters and field offices, who take a joint decision. The factors for decision-making include but are not limited to: proposal needs to be in line with the strategy outlined in the humanitarian implementation plan and the linking relief rehabilitation and development approach, needs assessment, vulnerability and targeting criteria identified, capacity of partner, cost-efficiency, implementation effectivity, access abilities, reactivity of partner, gender-age mainstreaming, contingency planning, visibility and communication compliance etc.¹⁶³

4.2.1.2 The EU external funding instruments

The Practical Guide to Contract Procedures for EU External Actions (PRAG)¹⁶⁴ explains the contracting procedures for all EU external actions financed by the EU budget. It applies to the following instruments: Instrument for Pre-Accession, European Neighbourhood Instrument, Instrument contributing to Stability and Peace, European Instrument for Democracy and Human Rights, Development Cooperation Instrument, Nuclear Safety Co-operation Instrument, European Development Fund, and the Partnership Instrument.

The PRAG describes the decision-making process following a call for proposal. The decisions on funding are taken by an evaluation committee appointed by the contracting authority. The submitted concept notes are examined by the committee and they are ranked according to their relevance and feasibility. The top concept notes author organisations are invited to submit a full application. The full

¹⁶⁰ European Commission Directorate General for Humanitarian Aid and Civil Protection, ‘Turkey’, November 2015, http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_en.pdf.

¹⁶¹ Information provided by ECHO

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ <http://ec.europa.eu/europeaid/prag/>

applications are reviewed by the evaluation committee who then takes decisions on the funding, and a contract can be arranged and signed.

The European Instrument for Democracy and Human Rights (EIDHR)

The European Instrument for Democracy and Human Rights is managed by DG DEVCO. This instrument funds projects aiming at contributing to the development and consolidation of democracy, the rule of law and human rights. The EIDHR complements the priorities of the EU from a rights perspective. The EIDHR funds projects in Turkey since 2002 and has always had a focus on refugees and migrants' rights. EIDHR funding to promote migrants and refugees' rights in Turkey is not specific to the Syria crisis. The added value of this instrument is its independence from the authorities in providing assistance to improve the situation of human rights and fundamental freedoms where they are at risk¹⁶⁵. In the case of Turkey, the Turkish authorities are aware of the projects funded by the EIDHR but they are not involved in it. Regarding the decision making process, the EIDHR follows the practical guide of the EU (PRAG). The PRAG is described above.

In the case of the EIDHR in Turkey, everything is centralised at the EUD level.¹⁶⁶ Priorities of the EIDHR are defined after consultation with Civil Society Organisations (CSOs) in the field, as well as with Member State (MS) agencies. The Copenhagen criteria and the complementarity of EIDHR actions with other instruments are taken into account. Since 2004, the EIDHR allocated about EUR 1 million in grants to projects supporting the rights of migrants and asylum seekers in Turkey.¹⁶⁷ The amount may seem little in comparison with the other instruments but it is important to note that the threshold for EU contribution per projects was EUR 150.000 until 2016. The threshold was EUR 300.000 for the 2016 call for proposals. The EIDHR receives a country allocation for each year. EUR 5 million have been allocated to the EIDHR in Turkey for 2016, out of which EUR 2 million are specifically targeting project proposal promoting the rights of migrants and asylum seekers.¹⁶⁸

The Instrument contributing to Stability and Peace (IcSP)

The Instrument contributing to Stability and Peace was created in 2014 to replace the Instrument for Stability. The IcSP is managed by the Foreign Policy Instrument (FPI) department, jointly with the DEVCO. Its overall objectives are to provide rapid funding to prevent and respond to current and emerging crises, and to contribute to peace building. Concerning crisis response, the particularity of IcSP is that it is exempt from comitology (when the amounts are lower than EUR 20 million).¹⁶⁹ As a result, it can contract easily and respond to emerging crises fast. Its role is complementary to the other EU funding instruments: IcSP intervenes when other instruments cannot or cannot yet because they have no more funds or the funds are not available quickly enough. The IcSP bridges short and long-term perspectives between humanitarian aid and development aid. Regarding the decisions on project funding, the IcSP relies heavily on the perceptions of the delegation staff on the ground to provide information on the relevance of projects proposals in the local context.¹⁷⁰ IcSP funds are channelled mainly through international organisations and Member States development agencies. There are also

¹⁶⁵ European Parliament Research Service, 'EU Financial Instruments for External Action - Briefing', 5 December 2013, [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130706/LDM_BRI\(2013\)130706_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130706/LDM_BRI(2013)130706_REV1_EN.pdf).

¹⁶⁶ Information provided by the EUD

¹⁶⁷ The EIDHR funds allocated to projects concerning the rights of refugees, asylum seekers and migrants in Turkey since 2004 is EUR 1,189,643. Information provided by the EUD.

¹⁶⁸ Information provided by the EUD

¹⁶⁹ European Parliament and Council of the European Union, 'Regulation Establishing Instrument Contributing to Stability and Peace (IfSP) | EU Neighbourhood Library', 3 November 2014, <http://www.enpi-info.eu/library/content/regulation-establishing-instrument-contributing-stability-and-peace-ifsp>.

¹⁷⁰ Information provided by the EC (IcSP)

some projects implemented by CSOs and very few by private companies. The IcSP has provided 25.8 million to help refugees in Turkey so far.¹⁷¹

The Instrument for Pre-Accession Assistance (IPA)

The IPA in Turkey was already funding several projects concerning migration and asylum before the Syrian crisis began. This instrument funds projects aiming at building capacity and promoting legislative alignment with EU standards, in view of EU accession preparation. When it comes to migration, the objectives of the IPA are to strengthen the legislative, operational and institutional capacity of Turkish authorities for the effective management of migration and asylum, and to achieve open and secure borders by developing and strengthening Turkey's legal, institutional and technical capacity for alignment with EU integrated border management policy.¹⁷² The projects funded by the IPA often do not target directly refugee population, contrary to the other EU instruments described here. Aid to Syrian and Iraqi refugees in Turkey fall under the component on home affairs of the IPA and the main beneficiaries are the Directorate General of Migration Management (DGMM) and the Ministry of Interior.¹⁷³ The decision making and the monitoring and control mechanisms are no different regarding refugee aid from the ones described in Study Area 1 on the IPA since 2002. EUR 75.5 million were allocated to projects focusing on migrants, asylum seekers and refugees out of the total IPA aid to Turkey.¹⁷⁴ This figure does not include transfers amounting to EUR 173m from the IPA budget to the EU Trust Fund in response to the Syrian crisis.

4.2.1.3 The new EU funding instruments

The EU Regional Trust Fund in response to the Syria crisis – The Madad fund (EUTF)

Because of the scope of the crisis, new funding instruments were created. The EU Trust Fund or Madad Fund (EUTF) was created in December 2014 and is managed by DG NEAR. "The overall objective of the Trust Fund is to provide a coherent and reinforced aid response to the Syrian crisis on a regional scale, responding primarily in the first instance to the needs of refugees from Syria in neighbouring countries, as well as of the communities hosting the refugees and their administrations, in particular as regards resilience and early recovery."¹⁷⁵ The fund is not bound to any specific allocation of fund so it is quite flexible and can react quickly to emerging issues. Once the funds are in the EUTF, they are managed outside of the EU budget, and this allows for fast decision making. The speedy delivery mechanisms also allow for fast track contracting and disbursement.¹⁷⁶ Its added value is that it is the only truly regional instrument to respond to a regional crisis.

¹⁷¹ Delegation of the European Union to Turkey, 'Delegation of the European Union to Turkey'.

¹⁷² 'Delegation of the European Union to Turkey'.

¹⁷³ European Commission, 'IPA II 2014-2020 - Turkey - Home Affairs - Action Document 2015', 26 February 2016, http://ec.europa.eu/enlargement/pdf/turkey/ipa/2015/ipa2015-038-404.5-home_affairs_new.pdf.

¹⁷⁴ Delegation of the European Union to Turkey, 'Delegation of the European Union to Turkey'.

¹⁷⁵ The Italian Ministry of Foreign Affairs and International Cooperation and the European Commission, 'Agreement Establishing the European Union Regional Trust Fund in Response to the Syrian Crisis, "the Madad Fund", and Its Internal Rules', 15 December 2014, <http://ec.europa.eu/enlargement/neighbourhood/pdf/key-documents/syria/20120212-signed-ca-eutf-syrian-crisis-and-annex1-objectives-and-purposes.pdf>.

¹⁷⁶ European Centre for Development Policy Management, 'Briefing Note No81 - EU Trust Funds - Shaping More Comprehensive External Action?', November 2015,

https://docs.google.com/viewerng/viewer?url=http://ecdpm.org/wp-content/uploads/Briefing_Note_81_EU_Trust_Funds_Africa_Migration_Knoll_Hauck_Cangas_ECDPM_2015.pdf&hl=en_US

The trust fund is open to all Member States, as well as other international donors, public or private.¹⁷⁷ The EUTF can work with anybody. It operates outside of the EU financial rules but applies them nevertheless. The EUTF is allowed work through direct or indirect management. Direct management covers grants to international NGOs, applying the PRAG for decision making. Indirect management means that the EUTF is delegating budget implementation to another body. Usually indirect management is done with Member State or UN agencies and concerns larger programmes. Indirect management is only possible with organisations whose pillars of management (accounting, internal control and external audit) have been positively assessed, resulting in the signing of an Indirect Management Delegation Agreement. As of April 2016, direct and indirect management were used equally.¹⁷⁸

The overall strategy of the EUTF is decided by the Trust Fund Board chaired by DG NEAR and composed of donors states with voting rights (if their contribution is higher than EUR 3 million), and other Member State with an observer status. All relevant stakeholders, including beneficiaries can be invited to the meetings. Decisions on allocation of funds are taken by the Operational Board, chaired by the EC and composed of representatives of donors of at least EUR 3 million. Project proposals are submitted to the Operational Board in the form of an Action Document. Decisions are taken by consensus and contracts awarded either following direct or indirect management procedures. A representative of the Syria Recovery trust fund is a permanent observer and its role is to ensure complementarity for funding decisions in Syria. The Operational Board examines, approves and supervises the implementation of the actions financed. On a day-to-day basis, the trust fund manager acts as the trust fund secretariat.^{179 180}

The EUTF is a relatively new instrument. Its board met for the first time in May 2015. As of April 2016, the pledges amount to more than EUR 700 million, of which EUR 226 million have been cashed.¹⁸¹ More than EUR 500 million come from the EU budget, and especially the European Neighbourhood Instrument (ENI). Funds coming from the EU budget are only transferred to the EUTF once it is needed for specific projects. The rest is composed of donations of Member States. The objective is for the contributions of EU Members States to match the EU funding so that the fund reaches EUR 1 billion.

Since its launch in 2014, EUR 95 million have been disbursed and are currently implemented, with EUR 17.5 million for projects located in Turkey.¹⁸² Figure 20 shows the use of the first EUR 17.5 million EUTF package to Turkey. In that case, all the funds have been transferred through UN agencies to fund programmes that were previously funded by other EU instruments. The education programme was funded by IcSP from 2012 to 2015 and is the object of a case study in section 4.4.2. For the food security programme, the action of the EUTF “complements directly both on-going ECHO supported programmes, and ECHO’s country strategy as a whole”¹⁸³. ECHO has been providing support to the

¹⁷⁷ European Commission Directorate General for European Neighbourhood Policy and Enlargement Negotiations, ‘European Neighbourhood Policy and Enlargement Negotiations - EU Regional Trust Fund in Response to the Syrian Crisis’, 24 February 2016, http://ec.europa.eu/enlargement/neighbourhood/countries/syria/madad/index_en.htm.

¹⁷⁸ Information provided by DG NEAR, as of 04/04/2016

¹⁷⁹ Information provided by DG NEAR, EUD

¹⁸⁰ The Italian Ministry of Foreign Affairs and International Cooperation and the European Commission, ‘Agreement Establishing the European Union Regional Trust Fund in Response to the Syrian Crisis, “the Madad Fund”, and Its Internal Rules’.

¹⁸¹ Information provided by DG NEAR, as of 04/04/2016

¹⁸² Information provided by DG NEAR, as of 04/04/2016

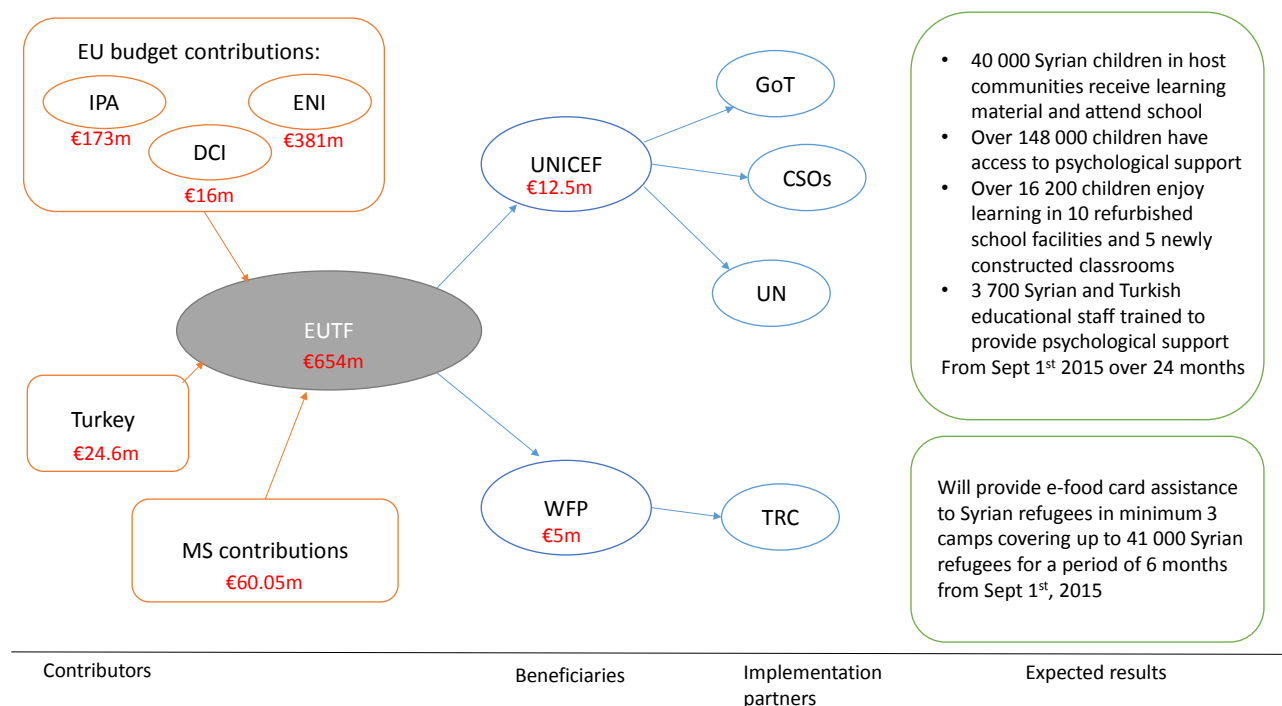
¹⁸³ European Commission, ‘Action Document for EU Trust Fund to Be Used for the Decisions of the Operational Board’, accessed 26 February 2016,

http://ec.europa.eu/enlargement/neighbourhood/countries/syria/madad/eutf_madad_action_document_turkey_programme.pdf.

World Food Programme (WFP) since 2013, totalling EUR 13 million in grants that ended in June 2015.¹⁸⁴ This is as of April 2016 the only on-going activity in Turkey funded by the EUTF. However, new projects are currently under negotiations and are likely to be launched soon.¹⁸⁵

The creation of the Turkey Refugee Facility as a pooling and coordination mechanism in 2016 shifted the focus of the EUTF funds from Turkey to other countries in the region, as most EU aid to refugees in Turkey will now come from the Refugee Facility. Besides, there has been a transfer of funds from the IPA to the EUTF: EUR 140 million allocated to Turkey from the IPA I were at risk of being de-committed and have therefore been transferred to the EUTF. As IPA I requires 15% co-financing, Turkey has contributed EUR 24 million to the EUTF so that the funds could be used to provide aid to refugees instead of being de-committed.¹⁸⁶ As a result of that contribution, Turkey is a member of the Operational Board. The first meeting of the board with the participation of Turkey to decide on the use of the redirected IPA funds was planned on the 22nd of March 2016. It was cancelled due to the terror attacks in Brussels.¹⁸⁷ It should now take place by the end of May.¹⁸⁸

Figure 20: Structure of the first EUTF aid package to Turkey



Source: Author, based on data from the European Commission as of February 2016¹⁸⁹

The Turkey Refugee Facility

On 15 October 2015, the EU and Turkey agreed to the EU-Turkey Action Plan.¹⁹⁰ This document currently guides the strategy of the EU regarding Turkey. The plan is further described in section 4.5.

¹⁸⁴ Ibid.

¹⁸⁵ Information provided by DG NEAR, EUD

¹⁸⁶ Ibid.

¹⁸⁷ Andrew Rettman, 'EU Suspends Meetings after Brussels Blasts', *EU Observer*, 22 March 2016, <https://euobserver.com/justice/132769>.

¹⁸⁸ Information provided by DG NEAR, as of 04/04/2016

¹⁸⁹ European Commission, 'Action Document for EU Trust Fund to Be Used for the Decisions of the Operational Board'.

¹⁹⁰ Council of the European Union, 'European Council Meeting - Conclusions', 15 October 2015, <http://data.consilium.europa.eu/doc/document/ST-26-2015-INIT/en/pdf>.

The plan was launched in November 2015 with the announced creation of the Refugee Facility for Turkey.¹⁹¹ Due to internal disagreements on funding the new instrument, the Facility was implemented only on 03 February 2016.¹⁹² The Facility will manage at least EUR 3 billion over 2016 and 2017.¹⁹³ EUR 1 billion will come from the EU budget and EUR 2 billion from contributions of Member States according to their share in the EU Gross National Income.¹⁹⁴ Table 20 shows the repartition of funding by EU Member State. An additional EUR 3 billion may be mobilised by the EU up to the end of 2018.¹⁹⁵

Table 20: National contributions for the Turkey Refugee Facility (million EUR)

Belgium	57.6	Luxemburg	4.3
Bulgaria	5.9	Hungary	14.7
Czech Republic	20.4	Malta	1.1
Denmark	38.4	Netherlands	93.9
Germany	427.5	Austria	45.6
Estonia	2.8	Poland	57
Ireland	22.9	Portugal	24.4
Greece	25.1	Romania	21.6
Spain	152.8	Slovenia	5.2
France	309.2	Slovak Republic	10.5
Croatia	5.9	Finland	28.4
Italy	224.9	Sweden	61.3
Latvia	3.5	United Kingdom	327.6
Lithuania	5.2	Total:	1997.7 ¹⁹⁶

Source: Council of the European Union¹⁹⁷

Figure 21 shows the structure of EU funding disbursed or in the pipeline to help Syrian and Iraqi refugees in Turkey, as of April 2016.

¹⁹¹ Council of the European Union, 'Meeting of Heads of State or Government with Turkey - EU-Turkey Statement, 29/11/2015', 29 November 2015,

http://www.consilium.europa.eu/press-releases-pdf/2015/11/40802205539_en_635846527200000000.pdf.

¹⁹² Council of the EU, 'Refugee Facility for Turkey: Member States Agree on Details of Financing', 3 February 2016, http://www.consilium.europa.eu/en/press/press-releases/2016/02/03-refugee-facility-for-turkey/?utm_source=dsms-auto&utm_medium=email&utm_campaign=Refugee+facility+for+Turkey%3a+Member+states+agree+on+details+of+financing.

¹⁹³ Consilium, 'Meeting of Heads of State or Government with Turkey - Statement', 29 November 2015, http://www.consilium.europa.eu/press-releases-pdf/2015/11/40802205539_en_635846527200000000.pdf.

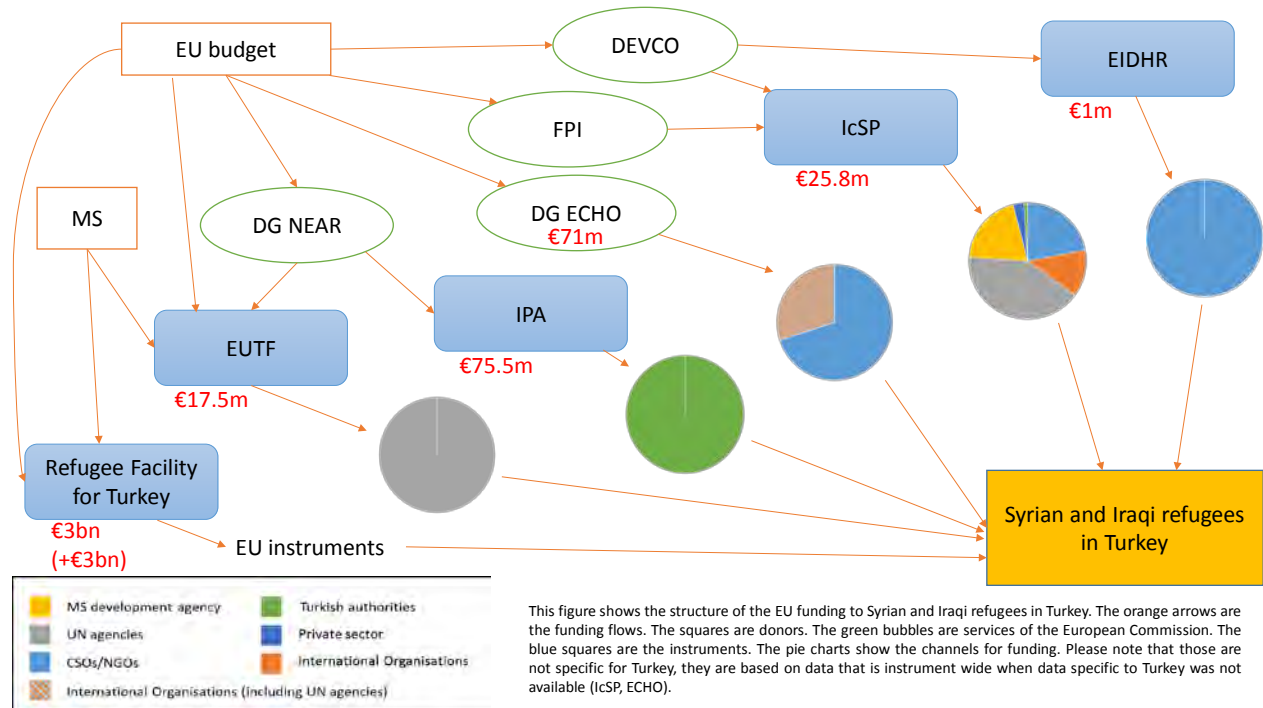
¹⁹⁴ Council of the EU, 'Refugee Facility for Turkey: Member States Agree on Details of Financing'.

¹⁹⁵ 'EU-Turkey Statement - Consilium', -.

¹⁹⁶ A contribution from Cyprus in the amount of EUR 2.3 million will be made to the EU budget for Jordan and Lebanon.

¹⁹⁷ Council of the EU, 'Refugee Facility for Turkey: Member States Agree on Details of Financing'.

Figure 21: Structure of EU funding to Syrian and Iraqi refugees located in Turkey



Source: author, based on review of multiple documents (included in the list of references)

4.2.1.4 Transparency of aid

This study finds that it is complicated to have clear a breakdown of the EU spending to help refugees located in Turkey. The EC factsheets are often not providing details but a general sum of the amount spent in Turkey, and the press releases often only give amounts for specific projects or financial instruments. EU stakeholders were not necessarily able to provide a coherent overview of the disbursements. As a result, it requires cross-cutting research to get a good overview of the breakdown of the EUR 365 million the EC has spent to help refugees located in Turkey. This is mainly due to the difficulty to track the funds channelled through the EUTF, as some contracts are currently negotiated. The regional dimension of the EUTF also complicates the partition of funds per country. While it is true that the situation is evolving every week and the amounts are constantly changing, it raises questions that only a couple EU stakeholders were able to provide a coherent overview of the EU funding to refugees in Turkey, and that it is complicated to get an overview of EU spending in Turkey in response to the migration crisis.

Besides, Turkey does not appear as a receiving country of EU development on DG DEVCO website. The website of DG DEVCO orientates the reader towards the website of DG NEAR, while DG DEVCO has activities in Turkey, notably through the IcSP and the EIDHR. As a result, projects funded in Turkey do not appear in the “Search projects” section of the DEVCO website.¹⁹⁸ Projects funded in Turkey do however appear in the European Union Open Data Portal, but the latest project appearing in the data base dates from 2014.¹⁹⁹

¹⁹⁸ ‘Projects on the Ground - International Cooperation and Development - European Commission’, *International Cooperation and Development*, accessed 22 April 2016, https://ec.europa.eu/europeaid/projects-ground_en.

¹⁹⁹ ‘European Commission — DG DEVCO – Development and Humanitarian Assistance to Turkey - Preview of Aid Spendings and Projects in Turkey since 2010 - European Union Open Data Portal’, accessed 22 April 2016, <http://open-data.europa.eu/en/data/dataset/europeaid-iati-turkey/resource/c25a3181-5d02-4484-b131-fc7361a64f80>.

The Refugee Facility for Turkey was created with the objective of coordinating and streamlining EU and Member State actions to deliver efficient and complementary support to refugees in Turkey. It is a mechanism to pool resources and to provide coordination, complementarity and efficiency in the financing. It will fund humanitarian and development assistance to refugees and host communities, as well as assistance to local and national authorities in managing the refugee flows. It is important to note that the Refugee Facility is not a financial instrument per se, but a coordination mechanism implemented through existing EU financing instruments. The Facility stands for the political level of dealing with the crisis: it collects the money and gives the orientation but does not implement projects. Out of the EUR 3 billion, EUR 1 billion will go to ECHO to fund humanitarian aid, and the remaining EUR 2 billion will go to non-humanitarian instruments.²⁰⁰ Funds can be channelled through all the above mentioned instruments.

The Steering Committee of the Facility provides strategic guidance and decides what projects are funded and through which instruments. It is chaired by the Commission with the participation of all EU Member States and Turkey with an advisory capacity. The steering committee of the Facility met for the first time on 18th February 2016²⁰¹ and the first set of projects financed by the Facility was agreed on 4th of March, 2016, with EUR 40 millions in humanitarian aid implemented by ECHO in partnership with the WFP, and a EUR 55 million contribution to the EUTF, including EUR 37 million to be implemented by UNICEF on education.²⁰² On 19 April a new set of projects under the Facility was announced, comprising EUR 50 million in humanitarian aid, and EUR 60 million to cover expenses for food health care and accommodation of migrants returned from Greece to Turkey.²⁰³ This is a Special Measure that will be implemented in direct management of the EU, and the beneficiary is the DGMM.²⁰⁴ As of 12 May 2016, the Commission's total support so far through the Facility amounts to EUR 190 million.²⁰⁵

The specificity of the Facility is that the aid is openly linked to the reduction of the migration flows: "The assistance provided under the Facility for Refugees in Turkey will be conditional on the compliance by Turkey with the EU-Turkey Joint Action Plan, which aims to bring order into migratory flows and help to stem irregular migration, and the EU-Turkey Statement from 29 November 2015."²⁰⁶ The added value of the Facility lies with its links to the EU-Turkey joint Action Plan and the successive agreements between the EU and Turkey to stem irregular migration. It allows for decisions on funding to be made at the political level, and more visibility for the funding directed at refugees located in Turkey.

Besides, Turkey does not appear as a receiving country of EU development on DG DEVCO website. The website of DG DEVCO orientates the reader towards the website of DG NEAR, while DG DEVCO has activities in Turkey, notably through the IcSP and the EIDHR. As a result, projects funded in Turkey do

²⁰⁰ Information provided by the EUD

²⁰¹ 'European Commission - Press Release - EU-Turkey Cooperation: First Meeting of the Steering Committee of the Facility for Refugees in Turkey', 18 February 2016, http://europa.eu/rapid/press-release_IP-16-340_en.htm.

²⁰² 'European Commission - Press Release - EU Announces First Projects under the Facility for Refugees in Turkey: EUR 95 Million to be provided for Immediate Educational and Humanitarian Assistance', accessed 17 March 2016, http://europa.eu/rapid/press-release_IP-16-584_en.htm.

²⁰³ 'European Commission - Press Release - Facility for Refugees in Turkey – Steering Committee Accelerates and Scales up Implementation', 12 May 2016, http://europa.eu/rapid/press-release_IP-16-1728_en.htm.

²⁰⁴ European Commission, 'Annex 1 to the Commission Implementing Decision Adopting a Special Measure on Migrants Returned to Turkey, to Be Financed from the General Budget of the European Union', 19 April 2016.

²⁰⁵ 'European Commission - Press Release - Facility for Refugees in Turkey – Steering Committee Accelerates and Scales up Implementation'.

²⁰⁶ European Commission, 'Press Release - EU-Turkey Cooperation: First Meeting of the Steering Committee of the Facility for Refugees in Turkey', 18 February 2016, http://europa.eu/rapid/press-release_IP-16-340_en.htm.

not appear in the “Search projects” section of the DEVCO website.²⁰⁷ Projects funded in Turkey do however appear in the European Union Open Data Portal, but the latest project appearing in the data base dates from 2014.²⁰⁸

4.2.2 Coherence and coordination mechanisms

4.2.2.1 Coherence and coordination at the EU level

Table 21 summarises the various activities of each of the funding instruments. While all of them have different objectives and are likely to fund different projects, it is nonetheless important to assess whether coordination and coherence of EU funding is ensured.

Table 21: Activities by instrument as of April 2016

INSTRUMENT	ACTIVITY IN TURKEY	CAN DISBURSE FUNDS RAPIDLY	amount disbursed in turkey (In EUR Million)
ECHO	Emergency humanitarian assistance	YES	161
IcSP	Complements humanitarian and long-term assistance: Not immediately lifesaving crisis response	YES	25.8
EIDHR	Promotion and defence of migrants’ rights	NO	1
EUTF	Strengthening the resilience of communities	YES	17.5
IPA	Medium and long term support, capacity building	NO	75.5

Source: author, based on various interviews and documents (listed in the bibliography)

A study on legal instruments and lessons learned from the evaluations managed by the joint evaluation unit reviewed several EU external assistance instruments including the former Instrument for Stability (now IcSP), and the EIDHR, and reported that “complementarity that was ‘required’ by the regulations did not always emerge in practice.”²⁰⁹ This revealed a need to clarify the division of tasks between the instruments. This study formulated recommendations for the 2014-2020 period. “In designing the future instruments it is suggested therefore that some thought could usefully be put into the overall coherence of the package so that users can see clearly what each one is for and how their different roles fit together and complement each other.”²¹⁰ The coherence issue has been addressed by the Commission by adopting in 2014 the Common Implementation Regulation (CIR) for the EU external

²⁰⁷ ‘Projects on the Ground - International Cooperation and Development - European Commission’.

²⁰⁸ ‘European Commission — DG DEVCO – Development and Humanitarian Assistance to Turkey - Preview of Aid Spendings and Projects in Turkey since 2010 - European Union Open Data Portal’.

²⁰⁹ The European Centre for Development Policy Management, ‘Study on Legal Instruments and Lessons Learned from the Evaluations Managed by the Joint Evaluation Unit - Evaluation for the European Commission’, July 2011, https://ec.europa.eu/europeaid/sites/devco/files/evaluation-cooperation-ec-legal-1292-main-report-201107_en_0.pdf.

²¹⁰ Ibid.

instruments, that include provisions on the coherence and complementarity of the instruments.²¹¹ On paper, when comparing the mandates of each instrument, coherence seems ensured: each instrument works in parallel but in complementarity as each has its own strategic priorities.

When asked about coordination in practice, several EU stakeholders answered that coordination took place both at the local level through the means of the delegation in Ankara and at the headquarters level in Brussels. There are formal inter-services meetings where projects are discussed between the various DGs. Coordination also takes place at the decision making level of each instrument, e.g. ECHO is on the evaluation committee of the EUTF handled by DG NEAR, to ensure compliance and coherence between the actions. There is also constant communication with the EUD on the ground.

Coordination between the field and Brussels headquarters depends on the instrument for funding. In general, the political steering comes from the headquarters. The decisions then trickle down to the reality on the field and sometimes there is a gap in matching the initial objectives. However, this is perceived as quite normal by EU stakeholders.

4.2.2.2 Coherence and coordination with other stakeholders on the ground

Concerning coordination with other donors, there are coordination meetings between the UN agencies, as well as meetings every two or three months of the refugee contact group composed of representatives from Member State embassies, UN agencies, International Financial Institutions and the EUD. There has not yet been as big coordination meeting with all the donors and beneficiaries. Such inclusive coordination meeting may have happened on a project basis though.²¹² In general, all projects are also in line with the multilateral frameworks such as the UN Regional Refugee and Resilience Plan (3RP), and outcomes of other international fora and conferences (G7, London conference...). The EUD has been pointed out by all EU stakeholders as the main guardian of coherence and coordination. EU stakeholders rely heavily on the information provided by the delegation. The delegation in Turkey knows what are the current projects being funded not only by the EU but also by other donors on the ground, and can advise on the relevance of new projects. To ensure more formal coordination, a refugee task force was created at the EUD level. However, there is no dedicated staff for that task force in Turkey: current staff members have been transferred from other sections of the EUD.²¹³

Feedback from all EU stakeholders suggest that coordination is not yet fully in place. The novelty of the instruments (including the Refugee Facility) leads to coordination being quite informal in general. Despite the absence of formal global coordination mechanism, coordination is seen as effective by EU stakeholders who declared there has been no big overlap so far. The main feedback from the ground is that it may not be fully coordinated but it is nonetheless coordinated. No major overlap or complete absence of coherence has been reported so far. Some EU stakeholders reported a need for more formal coordination that was likely to be addressed soon with the full implementation of the new tools and instruments.

The positive feedback from EU stakeholders does not necessarily means that other stakeholders perceive the EU aid to refugees as coherent and that it is in practice coordinated. In 2011, the 'study on legal instruments and lessons learned from the evaluation managed by the joint evaluation unit' also pointed out that the evaluations of projects often did not look at the coherence and coordination

²¹¹ 'The EU's 2014-2020 External Financial Instruments: An Opportunity for the European Parliament to Play a Greater Role.', January 2014, [http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522323/EXPO-AFET_SP\(2014\)522323_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522323/EXPO-AFET_SP(2014)522323_EN.pdf).

²¹² Information provided by EUD.

²¹³ Ibid.

mechanisms between the instruments and formulated a recommendation on that issue.²¹⁴ Thorough review of the coherence and coordination mechanisms will be needed in order to assess whether coordination is effective in practice.

4.3 MANAGEMENT OF EU FUNDS, MONITORING AND CONTROL MECHANISMS

How is the EU funding aid to the refugees located in Turkey managed? What are the monitoring and control mechanisms and what is the role of the Turkish authorities?

This section examines the management of EU funds, and the monitoring and control mechanisms for each type of instrument (section 4.3.1) and it reviews the role of Turkish authorities in managing, monitoring and controlling EU funds to help refugees (section 4.3.2).

4.3.1 Monitoring and control mechanisms

4.3.1.1 EU humanitarian aid instruments - ECHO

ECHO monitors its projects through visits of humanitarian operations by field experts. Each operation needs to be visited at least once by ECHO field experts, who also have to provide guidance to partners and follow up with them to ensure that good practices and lessons learned are shared in a comprehensive and coordinated manner.²¹⁵ ECHO also has internal audit procedures to review its partners' performance. Regular overall evaluations are carried out by external consultants for each crisis during which ECHO provides humanitarian assistance. The evaluation of ECHO's humanitarian response to the Syria regional crisis (including operations in Syria, Lebanon, Jordan and Turkey) is currently in the making and should be publicly available later on in 2016.²¹⁶ ECHO also requires that its partners submit intermediate and final reports in which they detail how they have performed their operations. Besides, when partners that have already received ECHO funding submit a new proposal, they have to explain how the new operation builds on the previous one, and how lessons learnt have been accommodated. In addition, each partner has its own monitoring and evaluation mechanisms and of which they share the outcomes with ECHO.

4.3.1.2 EU external funding instruments

(A request to the DEVCO Evaluation Unit for further information was not answered)

A study on the EU financial instruments for external action noted that "evaluation reports are presently rather well hidden on the DEVCO website". In general, information on the practice of control and monitoring mechanisms of EU external funding instruments is hard to find.

In 2014, all implementation provisions (annual programmes, reporting, evaluation...) moved into the Common Implementing Regulations (CIR) because there were reports of discrepancies between the EU external funding instruments' implementation regulations.²¹⁷ Those CIR apply to the IcSP, the EIDHR, and the IPA among others. The CIR replaces the previous sets of rules and procedures that existed for

²¹⁴ The European Centre for Development Policy Management, 'Study on Legal Instruments and Lessons Learned from the Evaluations Managed by the Joint Evaluation Unit - Evaluation for the European Commission'.

²¹⁵ Information provided by ECHO

²¹⁶ Ibid.

²¹⁷ European Parliament and Council of the European Union, 'Regulation (EU) No 236/2014 of the European Parliament and of the Council - of 11 March 2014 - Laying down Common Rules and Procedures for the Implementation of the Union's Instruments for Financing External Action', 3 March 2016,

http://ec.europa.eu/enlargement/pdf/financial_assistance/ipa/2014/236-2014_cir.pdf.

each instrument and provides audit standards and procurement guidelines. It also provides provisions on coherence, complementarity and the visibility of the instruments.²¹⁸ An evaluation of the CIR will take place by the end 2017 as part of the mid-term review of the regulation.²¹⁹ There is so far no feedback on the practice of those regulations. From a thematic point of view, DEVCO has planned to launch an evaluation on migration in 2018.²²⁰

Concerning the EIDHR, the manager of the project is in charge of the monitoring. The Operation section of the EUD also follows up on the project and the finance and contract section monitors from the financial point of view.²²¹ Besides, all beneficiaries are invited to a training on the rules on grants managing and EU visibility. The EUD visits also each project. Projects of the EIDHR are monitored closely especially because of the complex political environment of Turkey. Human rights are a sensitive subject and there might be risks. Therefore, the monitoring is also adapted to each case.²²² An evaluation of the EIDHR was to be launched by DEVCO in 2017, but it has been postponed.²²³

IcSP projects are evaluated either externally or internally (by the beneficiary). There are also scheduled evaluations by sector and by country.²²⁴ The IcSP will be evaluated as part of its mid-term review by the end of 2017. The evaluation will provide information for the evaluation of the CIR and the impact assessment of the next generation of instruments (due by 2018).²²⁵

Concerning the IPA, the monitoring and control mechanisms are the same as the ones described in study area 1. Regarding the migration and asylum aspects of the IPA, no evaluation has been recently carried out by DG NEAR. EU stakeholders also reported that a strategic evaluation on migration has been postponed to 2018, “considering the changed approach in dealing with this issue and the risk to assess something that was no longer relevant”.²²⁶

4.3.1.3 The new EU funding instruments

(A request to DG NEAR for further information was not answered)

The recent increase of the portfolio of the EUTF required the creation of a new monitoring and evaluation mechanism to be launched soon.²²⁷ The framework foresees three monitoring and evaluation levels. The project level (1) would be the responsibility of the EUD in the country. It also foresees that beneficiaries submit a project report every three months (instead of twelve currently). At the country level (2), monitoring and evaluation would consist in providing an overview of the situation of the country every three or four months. Finally, the same overview should be provided for the

²¹⁸ ‘The EU’s 2014-2020 External Financial Instruments: An Opportunity for the European Parliament to Play a Greater Role.’

²¹⁹ European Commission Directorate General for International Cooperation and Development, ‘Evaluation Roadmap - Mid-Term Review of the Common Implementing Regulation’, October 2015, http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_devco_002_evaluation_cir_en.pdf.

²²⁰ European Commission DG DEVCO, ‘Strategic Evaluation Work Programme 2015-2019’, 22 March 2016, http://ec.europa.eu/europeaid/sites/devco/files/strategic-evaluation-work-programme-2015-2019_en.pdf.

²²¹ Information provided by EUD

²²² Ibid

²²³ European Commission DG DEVCO, ‘Strategic Evaluation Work Programme 2015-2019’.

²²⁴ Information provided by EC (IcSP)

²²⁵ European Commission Service for Foreign Policy Instruments and European Commission Directorate General International Cooperation and Development, ‘Evaluation Roadmap - Mid-Term Evaluation of the Instrument Contributing to Stability and Peace’, November 2015, http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_fpi_004_evaluation_icsp_en.pdf.

²²⁶ Information provided by DG NEAR

²²⁷ European Commission, ‘EU Regional Trust Fund in Response to the Syrian Crisis, the “Madad Fund” - State of Play and Outlook 2016’.

regional level (3).²²⁸ This is a quite ambitious monitoring and evaluation plan but a service contract will help gathering all the snapshots and aggregate them.

Until this monitoring and evaluation system is implemented (in a few months), the Result-Oriented Monitoring (ROM) system is used. The ROM visit for the EUR 17.5 million aid package to Turkey is planned for the second half of May 2016 - half-way through the implementation. As of now, the lack of dedicated staff at the EUD level leads the delegation to rely heavily on the monitoring and evaluation mechanisms of the implementing bodies. The staff shortage for monitoring should be addressed with the implementation of the new monitoring and evaluation system. Besides, there should be a mid-term evaluation of the EUTF's performance. As mentioned in the EU Trust Funds' rules, the EUTF has contracted an external auditor to audit the EUTF. The results should be available in the June annual report of the EUTF.²²⁹

As far as the Facility for Turkey is concerned, the mechanisms for monitoring and evaluation of packages will be the ones of the instruments funds are channelled through. The Facility in itself will be evaluated by the Commission before December 2019.²³⁰ Regarding the monitoring, the Commission has to report annually on the implementation of the Facility to the Parliament and the Council.²³¹

Concerning the ex-post controls of funds allocated to refugees located in Turkey, it is soon to assess whether the mechanisms are effective or not. The new instruments and coordination mechanisms have been implemented quite recently and there has been no assessment of results so far. In general, however, it seems that the Commission is trying to address this issue. The monitoring of the EU-Turkey statement by the Commission has so far been quite thorough. The first implementation report of the EU-Turkey statement²³² is particularly useful and informative, gathering information otherwise hard to find on DGs' websites or not available. Therefore, the Commission appears to be addressing the concerns on monitoring the implementation of the EU-Turkey statement. The next monitoring report is due in June 2016.

4.3.1.4 Irregularities

When asked about irregularities in managing the funding, EU stakeholders indicated that no irregularities had been encountered, or that they were not aware of irregularities being reported. They all indicated that OLAF was the European body dealing with irregularities. OLAF's recent reports do not mention such irregularities. In addition, ECHO has developed a mechanism in relation to cases of aid diversion but those have not happened with the aid to refugees located in Turkey.²³³

4.3.1.5 Funds channelled through the UN

UN agencies are one of the main recipients of EU funds to help Syrian and Iraqi refugees in Turkey. In 2009, the European Court of Auditors (ECA) published a very critical report on EU funds channelled through UN agencies. It concluded that *'the process for deciding to implement aid through the UN does*

²²⁸ Information provided by DG NEAR

²²⁹ Ibid.

²³⁰ European Commission, 'Commission Decision on the Coordination of the Actions of the Union and the Member States through a Coordination Mechanism - the Refugee Facility for Turkey'.

²³¹ Ibid.

²³² European Commission, 'First Report on the Progress Made in the Implementation of the EU-Turkey Statement', 20 April 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160420/report_implementation_eu-turkey_agreement_nr_01_en.pdf.

²³³ Information provided by DG ECHO

not demonstrate that this is the most efficient and effective option,²³⁴ and that *'monitoring arrangements do not provide adequate information on the robustness of financial procedures and on the achievement of objectives'*.²³⁵ This section focuses on those two aspects: decision-making of channelling aid through the UN and monitoring and control arrangements.

Concerning the decision to channel funds to the UN, EU stakeholders pointed out that channelling fund through the UN is usually not perceived as the preferred option, but it may be the only option in a context of crisis. The preferred implementing partners are often the Member State development and relief agencies. The context of Turkey is quite unique though and UN agencies have managed to impose themselves as actors that cannot be overlooked. At the beginning of the crisis, only UN agencies were authorised by Turkish authorities to provide help to refugees. The UN therefore has a track record of cooperation with Turkish authorities since the beginning of the crisis. Now there are more authorised partners, including NGOs. However, the increasing scale of the refugee crisis led to large-scale funding that only well-established agencies with large resources have the capacity to manage. Besides the practical aspects, the UN is generally more trusted than the EU on the ground, as the UN is not perceived as linked to states' interests. In general, the relation between the UN and the Turkish authorities is less politicised than the relation of the EU and Turkish authorities. Better access to populations in need and neutrality represent the main added value of the UN agencies in Turkey according to EU and UN stakeholders.

Concerning monitoring and control, the EU relies on the UN agencies to monitor and control the use of funds according to the joint EU-UN guidelines on reporting. There is no evidence that these guidelines are not followed, and when asked, EU stakeholders answered that they were not more dissatisfied by the reporting and monitoring of UN agencies than that of other organisations. The monitoring and control requirements of the EU are complemented by each agency's monitoring requirements. For the United Nations High Commissioner for Refugees (UNHCR), monitoring is based on the reports and observations by the partners and local authorities and on regular direct observation and ongoing assessment by UNHCR (e.g. on the spot visits to project sites) and the comparison of achievements and related financial expenditures with objectives. Monitoring activities are carried out at various levels (camp, household) by partners and agencies implementing sub-projects, UNHCR Branch Office, Sub Office and Field Offices. Situation reports are submitted by all UNHCR Field Offices to their respective Supervising Office on a monthly basis and Branch Offices submit a corresponding report to Headquarters.²³⁶ Those mechanisms are similar in other UN agencies.

A stakeholder from the UNHCR reported that there have been changes since the 2009 ECA report, such as an increasing number of EU verifications focusing on contribution agreement and institutional compliance assessment, control environment, accounting (including IT system), reporting, procurement, asset management, recruitment, payroll and time management, expenditure control, cash and bank management, and other compliance issues (including visibility). Besides, it was pointed out that there are new procedures and control mechanisms in relation to remote management operations, even though this is not applicable to Turkey; and stricter follow-up on reporting deadlines.²³⁷ This was confirmed by a stakeholder from UNICEF, highlighting that UN agencies are experiencing a significant increase in Result Oriented Monitoring missions, evaluations and

²³⁴ European Court of Auditors, 'EU Assistance Implemented through United Nations Organisations: Decision-Making and Monitoring', accessed 24 February 2016, http://www.eca.europa.eu/Lists/ECADocuments/SR09_15/SR09_15_EN.PDF.

²³⁵ Ibid.

²³⁶ Information provided by UNHCR.

²³⁷ Interview with Senior EU advisor, UNHCR office in Brussels

verifications. The EU is also becoming more demanding when reviewing and approving the reports and is increasing the reports requirements (every 6 or 3 months instead of once a year).²³⁸

4.3.2 The role of Turkish authorities

The role of the Turkish authorities is currently quite limited when it comes to managing EU funding. Until recently, only the IPA channelled significant amounts of money through the Turkish authorities. The monitoring and control mechanisms for the IPA are described in Study Area 1 of this study.

In April 2016, the European Commission announced that a new package of funding was being disbursed to provide returned migrants from Greece to Turkey with food, healthcare and accommodation.²³⁹ This EUR 60 million measure will be implemented in direct management and the beneficiary will be the DGMM at the Ministry of Interior.²⁴⁰ This consists in a special measure²⁴¹ under the Facility that will be financed under the IPA. Regarding the control of the funds, a footnote of the first implementation report on the EU-Turkey statement notes: "Eligible expenditure will be based on actually incurred and verifiable costs and the Turkish authorities will be reimbursed for pre-agreed tasks they perform. The use of such a direct agreement does not amount to entrusting executive powers to the Turkish partners or political choices/discretion as to how to allocate these funds."²⁴² The Press Release of the Commission indicates that this funding will cover a 6 months period as of 4 April 2016 when the returns started, and that the funds will not be used to return migrants to their country of origin. There is currently no more information of the monitoring and control of those funds and the European Commission has been rather discrete on this. While there is currently no reason to believe that the funds will be misused, the use of these funds is likely to be very difficult to control and the objective to provide "appropriate conditions" for reception of returned migrants is rather vague. After the first waves of migrants' return from Greece to Turkey, Human Rights Watch reported that rights organisations and journalist did not have access to the facilities where the returned migrants are staying, and it is unsure that the UN agencies have had access to these facilities.²⁴³ In the absence of thorough reporting, it is therefore a matter of concern that the EU is funding activities of which no information is known.²⁴⁴

Most of the EU aid has been channelled through the UN agencies, Member States' development and relief agencies and NGOs. Depending on the object of the project, these entities then cooperate more or less with the Turkish authorities. Projects on education channelled through the UNICEF for example require strong cooperation between UNICEF and the Ministry of National Education (MoNE) for the project to be effective. The Turkish authorities have a strong role in ensuring coordination and coherence when it comes to the 'traditional' competencies of the state and the protection it has to provide to refugees (education, shelter, health...).

The Turkish authorities have put in place working groups on various subjects to coordinate action between the various stakeholders authorised to implement projects providing services to refugees.²⁴⁵

²³⁸ Information provided by UNICEF

²³⁹ European Commission, 'Annex 1 to the Commission Implementing Decision Adopting a Special Measure on Migrants Returned to Turkey, to Be Financed from the General Budget of the European Union'.

²⁴⁰ European Commission, 'First Report on the Progress Made in the Implementation of the EU-Turkey Statement'.

²⁴¹ European Commission, 'Commission Implementing Decision Adopting a Special Measure on Migrants Returned to Turkey, to Be Financed from the General Budget of the European Union', 19 April 2016.

²⁴² European Commission, 'First Report on the Progress Made in the Implementation of the EU-Turkey Statement', 10.

²⁴³ Human Rights Watch, 'EU/Greece: First Turkey Deportations Riddled With Abuse', *Human Rights Watch*, 19 April 2016, <https://www.hrw.org/news/2016/04/19/eu/greece-first-turkey-deportations-riddled-abuse>.

²⁴⁴ Information on Special measures was requested from DG NEAR, but not provided.

²⁴⁵ Information provided by UNICEF

In the sector of education, the Education Working Group based in Ankara acts as the main coordination mechanism among the ministries and key organisations in the implementation of crisis response programmes. It is chaired by the MoNE, and the Disaster and Emergency Management Authority (AFAD), the Directorate General for Migration Management (DGMM), The International Organisation for Migration (IOM), UNICEF, UNHCR and the Turkish Red Crescent (TRC) are permanent members. The EU is not part of it but can be invited to the monthly meetings, as well as other relevant stakeholders. This working group acts as a forum to discuss the needs and the responses in education of refugee children. There is also a more informal working group on education in each province where Turkish and International NGOs can participate. It coordinates the respective support programmes in the education sector, with a special focus on informal education for out-of-school children and youth.²⁴⁶ At present, it appears to allow more for information sharing than strategic planning at least at the local level.²⁴⁷

As the EUTF is one of the possible instruments for the Refugee Facility, all the planned action under the trust fund is vetted by the Turkish Prime Minister Office to make sure it is in line with the priorities. This cooperation functions very well according to EU stakeholder who reports that on a working level, there is a trust relationship and a constructive atmosphere.²⁴⁸ Given the contribution of Turkey to the EUTF, it has also now voting power at the Operational Board, when deciding on fund allocation for projects in Turkey.

Regarding the Refugee Facility for Turkey, the Turkish EU affairs Minister Volkan Bozkir declared: "There is a coordination mechanism about how to use this EU fund. This mechanism is led by Deputy Prime Minister Yalçın Akdoğan along with all the other relevant ministers such as the health, national education, finance ministers and even other state holders like AFAD and Red Crescent will attend these coordination committee meetings and will check the necessities of refugees and decide on their list of needs. It might be about a new refugee camp or school or hospital. As a next step the mechanism will decide what the needs are and the required money will be allocated from the EU fund".²⁴⁹ In general, Turkish authorities are aware of all EU activities and they appear as the biggest coordinating entity but they do not have a role in managing and monitoring EU funds, except for the IPA.

4.4 EFFECTIVENESS OF EU AID TO DATE

Has the aid the EU contributed to so far been used effectively and has it reached the targeted groups? What are the lesson to be drawn from the previous utilisation of EU funds on migration and to what extent those lessons have been taken into account?

This section reviews the EU result so far in helping refugees in Turkey, as well as the criteria used by the EU to assess effectiveness of aid (section 4.4.1). This section also includes a case study aiming at showing the extent to which the management mechanisms allow to reach the target population (section 4.4.2). Finally, this section includes a review of the lessons learned from the recent European Court of Auditors (ECA) report on the migration policy of the EU in its neighbourhood (section 4.4.3).

²⁴⁶ Ibid.

²⁴⁷ James Darcy (Team leader), 'An Independent Evaluation of UNICEF's Response to the Syrian Refugee Crisis in Turkey, 2012-2015'.

²⁴⁸ Information provided by EUD

²⁴⁹ Ali Ünal, 'EU Minister Bozkır: Ankara Did Not Demand Extra 2 Billion Euros from EU', *DailySabah*, 3 February 2016, <http://www.dailysabah.com/eu-affairs/2016/02/04/eu-minister-bozkir-ankara-did-not-demand-extra-2-billion-euros-from-eu>.

4.4.1 Criteria to assess effectiveness

Effectiveness of EU external aid is measured according to the original logframe the partner organisation has to provide in its project proposal. This logframe normally comprises indicators, targets and results to which effectiveness can be measured against. Effectiveness is then assessed through the monitoring and evaluation mechanisms mentioned above. This is complemented in the case of ECHO by a policy department providing analysis and recommendations on effective delivery of assistance. For example, early in the crisis, cash assistance has been identified as an effective way to deliver humanitarian assistance to refugees in Turkey. This is now one of the main strategic priorities of ECHO in Turkey.²⁵⁰ As of now, it is however unclear what the EU has been doing to assess the effectiveness of EU-funded projects in Turkey. EU stakeholders were rather vague about this and no response was received from the evaluation unit of DG DEVCO.

There are reasons to believe that effectiveness will be difficult to assess for EU funded projects until now, as there has been no assessment of the needs of refugees located in Turkey. According to EU stakeholders, a need assessment was launched in August 2015 and is currently being finalised. The Turkish authorities have put forward a list of priorities and that list is reviewed by a team of external experts of the EC. The idea is to streamline the assessments of the Turkish authorities and of the EC experts in order to have a coherent need assessment for the European External Action Service (EEAS), the EC and the Turkish authorities. This assessment was presented at the meeting of the steering board of the Refugee Facility for Turkey on 12 May, 2016.²⁵¹ It should then become a public document. The future programmes will be based on this need assessment. Until it is finalised, there is no clear picture of what the exact needs are, and priorities, objectives and indicators for projects funded by the EU are decided on a case-by-case basis with consultation with the relevant stakeholders: the Turkish Red Crescent is helping to make sure that the most obvious needs are addressed for example.²⁵² "In the meantime, the Commission has already identified education, improvement of the employability of Syrian refugees and resettlement as priority areas for immediate support."²⁵³ As to how those areas have been identified as priorities, no information was found. The lack of need assessment until now is not only problematic in terms of establishing the right priority list. It is also problematic for the assessment of results against baseline data that therefore does not systematically exist. The absence of the very basic data on the needs risks hindering the assessment of the effectiveness of the EU funding to help refugees located in Turkey, as well as weakening accountability if effectiveness cannot be measured.

4.4.2 Case Study

The case study is based on documentation provided by the IcSP, including UNICEF's proposal and the external evaluation report of UNICEF's response to the Syrian refugee crisis from 2012 to 2015.

The objective of this case study is to show if the provision of aid is prioritised and how, and if the monitoring and control mechanisms ensure that aid reaches the prioritised target groups. In that

²⁵⁰ Information provided by ECHO

²⁵¹ 'European Commission - Press Release - Facility for Refugees in Turkey – Steering Committee Accelerates and Scales up Implementation'.

²⁵² Information provided by DG NEAR, EUD

²⁵³ European Commission, 'Report from the Commission to the European Parliament and the Council - EU-Turkey Joint Action Plan - Third Implementation Report', 4 March 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/implementation_report_20160304_eu-turkey_joint_action_plan_en.pdf.

regard, this case study will examine the following aspects: the decision-making process, the monitoring and control mechanism and the effectiveness in reaching targets.

The project chosen for the case study was funded by the IcSP and aimed at providing education to vulnerable Syrian children in camps. The project was part of the broader UNICEF response to respond to the refugee crisis in Turkey, which is currently funded among others by the EUTF. In the strategy of the European Union in providing aid to Turkey, a strong emphasis is put on children and their educational needs. The general objective is to avoid a ‘lost generation’ of Syrian children who did not receive any education or whose education has been interrupted, and to provide children with the necessary psychosocial support they may need. The idea is to avoid a lost generation of children who did not receive any education and to provide children with the necessary psychosocial support they may need. Table 22 features the details of the project.

Table 22: Increasing Resilience of Syrian Children under Temporary Protection

Funding instrument	IcSP
Budget	EUR 4,748,299
Beneficiary	UNICEF
Implementing partner	Turkish Red Crescent
Time frame	March 2013 - April 2015
General objective	Contribute to the increased resilience of vulnerable school-aged Syrian children and youth (4-18) living in camps in Turkey
Specific objectives	Vulnerable Syrian children and youth in refugee camps in Turkey access safe, participatory and inclusive education and recreation spaces which contribute to restoring a sense of stability and continuity

Source: UNICEF²⁵⁴

4.4.2.1 The relevance of channelling funds through UNICEF

As discussed in section 4.3.1.5, there are concerns about the basis for decision to channel funds through UN agencies. The context at the end of 2012 when the project was first proposed to the IcSP for funding was quite different from what it is now. At the time, only few organisations and the UN were allowed to provide services in refugee camps to complement actions of the Turkish authorities and they were not allowed to provide help to refugees outside of camps. UN agencies were the main organisations collaborating with the Turkish authorities in providing services to refugees. The proposal of UNICEF indicates “this funding proposal to the Instrument of Stability contributes to the sum of activities that the United Nation Country Team in Turkey and the GoT have agreed on as being necessary to meet the needs of the current and expected refugees.”²⁵⁵ UNICEF’s added value lies with

²⁵⁴ UNICEF, ‘Funding Proposal to the European Union - Increasing Resilience of Syrian Refugee Children in Turkey’, 2012.

²⁵⁵ UNICEF, ‘Funding Proposal to the European Union - Increasing Resilience of Syrian Refugee Children in Turkey’, 2012.

its track record of collaboration with the MoNE and the Turkish Red Crescent after the earthquake Van in October 2011, as well as its experience in education in emergency situations. The margin of manoeuvre in decision making on who could get funding to provide education to vulnerable children in camps was quite limited in 2012 and UNICEF had at the same time good relations with the relevant Turkish authorities and capacities to lead such a project. UNICEF appears to be the relevant partner for that project.

4.4.2.2 Poor monitoring and control mechanisms

When funded by the EU, UN agencies have to follow the EU-UN guidelines on reporting. All the requirements in terms of reporting, monitoring and control are detailed in the grant agreements. They follow the usual template of EU monitoring and control requirements and are consistent on paper. The response of UNICEF to the refugee crisis from 2012 to 2015 has been evaluated externally. The final evaluation report documented deficits in the monitoring mechanisms of UNICEF: "The monitoring and evaluation department [of UNICEF] in Ankara itself does not seem to perform the standard M&E role with regard to humanitarian programme monitoring, being focused more on reporting than on learning and accountability."²⁵⁶ In general, the evaluation found weak and inconsistent programme monitoring, and inconsistent reporting against objectives. It is however worth noting that the evaluation found that the monitoring of cost against budget was well controlled and managed. The evaluation report concluded with a recommendation that '*UNICEF should adopt a more rigorous and systematic approach to programme monitoring, with direct feedback to programme implementation.*'²⁵⁷ The poor monitoring practices revealed by the evaluation raise questions on the implementation of the guidelines and monitoring requirements of the EU. While there is no indication that monitoring is always poor despite the guidelines and requirements imposed by the EU, there is no reason to believe that this case study is an isolated case.

4.4.2.3 Assessment of the effectiveness of the project

In general, the project succeeded in increasing access to education for Syrian children in camps: the enrolment rate grew from 60% in 2013 to 89% in April 2015.²⁵⁸ Over 75,000 children benefited from the project through the setting up of child friendly spaces, temporary education centres and libraries, the provision of psychosocial support to children and youth, the establishment of a financial incentive system for Syrian teachers and leadership trainings for adolescents²⁵⁹. However, the independent evaluation of UNICEF's response to the crisis found that effectiveness of the project was hard to assess because of the lack of clarity about the purpose and intended outcomes in the project, the lack of programme monitoring against objectives, and the lack of baseline data against which to gauge

²⁵⁶ Independent evaluation of UNICEF's response to the Syrian refugee crisis in Turkey, 2012-2015, p49

²⁵⁷ James Darcy (Team leader), 'An Independent Evaluation of UNICEF's Response to the Syrian Refugee Crisis in Turkey, 2012-2015'.

²⁵⁸ Ibid.

²⁵⁹ UN Turkey, 'UNICEF and EU Mark Milestone in Support to Syrian Children in Turkey', accessed 29 February 2016, <http://www.bmdergi.org/en/unicef-and-eu-mark-milestone-in-support-to-syrian-children-in-turkey/>.

progress.²⁶⁰ The lack of baseline data and need assessment can easily be explained by the restrictions imposed by the GoT before 2012, preventing UNICEF from conducting a need assessment exercise. It is therefore unclear how the target population (vulnerable children) has been identified. While all Syrian refugee children are likely to be vulnerable, some are more vulnerable than others. The report points out that “The lack of needs assessment or explicit vulnerability criteria mean that it is unclear how the most vulnerable children have been identified.”²⁶¹ As a result and despite the overall positive outcomes of the project, it is hard to assess with certainty that the project has reached its intended target.

The evaluation also found that effectiveness of the project was likely to have been affected by the lack of coordination between agencies. Coordination in the area of education is ensured by the Education Working Group, chaired by the MoNE and gathering Turkish authorities, UN agencies and NGOs. While the evaluation noted that coordination between UNICEF and Turkish authorities was good and appropriate in general, it also reported that “overall, coordination between UNICEF and UNHCR on education was weak in the earlier stages of the crisis, and uncoordinated approaches to donors and governments bodies suggest a degree of unhelpful inter-agency competition.” The evaluation also found evidence of better coordination in the later stages of the crisis and this was confirmed by UN stakeholders.

4.4.2.4 Lessons learned from the case study

The EUTF currently funds a follow up project named “Generation Found: EU Syria Trust-Funds-UNICEF Partnership”. It is therefore important to see whether the problems highlighted by the external evaluation have been taken into account in designing further UNICEF’s response. EU stakeholders from the EUTF say the latest grant contracts with UNICEF²⁶² address some of the concerns raised by the external evaluation, such as the lack of baseline data and the monitoring weaknesses. UNICEF confirmed this and has conducted a management response to the evaluation establishing the actions needed to follow up on the recommendations.

Concerning the monitoring mechanisms, four main steps have been taken by UNICEF: expected results and correspondent indicators have been clearly defined in the 2016-2020 Country programme; reliable sources of data and information have been identified to define the baseline and guarantee timely and appropriate measurement of indicators; data collection is now standardised, and processing tools and monitoring checklists are being developed; the field trip report system has been strengthened to facilitate systematic follow up to the monitoring findings.²⁶³ Recommendations of the evaluation were followed, and practice will tell whether these measures are effectively implemented. The issue of coordination between UN agencies has been addressed by defining more clearly the tasks of each agency. According to UN stakeholder, this appears clearly in the 2016 3RP strategy. UNICEF

²⁶⁰ James Darcy (Team leader), ‘An Independent Evaluation of UNICEF’s Response to the Syrian Refugee Crisis in Turkey, 2012-2015’.

²⁶¹ UNICEF, ‘Funding Proposal to the European Union - Increasing Resilience of Syrian Refugee Children in Turkey’, 2012.

²⁶² The two EUTF grants amount to about EUR 46m (EUR 12m + EUR 34m) as of 1st of May 2016. Information provided by UNICEF.

²⁶³ Information provided by UNICEF

stakeholders also pointed that one of the main lessons learned from that project is that the involvement and ownership of Turkish authorities and their involvement in all phases of the project, including in design and decision-taking on each milestone, is critical to ensure sustainability of the project. Some lessons learned also concern the content of the project. UNICEF stakeholders pointed that recommendations have been used to shape the new programme, especially concerning “the need for greater interaction and complementarity of child protection and education interventions” (formal and informal education, psychosocial support and social cohesion): “Concretely, in the revised program currently supported with EU funds, the partnerships with implementing actors are framed in a way that facilitates the interaction and synergies between the informal education programmes, the social cohesion activities and the psychosocial support services.”²⁶⁴

4.4.2.5 Case study conclusions

This case study suggests that effectiveness of EU funded projects may be hard to assess because of the lack of baseline data, vague objectives, and weak reporting and monitoring. While these are likely to be addressed by the measures taken, follow-up on the improvements will be needed to ensure sound project monitoring and control in the future. The case study also suggests the relevance of channelling funds through UN agencies in the specific Turkish context to provide education to refugee children. It shows the importance of channelling funds through partners that have a track record of good coordination with the Turkish authorities when the project aims at complementing the protection offered by the Turkish state.

4.4.3 Lessons learned from the ECA report 09/2016 on the migration policy of the EU

This section examines the conclusions of the ECA special report 09/2016 on the EU external migration spending in Southern Mediterranean and Eastern neighbourhood countries until 2014.²⁶⁵ Even though the report does not cover the development of migration after 2014 and the EU response to the refugee crisis, or any of the instruments currently providing aid to refugees located in Turkey, it appears relevant to see whether there are similarities between the migration policy of the EU and the EU response to the refugee crisis.

The report reveals that effectiveness of EU spending on external migration policy is hard to demonstrate. Danièle Lamarque, the member of the European Court of Auditor responsible for the report said that “EU spending on migration in the neighbourhood countries will only be effective if clear objectives are set, if funds are allocated to well-defined priorities, and if governance and the coordination between EU bodies and with Member States are improved.”²⁶⁶ While no comparison can be made between this study and the audit work of the ECA, there is no evidence that the same problems do not exist when it comes to the policy of the EU dealing with refugees in Turkey. In fact,

²⁶⁴ Ibid

²⁶⁵ European Court of Auditors, ‘EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014’, accessed 23 March 2016, http://www.eca.europa.eu/Lists/ECADocuments/SR16_09/SR_MIGRATION_EN.pdf.

²⁶⁶ European Court of Auditors, ‘Press Release - EU Migration Spending in Neighbourhood Countries “Struggling to Demonstrate Effectiveness”, Say EU Auditors’, 17 March 2016, http://www.eca.europa.eu/Lists/ECADocuments/INSR16_09/INSR_MIGRATION_EN.pdf.

there are similarities between the issues pointed out by the report and the findings of this study. The comparison highlights the potential recurrence of issues in the migration policy of the EU. The following Table 23 sums up the similarities in findings between the ECA report and this study.

Table 23: Similarities between the ECA report on EU migration policy and the main findings of this study

ISSUES	ECA SPECIAL REPORT 09/2016	MAIN FINDINGS OF THIS STUDY
Staff	No migration specialized staff in EUD	No dedicated staff in EUD. The staff of the Refugee Task Force at EUD has been transferred from other sections
Fragmentation of funding	Implementation through multiple instruments, each with its own objectives. The objectives were not interlinked and the instruments provided no clear strategy by which to identify the scale of their contribution	Implementation through multiple instruments, each with its own objectives. They fall into broader EU strategies and it is not certain a link is made in practice.
Funds allocation	The report could not establish to what degree funds were allocated to the main priority neighbourhoods, and it was not possible to assess whether the level of support was appropriate.	The lack of need assessment until now prevents having a clear picture of the priorities, therefore there is no certainty that funds are allocated to the main priority areas, or that the level of funding is appropriate.
Effectiveness	Because of ambitious or too general objectives, projects result often could not be measured	Effectiveness is likely to be hard to measure because of the lack of need assessment and baseline data available
Complex governance/Coordination	EU/MS coordination is difficult and there is no funding strategy to decide who funds what Complex governance weakened coordination at all levels	It cannot be assessed with certainty that coordination is smooth, and it remains largely informal Stakeholders report that coordination is being put in place progressively.

Source: author, based on the ECA report and this study's findings.

The existence of similarities in the issues pointed out by the ECA's report and this study reveals the need for reflexion on the EU migration policy as a whole. Lessons learned from the previous experiences in the neighbourhood of the EU could provide useful inputs to the reflexion on the EU migration policy in Turkey.

4.5 CONDITIONS OF THE ASSISTANCE

What are the terms and conditions for the implementation of the EU-Turkey Joint-Action Plan? What are the reporting, monitoring and control mechanisms of the implementation?

This section analyses the implementation of the EU-Turkey Joint Action Plan of October 2015 (4.5.1), its conditions and controversies (4.5.2), and its reporting, monitoring and control mechanisms (4.5.3).

4.5.1 The EU-Turkey joint action plan

The EU-Turkey Joint Action Plan (JAP) was agreed on 15 October, 2015. It is currently the document guiding the strategy of the EU towards Turkey. The overall objective is to bring order into migratory flows and to stem irregular migration. Three areas for action have been identified by the JAP: “addressing the root causes leading to the massive influx of Syrians”, “supporting Syrians under temporary protection and their host communities in Turkey”, and “strengthening cooperation to prevent irregular migration flows to the EU”.²⁶⁷ The plan lists a number of actions that have to be undertaken by the EU and by Turkey to address the crisis. The JAP consists in two parts. The first aims at supporting Syrians under temporary protection and their host communities in Turkey. The action plan foresees the providing of funding from the EU to help refugees located in Turkey and Turkey in dealing with the crisis, in a sense of burden sharing. It also foresees a joint EU-Turkey needs assessment that is currently in the making (see section 4.4.1.). The plan states that the EU will support the resettlement schemes of Member States. On the Turkish side, Turkey engaged itself to provide the necessary protection (including health, education...) to the people in need of protection, also building a stronger migration management system. The second part of the action plan aims at preventing irregular migration. The plan foresees better management of borders from the Turkish and the EU side in collaboration, as well as combating migrant smuggling.

The EU-Turkey JAP was activated in November 2015 with the announcement of the creation of the Refugee Facility for Turkey and at the occasion of a meeting between the heads of state and government of Member State and Turkey.²⁶⁸ They decided to re-energise the accession process to the EU for Turkey and chapter 17 (economic and monetary policy) was opened for negotiation in December 2015. Turkey also committed to accelerate the fulfilment of the visa liberalisation benchmarks in the view of complementing the visa liberalisation process in October 2016.

On 18 March 2016, a new agreement was made between Turkey and the European Union.²⁶⁹ Under this latest agreement, Turkey agreed to take back all irregular migrants crossing from Turkey to Greece and to send to Europe a Syrian refugee for each Syrian taken back on Turkish soil, in exchange of an additional EUR 3 billion to be channelled through the Refugee Facility for Turkey and the promise of visa liberalisation from June 2016 should Turkey fulfil the required criteria.²⁷⁰ The implementation of the agreement started on April 4 with the first returns of 202²⁷¹ migrants from Greece to Turkey and the relocation in Europe of 32²⁷² Syrian refugees. Assistance to Turkey through the implementation of the Refugee Facility is linked to the number of irregular migrants arriving to the EU. For each returned

²⁶⁷ ‘European Commission - Press Release - EU-Turkey Joint Action Plan’, 15 October 2016, http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.

²⁶⁸ Consilium, ‘Meeting of Heads of State or Government with Turkey - Statement’.

²⁶⁹ ‘EU-Turkey Statement - Consilium’.

²⁷⁰ ‘European Commission - Press Release - Implementing the EU-Turkey Agreement – Questions and Answers’, 4 April 2016, http://europa.eu/rapid/press-release_MEMO-16-1221_en.htm?locale=en.

²⁷¹ ‘Migrant Crisis: Greece Starts Deportations to Turkey’, *BBC News*, 4 April 2016, <http://www.bbc.com/news/world-europe-35956836>.

²⁷² ‘European Commission - Press Release - Implementing the EU-Turkey Agreement – Questions and Answers’.

Syrian, one Syrian will be resettled from Turkey to the EU. Once the number of resettlements has reached 72000, the mechanism will be discontinued and will have to be discussed again.²⁷³

4.5.2 Conditions of the assistance and controversies

The plan is the object of several controversies, especially because of the conditions and compensation from the EU to Turkey. One of the main controversies concerns the protection of human rights in the implementation of the deal. While the deal is fully legal against international and European laws and states that it will respect international standards, its implementation may raise concern on the potential violations of human rights of migrants and requires a certain number of safeguards.²⁷⁴ Numerous rights organisations have contested the deal since its announcement, such as Amnesty International²⁷⁵, Human Rights Watch²⁷⁶ and the Council of Europe.²⁷⁷ Their concerns arise from the fact that the agreement does not say much about the de facto returns of migrants and their conditions of living.²⁷⁸ The vague formulation of the statement on the protection requirements does not automatically guarantee full respect of human rights and compliance with the UN refugee convention.

Besides, rights organisations are concerned that Turkey may not be considered as a safe country to send back asylum seekers to.²⁷⁹ Turkey does not apply fully the UN refugee convention and its laws on temporary protection, despite being close to the international standards only apply to Syrians, leaving other nationalities in a limbo. The human rights watchdog Human Rights Watch also published numerous alarming reports²⁸¹ on the shooting and refoulement of asylum seekers at the Turkish-Syrian border, and questioned the EU's morality: "When the EU uses inducements of visa-free travel for Turkish nationals, a renewed and accelerated path toward EU membership, and cash to get Turkey to keep Syrian refugees from crossing into the EU; when its member states build fences and close their own borders; and when the EU signals to Turkey that it's okay to contain Syrian asylum seekers in a war zone, it bears more than a little political responsibility when Turkey closes its border."²⁸²

Moreover, the fast changing political situation in Turkey and the instability on the South-East of the country are also matters of concerns. Numerous reports²⁸³ document the autocratic turn that Turkey

²⁷³ 'EU-Turkey Statement - Consilium'.

²⁷⁴ UNHCR, 'Legal Considerations on the Return of Asylum-Seekers and Refugees from Greece to Turkey as Part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the Safe Third Country and First Country Of Asylum Concept', 23 March 2016, <http://www.unhcr.org/56f3ec5a9.pdf>.

²⁷⁵ Amnesty International, 'EU-Turkey Refugee Deal a Historic Blow to Rights', 18 March 2016, <https://www.amnesty.org/en/latest/news/2016/03/eu-turkey-refugee-deal-a-historic-blow-to-rights/>.

²⁷⁶ Kenneth Roth, Salil Shetty, and Catherine Woollard, 'Say No To A Bad Deal With Turkey', *Human Rights Watch*, 17 March 2016, <https://www.hrw.org/news/2016/03/17/say-no-bad-deal-turkey>.

²⁷⁷ Council of Europe - Parliamentary Assembly, 'The Situation of Refugees and Migrants under the EU-Turkey Agreement of 18 March 2016', 19 April 2016,

<http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnVveG1sL1hSZWYvWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yMjYxMiZyZW5nPUVO&sl=aHR0cDovL3NlbnVudGJjcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRClBVC1YUwYUERGlnhzbA==&xsitparams=ZmlsZWlkPTlyNjEy>.

²⁷⁸ Human Rights Watch, 'EU/Greece'.

²⁷⁹ Amnesty International, 'EU Turkey Summit: EU and Turkish Leaders Deal Death Blow to the Right to Seek Asylum', 8 March 2016, <https://www.amnesty.org/en/latest/news/2016/03/eu-turkey-summit-reaction/>.

²⁸⁰ Bill Frelick, 'Is Turkey Safe for Refugees?', *Human Rights Watch*, 22 March 2016, <https://www.hrw.org/news/2016/03/22/turkey-safe-refugees>.

²⁸¹ Human Rights Watch, 'Turkey: Border Guards Kill and Injure Asylum Seekers', *Human Rights Watch*, 10 May 2016, <https://www.hrw.org/news/2016/05/10/turkey-border-guards-kill-and-injure-asylum-seekers>.

²⁸² Bill Frelick, 'Words of Praise, Deadly Deeds: Turkey's Treatment of Refugees', *Human Rights Watch*, 10 May 2016, <https://www.hrw.org/news/2016/05/10/words-praise-deadly-deeds-turkeys-treatment-refugees>.

²⁸³ Amnesty International, 'Turkey 2015/2016', accessed 12 May 2016, <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>.

²⁸⁴ European Commission, 'Turkey 2015 Report' (European Commission, 24 February 2016),

has been taking over the past year, notably regarding freedom of expression. It appears therefore crucial to follow up closely on the development of the situation in Turkey.

4.5.3 Monitoring and control of the JAP

The progresses on the plan are monitored every month by the European Commission. Progresses are measured mainly through looking at the number of arrival of irregular migrants to the Greek coast. The numbers seem to have reduced since the agreement between Turkey and the EU was reached, according to the first EC report on implementation of 20 April 2015.²⁸⁵ The first progress report on the EU-Turkey statement describes the measures taken for implementation from 20 March 2016 to 20 April 2016.²⁸⁶ The main results are the following: Greece and Turkey have adapted their legislation to move towards compliance of the deal implementation with international law; the number of irregular migrants' arrivals have decreased, capacity to process asylum application in Greece is being built. 325 migrants have been returned during the first month of implementation of the deal, mostly Pakistanis and 2 Syrians. In parallel, 103 Syrians have been resettled from Turkey to Germany, the Netherlands, Finland and Sweden.²⁸⁷

The control mechanisms on the implementation of the EU-Turkey Statement are not well known. The implementation report states: "A steering committee, chaired by the Commission with Greece, the European Asylum Support Office (EASO), Frontex, Europol, and representatives of the Netherlands (Council Presidency), France, the United Kingdom and Germany, oversees the implementation of the Statement when it comes to returns and resettlement and addresses bottlenecks."²⁸⁸

It seems that the controversies around the implementation of the deal have led the Commission to report very closely about the EU-Turkey Statement. The first progress report compiles very detailed information on the use of EU funds in Turkey that was either unavailable or hard to find before. It seems that the Commission is starting to address the concerns raised by this study on the weaknesses of reporting and lack of transparency on the monitoring and control mechanisms, even though these still need to be improved.

http://avrupa.info.tr/fileadmin/Content/Files/File/Docs/20151110_report_turkey.pdf.

²⁸⁵ European Commission, 'First Report on the Progress Made in the Implementation of the EU-Turkey Statement'.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

5 CONCLUSIONS AND RECOMMENDATIONS

5.1 STUDY AREA 1 CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

5.1.1 Study Area 1 conclusions

If cases of misuse of EU funds have been recognised in the past, what practices were involved, to what extent have they been interrupted, were sanctions considered, and what decisions were taken by the EU in this context and what their concrete effects?

Pre-accession funding in Turkey is, as in other candidate countries, subject to extensive, systematic controls that address EU and national requirements. In Turkey, the control system involves Turkish structures, OLAF, and the EUD. The latter is intensively involved in control activities at different stages of implementation, including ex-ante controls. The Turkish authorities report that there have been 397 cases of irregularities involving a total of EUR 26,922,744 of EU funding since 2002. This is equivalent to approximately 0.04% of funding from 2002 to 2013. The EC does not make data on irregularities in IPA countries publicly available and it is therefore not possible to compare the situation in Turkey with other countries. No recovery is necessary in 77 cases (e.g. because no funds have been disbursed). 162 cases are subject to recovery, and EUR 9 million have so far been recovered from beneficiaries. In the remaining cases, either the recovery process and/or the investigation are still in progress. The EUD notes that recovery involving legal action can be a lengthy process in Turkey. A total of 178 cases have been investigated by the AFCOS. It is not possible to compare the situation in Turkey with other candidate countries, as irregularity data is not available for other countries.

An operational programme was suspended for much of 2015 as the beneficiary was considered, by the audit authority (a Turkish body), not to have maintained a sufficient audit trail. The programme was reinstated towards the end of the year following an investigation by the EC and the application of corrective measures.

To what extent have the recommendations of the Special Report of the Court of Auditors been followed by the European Commission and how have they been translated into action (new regulations, strengthening controls and increasing demands on the recipient country)?

Intervention design: Analysis of programme documents covering 50 interventions in Turkey from 2010 to 2015 in the areas of judiciary, fundamental rights, and rule of law indicates that there has been no improvement in intervention design over the period. Objectives are often unclear, indicators are poorly developed and/ or irrelevant, sources of verification are often not valid. Assumptions, if provided, are often superficial and generic. Such weaknesses in intervention design have been a feature of pre-accession assistance for many years, not only in Turkey, but also in other candidate countries, including countries that have since acceded to the EU. This suggests that this is a systemic problem, or an emergent property of pre-accession assistance system generally, and that it will not be resolved simply by insisting that specific actors should do intervention design better.

IPA II introduces the 'innovation' of a sector approach. These are not unlike the TPI sectors, except that IPA II sectors are perhaps more specific. The expectation is that this will support a more strategic, coordinated sector approach in the use of pre-accession assistance, as opposed to a fragmented project-based approach. However, the MEUA notes that this is proving to be difficult as it requires various institutions to adapt their relationships and approaches, purely in order to implement pre-accession assistance. What were previously referred to as projects are now presented in sector action documents in an inconsistent and confusing intervention hierarchy including (depending on the

sector) actions, measures, activities, and sub-actions. The sector approach is achieved by combining several interventions into a single logframe and omitting detail, such as the financial allocations for specific interventions. The IPA II sector approach can thus be characterised as a repackaging of previous instruments, rather than a significant rethink, based on dialogue amongst affected actors, to improve the effectiveness of pre-accession support.

Monitoring and evaluation: At the level of interventions, there are three monitoring tools covering IPA I Component I: the PMR, managed by the Turkish authorities; EU-funded ROM, which is managed by the Turkish authorities and is currently carried out by a team under contract to the MEUA/ CFCU; EUD on-the-spot checks, which it carries out as part of its control activities. None of this monitoring information is publicly available. The efficacy of the IPA I Component I sectoral monitoring sub-committees (in which the EUD is a participant) has apparently not improved significantly since the TPI (2002-2006). Again, given the long-standing nature of this issue, we suggest that it is a product of the system, rather than attributable to specific actors. Annual IPA implementation reports, prepared by the National IPA Coordinator, are available on the website of the MEUA. Other monitoring information of a more strategic nature, covering multiple countries is provided by the EC's staff working documents accompanying its annual reports on financial assistance for enlargement. The lack of detail in the sector action documents is likely to make monitoring more problematic, and it certainly reduces transparency, compared with the TPI and IPA I.

Evaluation is perceived primarily as a tool to provide accountability and decision-making information for the EC. With this emphasis, learning tends to be limited to identifying what should be avoided, what can be copied elsewhere, and how to coax better results from the system without changing it significantly. In contrast, other approaches to evaluation see learning as a social process involving dialogue between actors seeking continuous incremental improvements that are desirable and culturally feasible.

A number of evaluations covering pre-accession assistance in Turkey have been undertaken since the ECA's special report on Turkey. However, only some of them deal exclusively with Turkey, some of them are not publicly available, and there is limited coverage of interventions from the later years of IPA I. Analysis of a sample of evaluation reports covering TPI and IPA I Component I suggests that evaluations provide little substantive information about the effectiveness EU pre-accession assistance – this is attributable to weaknesses in intervention design and lack of appropriate monitoring data (time series data). Establishing what evaluations have been undertaken, and who is responsible proved to be somewhat problematic as the information is not readily available. DG NEAR was unable to provide more than 20 evaluation reports covering in excess of EUR 1 billion of TPI assistance (2002-2006) - in any case it considers these reports to be irrelevant now.

RCOP monitoring and evaluation has been undertaken in accordance with Structural Fund principles. An interim evaluation report was published in 2011 and is available on the website of the MSIT. However, there appears to be limited publicly available monitoring information.

An innovation of IPA II is the introduction of sector-level indicators to enable the EC to monitor Turkey's progress at a more strategic level, in particular Chapters 23 and 24. Nevertheless, the indicators introduced in the Indicative Strategy Paper for Turkey (2014-2020) have not been fully developed. Moreover, while the EC's 2015 report on Turkey provides much detailed narrative information, especially on Chapters 23 and 24, and a general summary assessment is made in the introduction, the report does not update the indicators provided in the Indicative Strategy Paper, or provide missing baselines – indeed there is no reference to the tables of indicators provided in that document.

Transparency: Data protection is, rightly, a high priority for DG NEAR. However, transparency, which is equally important, appears to be less of concern. This limits the possibility for society in both Turkey and the EU to engage in dialogue and reflection on pre-accession assistance to Turkey. It appears that DG NEAR's own ability to retrieve, analyse, reflect upon, and draw lessons from information in the longer term is constrained by the way it stores information. To put it another way, DG NEAR has limited capacity to monitor and evaluate pre-accession assistance on a more strategic timescale.

While much information about pre-accession funding is publicly available, it is fragmented across numerous EU and Turkish websites and is often buried in hard-to-find web pages. In many cases, the most efficient way to find relevant documents is via a search engine, rather than by attempting to navigate a specific website.

Many documents are available on DG NEAR's website. These can be filtered by theme (of which there are almost 70) and country, but the utility of this system depends on how the documents have been tagged so, for example, selecting 'The Madad Fund' and 'Turkey' produces no results, although the Madad Fund clearly relates to Turkey. Moreover, only 10 document links are displayed at a time, making it difficult to see what is available, which is particularly problematic when there are 10 or more pages of results. There does not appear to be any way of sorting search results. Locating specific documents on DG NEAR's website can be a slow process, with no guarantee of success.

DG NEAR's website provides access to hundreds of project fiches and other programme documents covering all pre-accession countries dating back to 1999, including the countries that have since acceded to the EU. This is good for transparency, but at the same time, financial and other information has to be manually extracted from each document of interest – transparency would be significantly enhanced if this type of information were available in the form of a searchable database, allowing rapid analysis of the evolution of funding trends and interventions on specific subjects over a number of years.

The sector action documents introduced with IPA II lack transparency, as they do not include financial allocations for individual interventions (projects) but instead provide summary allocations for groups of interventions. The presentation of information in the logframes, which cover multiple interventions is often very poor, making them harder to understand. The objective of the different interventions is often not clear.

How have changes in the volume of pre-accession funding to Turkey over time been justified, and do they corresponded to an improvement in the management and use of aid by Turkey, and by the Commission?

According to DG NEAR, funding allocations are based purely on political considerations, which are monitored in the EC's annual reports on Turkey. However, it is unclear on what basis specific political considerations are translated into specific funding amounts. Moreover, funding allocations are effectively fixed for the entire seven-year financial perspective and the EUD notes that while performance bonuses may be available for 'well-performing' countries, there is no system for reducing funding allocations for countries that 'perform less well'.

EU pre-accession funding allocations to Turkey have historically not been fully utilised. Analysis of cumulative contracting rates as a percentage of cumulative available funding for IPA I Component I indicates that utilisation rates in Turkey have been lower than in other candidate countries. This is commonly attributed to a lack of capacity (in particular insufficient IPA staff) in relevant institutions. We suggest, however, that this explanation is too simplistic and that the issue can not be attributed to

specific actors, but rather to the system itself, which involves numerous actors, including EU institutions and member states.

In terms of funding per capita, Turkey receives far less pre-accession assistance than any other IPA country.

What legislative changes have taken place in Turkey in the context of accession negotiations (i.e. since 2005), and have these changes moved Turkey towards, or away from, EU accession requirements?

A survey of EC regular reports for Turkey from 2005 to 2015 identified a total of 230 references to legislative developments during this period in the area of Chapter 23 Judiciary and Fundamental Rights. The majority of these references indicate movement towards the EU: 117 references (51%) are categorised as moving Turkey towards the EU, and 23 (10%) are categorised as moving Turkey towards the EU, but with serious reservations. In the case of 60 references (26%), it was not possible to determine 'the direction of travel' from the text of the relevant reports. 30 references (13%) indicate movement away from the EU. The years in which the most 'movements away' were reported are 2007, 2012, and 2014.

It is important to note that this analysis does not indicate the significance of the referenced legislation. Nor does it identify the net 'direction of travel' over several reports or the cumulative effect of specific legislative developments referenced in more than one report. Moreover, this analysis relies on the assumption that the EC has consistently applied a systematic methodology for referencing legislation in its annual reports on Turkey.

What support is available to candidate countries from EU institutions to promote best practices in the management of EU funds?

Candidate countries have had, and continue to have, access to a wide range of assistance to promote best practices in the management of EU funding. Some of this assistance is provided directly by EU institutions such as the EUD, the EC (DG ELARG/ NEAR, sector-specific DGs such as DG REGIO, annual OLAF conferences for AFCOS). Other assistance is provided with EU funding by third parties (TAIEX, SIGMA, twinning, technical assistance).

Some feedback provided during the course of this study suggests that the EC may not be able to provide the same level of assistance following the transfer of all management responsibilities back to DG NEAR. Sector-specific DGs now have a much reduced role in pre-accession funding and DG NEAR can not offer the same level of sector-specific expertise as, for example, DG REGIO was able to in the area of regional development (IPA I Component III). Thus, after significant EU and Turkish resources were mobilised prior to and during IPA I to establish operating structures and systems to manage some pre-accession funding along the lines of Structural Funds within the EU, it is likely that rules, processes, and practices relating to multi-annual programmes may, over time, increasingly diverge from those of the Structural Funds that they are supposed to mirror.

5.1.2 Study Area 1 recommendations

1. It is recommended that research is undertaken to analyse why clear intervention objectives and indicators remain so problematic for pre-accession interventions, after some 20 years of different pre-accession funding instruments in many countries. This in turn continues to constrain real understanding of the effectiveness of EU pre-accession assistance. We suggest that the issue is more profound than simply a matter of modifying administrative procedures and document

templates, and may relate to the EC's approach to engagement with pre-accession countries (e.g. implicitly seeking to 'solve' political issues through 'technical' interventions that ignore or suppress different worldviews and objectives).

2. It is recommended that the EC completes the sector monitoring framework for Turkey and update it in its annual reports on Turkey.
3. It is recommended that the EC rationalise the intervention hierarchy used in different sector action documents and that it provides a more detailed breakdown of financial allocations.
4. It is recommended that the EC makes existing information on pre-accession assistance easier to find on its website and that it publishes additional information, such as: a searchable, sortable, downloadable database of pre-accession interventions over the past 15 years, covering all countries, indicating year, sector, EU and national funding, and beneficiary institution(s); a searchable, sortable, downloadable list of documents relating to pre-accession funding (including unpublished monitoring and evaluation reports). It is recommended that the EC consult civil society organisations on this (for example, the Open Government Partnership).
5. It is recommended that the EC develop more coherent evaluation guidelines. The current guidelines are fragmented and are essentially procedural guides that lack theoretical underpinning, in particular regarding the role of stakeholders, except as sources of information.
6. It is recommended that the EC ensure that the quality of support and advice it provides regarding the management of EU pre-accession funds in certain sectors is not eroded following the transfer of management from sector-specific DGs to DG NEAR.

5.2 STUDY AREA 2 CONCLUSIONS AND RECOMMENDATIONS

5.2.1 Study Area 2 conclusions

As regards our overall conclusions, it should be noted that we have not had in-depth direct access to data concerning the large number of loans made to Turkey, and EIB engagement has been limited.

To what extent have EIB loans provided to Turkey been the subject of good or bad practices, and what are the lessons to be learned?

Taking the first key question from the terms of reference, overall it can be concluded that there is no evidence to suggest that the EIB's operations in Turkey are conducted in a way that is inconsistent with the Bank's anti-fraud and corruption guidelines, and loan operations would appear to comply with prudential banking practices. However, there are some shortcomings with regard to monitoring and evaluating the performance of EIB loans to Turkey in achieving broader (non-financial) objectives. These shortcomings stem largely from deficiencies in Turkey itself with regard to evaluation capacity rather than weaknesses in the EIB's procedures which largely comply with good practices.

Have loans been used 'in compliance with the general principles of the European Union'?

Taking the second key question relating to EIB lending to Turkey and EU principles, and looking at the three categories of loans under consideration as a whole, the focus has clearly been on meeting requirements of an immediate environmental and social nature. However, it is also highly probable that an improved social and environmental context will support the development of democracy and the rule of law, human rights and fundamental freedoms.

Have certain funds been used to attract European companies so that they would settle in Turkey?

On the third question, regarding the use of EIB funds to attract EU firms to establish in Turkey, while this might have been an indirect consequence of the EIB's operations in Turkey, we have not found evidence of EIB funds being used as an incentive in a contestable investment location selection process where the choice was between the EU and Turkey. Investments made by EU businesses in Turkey, even if linked to the presence of EU funds can have a positive effect on outcomes in the EU for such enterprises. It is not necessarily a zero-sum situation.

Looking ahead, as noted in our example of EIB loans to promote Research, Development and Innovation programmes (Section 3.2.3), until recently there has been no systematic monitoring of project outcomes by the Turkish authorities. Although this has begun to change, there is scope to further strengthen ex-post controls across the broad range of EIB interventions. This applies less to audit-type controls (the EIB already has well-developed procedures in place to monitor loans and financial outcomes are closely monitored) and more to the assessment of effectiveness and impacts. In particular, and as again noted earlier, there is a need to develop an 'evaluation culture' in Turkey.

At present, whilst an assumption tends to be made that EIB loans will have a positive long-term impact, there is very little hard evidence to back this up. Short of EIB personnel from EV undertaking in-depth studies to assess the impact of loan operations, which is clearly impractical given the large number of interventions, the information required to improve the understanding of longer term impacts can only come from the Turkish authorities themselves. The development of Turkey's evaluation capacity should therefore be a priority. Development of performance indicators for different programmes and data collection methods, as well as capacity building for Turkish authorities' personnel, are all important in this respect. To help develop the necessary capacity, future EIB loans could include a financial provision for project monitoring and evaluation activities. This is already done with most European Commission grant-funded programmes including the Structural Funds.

5.2.2 Study Area 2 recommendations

1. The EIB should respond to and provide evidence as regards the extent to which the recommendations of the 2009 Report of the Court of Auditors have been implemented.
2. Given the reportedly relatively high levels of corruption present in Turkey the EIB should implement specific measures to monitor and follow up on any evidence (e.g. 'whistle blowing') of corrupt practices related to its activities in Turkey.
3. The EIB should further strengthen ex-post controls across the broad range of EIB interventions in Turkey, particularly as regards the assessment of effectiveness and impacts.
4. There is a need to develop an 'evaluation culture' in Turkey with regard to EIB interventions, and the EIB and other EU and Member State institutions can take a lead on this.

5.3 STUDY AREA 3 CONCLUSIONS AND RECOMMENDATIONS

5.3.1 Study Area 3 conclusions

How is the EU funding aid to Syrian and Iraqi refugees located in Turkey structured and managed?

Since the beginning of the Syrian crisis in 2011, the EU has been channelling aid through various instruments: the humanitarian channel ECHO, and the EU external funding instruments (IcSP, EIDHR

and IPA). The EUTF or Madad Fund was created in 2014 to respond to the regional character of the refugee crisis. As of April 2016, the EU disbursed EUR 365 million. This does not include the Refugee Facility for Turkey, a mechanism created to coordinate up to EUR 6 billion. For various reasons, this study finds that it is complicated to have clear a breakdown of the EU spending to help refugees located in Turkey. The novelty of some of the EU instruments does not allow to have a clear picture of coordination and coherence in practice.

This study advocates for better transparency in the EU external funding to Turkey, and recommends to follow up on the development of coordination, ensuring that appropriate mechanisms are formalised to make sure coordination and coherence of EU funding in Turkey are ensured.

How is the EU funding aid to the refugees located in Turkey managed? What are the monitoring and control mechanisms and what is the role of the Turkish authorities?

In general, ex-post control mechanisms seem consistent. However, it is too soon to assess whether those mechanisms have been effective, at least for the new instruments.

While information has been quite hard to find, it seems that the Commission starts to address the concerns on monitoring EU projects in Turkey, after the increase of the scale of funding allocated to the refugee crisis in Turkey. The report of April 2016 on the monitoring of the EU-Turkey statement provides very detailed information. This study welcomes this change and recommends that it be sustained and developed.

This study finds that the concerns raised by the 2009 report of the European Court of Auditors on the monitoring and reporting of UN agencies have been taken into account and addressed by the Commission. Reporting and monitoring requirements are stricter and more frequent than before in that regard.

The role of Turkish authorities in the management of EU funds is in general limited to coordinating implementing partners' actions. However, the recent special measure under the Refugee Facility fast tracking EUR 60 million to the IPA and then the DGMM of the Turkish Ministry of Interior is to be monitored closely, as the monitoring and control mechanisms of that measure are not clear and the objectives quite vague.

Has the aid the EU contributed to so far been used effectively and has it reached the targeted groups? What are the lesson to be drawn from the previous utilisation of EU funds on migration and to what extent those lessons have been taken into account?

As of April 2016, it is unclear what the EU has been doing to assess the effectiveness of EU-funded projects in Turkey. There are reasons to believe that effectiveness will be difficult to assess because of the lack of assessment of the needs of refugees located in Turkey. This study was not able to find the basis for the current aid priorities of the EU in Turkey. This issue has been addressed by the undertaking of a joint needs assessment between the EU and the Turkish authorities. It remains to be seen whether the priorities established correspond to the previously established priorities for EU aid and this study recommends to make sure that the programmes are adapted according to the newly established priorities.

The case study on an IcSP funded project implemented by UNICEF suggests the importance of channelling funds through partners that have a track record of good coordination with the Turkish authorities when the project aims at complementing the protection offered by the Turkish state. Effectiveness of the project was difficult to assess because of the lack of clarity on the purpose and intended outcomes in the project, the lack of programme monitoring against objectives, and the lack

of baseline data against which to gauge progress. The follow up project implemented by UNICEF and funded by the EUTF seems to have taken into account the lessons learned from the previous project. Follow-up will be needed to ensure sound project monitoring and control in the future.

Finally, a comparison between the findings of this study and the recent ECA report on the EU's migration policy in its neighbourhood until 2014 highlights potential recurrence of issues in the migration policies of the EU. The existence of similarities reveals the need for reflexion on the EU migration policies. Lessons learned from previous experiences in the neighbourhood of the EU could provide useful inputs to the EU's policy in Turkey. Further research would be needed to provide sound concluding remarks on the comparison and similarities.

**What are the terms and conditions for the implementation of the EU-Turkey Joint-Action Plan?
What are the reporting, monitoring and control mechanisms of the implementation?**

The EU-Turkey Joint Action Plan agreed on 15 October, 2015 is currently the document guiding the strategy of the EU towards Turkey. The overall objective is to bring order into migratory flows and to stem irregular migration. The recent EU-Turkey statement is the object of controversies because of its one for one return and resettlement scheme, as well as the compensations given to Turkey such as visa liberalisation as soon as June 2016 and an additional EUR 3 billion to be coordinated through the Refugee Facility. There are especially big concerns on the respect of human rights and the UN refugee convention in the implementation of the deal. Safeguards should be put in place to ensure that the deal can be implemented according to its statement, respecting international and European law not only on paper but also in practice. Currently, whether those safeguards are in place and effective is not clear.

The monitoring and control mechanisms of the implementation of the EU-Turkey statement are still unclear. However, the first progress report of the implementation of the EU-Turkey statement compiles very detailed information that was either unavailable or hard to find before. It seems that the Commission is starting to address the concerns on the weaknesses of reporting and lack of transparency on the monitoring and control mechanisms, even though these still need to be improved.

Overall, the likely lengthening of the refugee crisis due to the on-going conflict in Syria shows the importance of taking into account the lessons learned from previous use of EU funds, in order to improve the EU response to the refugee crisis.

5.3.2 Study Area 3 Recommendations:

1. The recent improvement in reporting on the actions of the Commission after the EU-Turkey Statement should be sustained and improved to guarantee easy access to information on EU aid to refugees in Turkey.
2. The Commission should clarify the objectives and the monitoring and control mechanisms of the recently announced Special Measure of EUR 60 million. Rights watchdogs' organisations should be allowed to have access to migrants returned from Greece to Turkey.
3. It is recommended to follow up on the implementation of the lessons learned from previous use of EU funds in Turkey targeting refugees in order to make sure those are not only taken into account on paper but also in practice.
4. Further research and reflexion is needed on the migration policy of the EU in order to improve its effectiveness (and the measurement of its effectiveness) in the future. Previous experiences,

lessons learned and good practices in the neighbourhood should be considered when designing the response to refugee crisis.

5. The Commission should clarify whether the necessary safeguards are in place and effective to ensure full compliance with international and European in practice during the implementation of the EU-Turkey Statement.

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ANNEX 1 TURKEY - INTERIM EVALUATIONS FROM 2003 TO 2007**Table 24: Turkey - interim evaluation reports issued from 2003 TO 2007**

REPORT NUMBER	SECTOR	PROJECTS COVERED	EU FUNDING (MILLION EUR)	ISSUE YEAR
R/TR/ESC/07.001	Economic & Social Cohesion	15	295.188	2007
R/TR/INF/06.006	Infrastructure, Energy, Telecommunications, Transport, & Environment	19	87.893	2007
R/TR/JLS/06.005	Justice, Liberty, & Security	17	76.037	2006
R/TR/PAD/06.004	Administrative Capacity Building & Civil Society Development	22	98.011	2006
R/TR/INT/06.003	Internal Market, Customs Union, & Agriculture	16	94.644	2006
R/TR/SOC/06.002	Social Development	10	244.099	2006
R/TR/ESC/06.001	Economic & Social Cohesion	16	255.494	2006
R/TR/INF/05.006	Infrastructure, Energy, Telecommunications, Transport, & Environment	19	103.432	2005
R/TR/JHA/05.005	Justice & Home Affairs	17	50.628	2005
R/TR/PAD/05.004	Administrative Capacity Building & Civil Society Development	21	89.141	2005
R/TR/INT/05.003	Internal Market, Customs Union, & Agriculture	19	105.797	2005
R/TR/SOC/05.002	Social Development	12	241.727	2005
R/TR/ESC/05.001	Economic & Social Cohesion	16	255.494	2005
R/TR/INF/04.008	Infrastructure, Energy, Telecommunications, Transport, & Environment	14	85.607	2004
R/TR/JHA/04.007	Justice & Home Affairs	12	37.740	2004
R/TR/INT/04.006	Internal Market, Customs Union, & Agriculture	12	68.590	2004
R/TR/PAD/04.005	Administrative Capacity Building & Civil Society Development	15	75.591	2004
R/TR/EBD/04.003	Economic & Business Development	7	48.358	2004
R/TR/SOC/04.002	Social Development	10	228.254	2004

REPORT NUMBER	SECTOR	PROJECTS COVERED	EU FUNDING (MILLION EUR)	ISSUE YEAR
R/TR/REG/04.001	Regional Development & Cross-Border Cooperation	7	132.638	2004
R/TR/INF/03.008	Infrastructure, Energy, Transportation, Telecommunication, & Environment	8	70.456	2003
R/TR/JHA/03.006	Justice & Home Affairs	7	24.951	2003
R/TR/PAD/03.005	Strengthening Administrative Capacity	8	87.556	2003
R/TR/INT/03.004	Internal Market, Customs Union, & Agriculture	6	44.641	2003
R/TR/EBD/03.003	Economic & Business Development	4	20.213	2003
R/TR/REG/03.001	Regional Development & Cross-Border Co-operation	2	92.000	2003
R/TR/SOC/03.002	Social Sector, Health, Education, & Training	10	274.152	2003

Source: Contractor's final report (provided by DG NEAR).²⁸⁹

²⁸⁹ INTEGRATION International Management Consultants GmbH, 'Interim Evaluation of Pre-Accession Programmes in Turkey EUROPEAID/112777/C/SV/Multi Final Report 01 February 2003 - 30 April 2007'.

ANNEX 2: PROJECTS COVERED BY TURKEY INTERIM EVALUATIONS FROM 2003 TO 2007

Table 25: Projects covered by Turkey interim evaluations from 2003 to 2007

PROGRAM- ME YEAR	PROJECT NUMBER	PROJECT TITLE	TOTAL FUNDING EU+TR (EUR)
1996	DGIA-D/MEDTQ/15-96	Modernisation of Vocational and Technical Education	14,000,000
1996	DG1A-D/MEDTQ/01-96	Support to Food Inspection	10,123,000
1996	DGIA-D/MEDTQ/09-96	Shoemaking Training Institution Project	1,962,000
1996	DGIA-D/MEDTQ/10-96	Vocational Training in the Clothing Sector in Turkey	1,490,000
1996	DGIA-D/MEDTQ/ 06-96	Support for Creation of an Industrial Zone for Small Subcontractors in the Automotive Sector	1,245,000
1996	DGIA-D/MEDTQ/11-96	Environmental Standards in Textile	1,000,000
1996	DGIA-D/MEDTQ/ 08-96	EU Online Information Network	773,000
1997	DGIA-D/MEDTQ/23-97	Sanliurfa Drinking Water Project	21,300,000
1997	DGIA-D/MEDTQ/02-97	Cancer Screening and Education Centres	1,900,000
1997	DGIA-D/MEDTQ/ 01-97	Supporting Women Entrepreneurs	1,040,000
1998	DGIA-D/MEDTQ/03-98	Programme of Reproductive Health in Turkey	55,000,000
1998	DGIA-D/MEDTQ/01-98	Development of European Turkish Business Centres	17,300,000
1998	DGIA-D/MEDTQ/02-98	Rehabilitation of Fener-Balat	7,000,000
1998	DGIA-D/MEDTQ/04-98	Strengthening the Vocational Education and Training System	5,102,000
1998	DGIA-D/MEDTQ/05-98	Technology Based Training and Skilled Human Resources Development Centre- "Mechatronics Centre"	1,800,000
1999	DGIA-D/MEDTQ/04-99	Support to Basic Education	100,000,000
1999	DGENLARGE/MEDT/05-99	Administrative Cooperation I	12,000,000
1999	DG 1A-D/MEDTQ/02-99	Effective Enforcement of Intellectual Property Rights Project	1,700,000
2000	B7-411/TUR/2000-01	Marmara Earthquake Rehabilitation Programme	20,000,000
2000	TUR/4035/2000/01	Support to the Quality Infrastructure in Turkey	13,000,000
2000	DGENLARGE/MEDTQ/03-00	Continuation and Enlargement of the 'Jean Monnet' Scholarship Programme for Graduate Students	10,000,000
2001	DGELARG/MEDTQ/04-01	Eastern Anatolia Development Programme	44,338,800
2001	DGENLARG/B7-4036/TUR/01-2001 [C2]	GAP Regional Development Programme - Rural Development & Micro Credit Component	24,000,000
2001	DGENLARGE/MEDTQ/14-2001	Upgrading the Statistical System of Turkey	15,300,000
2001	DGENLARG/B7-4036/TUR/01-2001 [C3]	GAP Regional Development Programme - Cultural Heritage Component	15,000,000
2001	ELARG/MEDTQ/01-2001	Judicial Modernization and Penal Reform Programme	10,700,000

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PROGRAM- ME YEAR	PROJECT NUMBER	PROJECT TITLE	TOTAL FUNDING EU+TR (EUR)
2001	DGENLARG/B7-4036/TUR/01-2001 [C1]	GAP Regional Development Programme - Small & Micro Enterprise Component	8,000,000
2001		Overall Allocation for 2001 Pre-accession Assistance	5,000,000
2001	B7-4100/TUR/2001	Extension of SME Finance Facility to Turkey	4,000,000
2001	DGENLARGE/MEDTQ/08-2001	Local Administration Reform Programme	3,500,000
2001		Civil Service Modernisation Programme	2,500,000
2002	TR 0205.01	Active Labour Market Strategy	50,000,000
2002	B7-4100/TUR/2002	Small Enterprises Loan Programme	20,000,000
2002	TR 0203.05	Support to the Alignment of Turkey to the EU Veterinary Acquis	16,974,000
2002	TR 0203.03	Capacity Building in the Field of Environment	16,630,000
2002	TR 0204.04	Strengthening the Fight Against Money Laundering	9,250,000
2002	TR 0203.01	Upgrading Occupational Health and Safety (OHS) in Turkey	8,160,000
2002	TR 0203.06	Support to Turkey's alignment to the EU Acquis in the Phytosanitary Sector	5,383,000
2002	TR 0206.01	Support Activities to Strengthen the European Integration Process 2002	4,000,000
2002	TR 0203.04	Upgrading the Physical Infrastructure regarding Conformity Assessment and Market Surveillance in Turkey - Automotive sector	3,000,000
2002	DGENLARGE/MEDTQ/12-01	Administrative Cooperation II	2,800,000
2002	TR 0203.02	Enhancement of Safety of Maritime Transport	2,716,000
2002	TR 0202.02	Institutional Building of Telecommunications Authority	2,300,000
2002	TR 0201.01	Improvement of Statement Taking Methods and Statement Taking Rooms	2,276,500
2002	TR 0204.05	Strengthening the Fight Against Organised Crime	1,610,000
2002	TR 0204.03	Establishment of a National Drugs Monitoring Centre (Reitox Focal Point) and Development and Implementation of a National Drugs Strategy	1,400,000
2002	TR 0202.01	Institutional Strengthening of EMRA	1,068,000
2002	TR 0202.03	Reinforcement of Institutional Capacity of DG of State Aids (DPT)	1,000,000
2002	TR 0204.01	Support for the Development of an Action Plan to Implement Turkey's Integrated Border Management Strategy	807,000
2002	TR 0204.02	Support for the Development of an Action Plan to Implement Turkey's Asylum and Migration Strategy	807,000
2003	TR 0305.02	Regional Development in Samsun, Kastamonu and Erzurum NUTS II regions	52,330,000
2003	TR 0302.01	Support to Turkish Conformity Assessment Bodies	7,000,000
2003	TR 0303.01	Customs Modernization	6,875,000

PROGRAM- ME YEAR	PROJECT NUMBER	PROJECT TITLE	TOTAL FUNDING EU+TR (EUR)
2003	TR 0303.02	Fisheries Sector – Legal and Institutional Alignment to the Acquis	6,754,290
2003	TR 0304.01	Strengthening the Police Forensic Capacity	6,436,000
2003	TR 0302.03	Support to Turkey in the Field of Air Quality, Chemicals and Waste Management	5,800,000
2003	TR 0301.02	Development of Human Rights, Democracy and Citizenship Education	5,050,000
2003	TR 0302.02	Upgrading the Physical Infrastructure in the Telecom Sector Regarding Market Surveillance	4,770,000
2003	TR 0303.07	Turkish Rail Sector Restructuring and Strengthening	4,741,000
2003	TR 0305.04	Fashion and Textile Cluster	4,000,000
2003	TR 0306.01	Support Activities to Strengthen the European Integration Process 2003	4,000,000
2003	TR 0303.08	Setting up a Well-equipped Investment Promotion Agency to Fulfil Promotion Functions	3,901,000
2003	TR 0302.06	Reinforcement of Institutional Capacity of the DG of Insurance and the Insurance Supervisory Board (ISB)	3,100,000
2003	TR 0302.04	Alignment of the Turkish Public Internal Financial Control System with International Standards and EU Practices	3,000,000
2003	TR 0301.01	Strengthening the Accountability, Efficiency and Effectiveness of the Turkish National Police	2,580,000
2003	TR 0304.03	Strengthening the Struggle Against Money Laundering, Financial Sources of Crime and the Financing of Terrorism.	2,334,000
2003	TR 0301.03	Improving Cooperation Between the NGO's and the Public Sector and Strengthening the NGO's Democratic Participation Level	2,000,000
2003	TR 0304.04	Visa Policy and Practice	1,919,000
2003	TR 0302.07	Strengthening the Public Procurement System in Turkey	1,820,000
2003	TR 0303.05	Assistance to BOTAŞ on Gas Transmission and Transit	1,800,000
2003	TR 0303.03	Complementary Technical Studies for the Synchronisation of the Turkish Power System with the UCTE Power System	1,500,000
2003	TR 0302.05	Strengthening the Audit Capacity of the Turkish Court of Accounts	1,350,000
2003	TR 0303.06	Improvement of Energy Efficiency in Turkey	1,250,000
2003	TR 0304.02	Strengthening Institutions in the Fight against Trafficking in Human Beings	1,200,000
2003	TR 0303.04	Development of a Regulatory Information System (RIS) for EMRA	1,145,000
2003	TR 0305.01	Support to the SPO GD for Regional Development and Structural Adjustment for strengthening institutional and administrative capacity	800,000
2003	TR 0305.03	Joint Small Project Fund (CBC with Bulgaria)	500,000

PROGRAM- ME YEAR	PROJECT NUMBER	PROJECT TITLE	TOTAL FUNDING EU+TR (EUR)
2004	TR 0405.02	Regional Development in Konya (Konya and Karaman), Kayseri (Kayseri, Sivas and Yozgat), Malatya (Malatya, Bingöl, Elazığ and Tunceli) and Ağrı (Ağrı, Iğdır, Kars and Ardahan) NUTS-II Regions	90,670,000
2004	TR 0403.01	Modernisation Of Turkish Customs Administration	22,572,300
2004	TR 0401.03	Improvement of Public Service and Quality Standards Towards Civil Society Organisations	7,127,000
2004	TR 0406.01	Support Activities to Strengthen the European Integration Process 2004	7,000,000
2004	TR 0403.02	Tax Administration Capacity Building	6,175,000
2004	TR 0404.01	Towards Good Governance, Protection And Justice For Children In Turkey	6,041,200
2004	TR 0402.02	Strengthening the Capacity of Turkish Ministries for Market Surveillance in Selected Areas	6,000,000
2004	TR 0403.08	Assistance to the Turkish Road Transport Sector	5,550,000
2004	TR 0401.01	Implementation of Human Rights Reforms in Turkey	5,461,000
2004	TR 0403.07	Cancer-Free Life: Period 1	5,445,000
2004	TR 0403.04	Eradicating the Worst Forms of Child Labour in Turkey	5,300,000
2004	TR 0402.10	Strengthening The Ministry Of Health To Harmonise And Implement Legislation In The Field Of Biocides (Biocidal Products Directive) And Water (For Public Health Protection)	5,000,000
2004	TR 0403.05	Strengthening Social Dialogue, For Innovation And Change, In Turkey	4,290,000
2004	TR 0403.03	Restructuring and Strengthening of the Food Safety and Control System in Turkey	4,200,000
2004	TR 0402.01	Support to the Market Surveillance Laboratories for the Implementation of EC Directives in the Areas of Fertilisers, Lifts, Non-Automatic Weighing Instruments, Textiles and Construction Products and Legal Metrology	3,936,260
2004	TR 0405.03	Restoration of the Ekmekçizade Caravanserai in Edirne-CBC Bulgaria	3,335,000
2004	TR 0402.05	Support To Turkey's Efforts In The Full Alignment, Enforcement And Implementation In The Field Of Consumer Protection	3,271,000
2004	TR 0402.09	Strengthening The Capacity Of The Ministry Of Environment And Forests In The Field Of Special Waste Management And Noise Management.	3,250,000
2004	TR 0403.06	Strengthening of the Epidemiological Surveillance and Control of Communicable Diseases System (ESCCDS) in Turkey	3,000,000
2004	TR 0402.11	Integration Of Sustainable Development Into Sectoral Policies	3,000,000
2004	TR 0402.04	Support to Turkey's efforts in the full alignment, and enforcement in the field of intellectual property rights with a focus on fight against piracy	2,743,000

PROGRAM- ME YEAR	PROJECT NUMBER	PROJECT TITLE	TOTAL FUNDING EU+TR (EUR)
2004	TR 0401.04	Strengthening Freedom of Association for Further Development of Civil Society	2,520,000
2004	TR 0405.01	Support the Implementation of the Preliminary National Development Plan (pNDP) and Preparation for the Structural Funds	2,500,000
2004	TR 0401.06	Support to Cultural Rights	2,500,000
2004	TR 0403.09	Ensuring The Compliance Of The Frequency Performance Of Turkish Power System With UCTE Criteria	2,500,000
2004	TR 0402.06	Assisting The Capital Markets Board Of Turkey (CMB) To Comply Fully With European Union Capital Markets Standards	2,450,000
2004	TR 0405.05	Interreg-III/A Cross Border Cooperation Programme (CBC with Greece)	2,419,000
2004	TR 0404.03	Enhancement Of The Professionalism Of The Turkish Gendarmerie In Its Law Enforcement Activities	2,120,000
2004	TR 0402.08	Preparation for the Implementation of EU Common Agricultural Policy	2,075,000
2004	TR 0404.04	Development of a Training System for Border Police	1,840,000
2004	TR 0404.02	Establishment of a National Probation Service	1,600,000
2004	TR 0402.03	Strengthening The Ministries Of Health, Environment And Forests, And Agriculture And Rural Affairs To Harmonise And Implement Legislation In The Field Of Good Laboratory Practice For Non Clinical Health And Environmental Protection	1,500,000
2004	TR 0401.02	Support to Establishment of Courts of Appeal in Turkey	1,400,000
2004	TR 0402.07	Development of Organic Agriculture and Legal Alignment To The EU	1,260,000
2004	TR 0401.05	Support to the Ombudsman of the Republic of Turkey	1,170,000
2004	TR 0403.10	Strengthening Audit Capacity of the Board of Treasury Controllers with Respect to Pre-accession Funds	920,000
2004	TR 0405.04	Joint Small Projects Fund-CBC Bulgaria	500,000
2005	TR 0501.07	Establishment of Courts of Appeal in Turkey	30,000,000
2005	TR 0502.08	Small Enterprises Loan Programme, 2nd Phase (SELP II)	25,800,000
2005	TR 0502.02	Regional Development in TR90 NUTS II Region	24,000,000
2005	TR 0503.12	Kuşadası Regional Solid Waste Management Project	20,200,000
2005	TR 0503.11	Çanakkale Regional Solid Waste Management Project	16,700,000
2005	TR 0504.03	Support Activities to Strengthen the European Integration Process 2005	14,900,000

PROGRAM- ME YEAR	PROJECT NUMBER	PROJECT TITLE	TOTAL FUNDING EU+TR (EUR)
2005	TR 0502.03	Support to the Solution of Economic and Social Integration Problems in Urban Areas as Major In-Migrant Destinations in Priority Nuts II Regions	12,500,000
2005	TR 0502.06	Fashion and Textile Cluster (FTC) Phase II	9,000,000
2005	TR 0502.07	Development of a Clustering Policy in Turkey	6,000,000
2005	TR 0502.09	Supporting Women Entrepreneurship	4,800,000
2005	TR 0501.01	Better Access to Justice in Turkey	4,400,000
2005	TR 0502.10	FEMIP Support Fund for Turkey	3,000,000
2005	TR 0501.03	Training Programme on the Istanbul Protocol: Enhancing the Knowledge Level of Non-Forensic Expert Physicians, Judges and Prosecutors	3,000,000
2005	TR 0503.15	Capacity Building For The Compilation of Accounting Data In All Institutions And Agencies Within General Government Sector In The Context of e-Government	2,000,000
2005	TR 0501.05	An Independent Police Complaints Commission and the Complaints System for the Turkish National police and Gendarmerie	1,600,000
2005	TR 0503.09	Enhancement of Traffic Management and Environmental Safety in Turkish Ports and Coastal Areas	1,590,000
2005	TR 0501.04	Cascaded Training Of Turkish Lawyers On Human Rights	1,300,000
2005	TR 0503.10	Technical Assistance For The Improvement Of Access Regime In The Turkish Telecommunications Market	1,200,000
2005	TR 0503.08	Increasing Public Awareness on Energy Efficiency at Buildings	1,070,000
2005	TR 0503.03	Reinforcement of Institutional Capacity of the Directorate General for State Aids in the Undersecretariat of State Planning Organization	1,000,000
2006	TR 06 Avian Influenza	Avian Influenza	10,400,000
Total projects 133			1,145,311,350

Source: Contractor's final report (provided by DG NEAR).²⁹⁰

²⁹⁰ Ibid.

ANNEX 3: LIST OF INTERVENTIONS INCLUDED IN THE ANALYSIS OF LOGFRAMES

COUNTRY	YEAR	INTERVENTION
Turkey	2010	IPA 2010/022518.02/TR/ Support to the Local Human Rights Boards and Women's Rights Awareness (237 kB)
Turkey	2010	IPA 2010/022518.03/TR/ Prevention of Domestic Violence against Women
Turkey	2010	IPA 2010/022518.04/TR/ Promoting Gender Equality in Education
Turkey	2010	IPA 2010/022518.05/TR/ Increasing Primary School Attendance Rate of Children
Turkey	2010	IPA 2010/022518.07/TR/ Fight against Violence towards Children
Turkey	2010	IPA 2010/022518.08/TR/ Justice for Children [Follow-up of Towards Good Governance, Protection and Justice for Children in Turkey (2005) and Children First (2008)]
Turkey	2010	IPA 2010/022518.09/TR/ Towards an effective and professional Justice Academy
Turkey	2010	IPA 2010/022518.10/TR/ Improvement of Enforcement Services in Prisons
Turkey	2010	IPA 2010/022518.11/TR/ Strengthening Witness Protection Capacities
Turkey	2010	IPA 2010/022518.12/TR/ Improved Relations between Mass Media and Judiciary
Turkey	2010	IPA 2010/022518.13/TR/ Improved Court Expert System
Turkey	2010	IPA 2010/022518.22/TR/ Establishment of Reception and Removal Centres – Phase II
Turkey	2010	IPA 2010/022518.30/TR/ Civil Society Dialogue III
Turkey	2011	IPA 2011/022985.23/TR/ Supporting social inclusion through sports education – phase II
Turkey	2011	IPA 2011/022984.01/TR/ Protecting Victims of Human Trafficking
Turkey	2011	IPA 2011/022984.03/TR/ Economic and Social Integration of Internally Displaced Persons in Van Province
Turkey	2011	IPA 2011/022986.02/TR/ Improvement of Civilian Oversight in Turkey-Phase II
Turkey	2011	IPA 2011/022984.04/TR/ Strengthening of Local Investment Planning Capacity with the Participation of Local Actors
Turkey	2011	IPA 2011/022984.05/TR/ Common Cultural Heritage Preservation: dialogue between TR and the EU (Phase 1
Turkey	2011	IPA 2011/022984.06/TR/ Students Learning About the EU
Turkey	2011	IPA 2011/022984.07/TR/ Strengthening Civil Society Development and Civil Society-Public Sector Cooperation in Turkey

COUNTRY	YEAR	INTERVENTION
Turkey	2011	IPA 2011/022985.10/TR/ Socioeconomic development through demining and increasing the Border Surveillance Capacity at the Eastern Borders of Turkey
Turkey	2011	IPA 2011/022985.11/TR/ Witness protection capacities phase II
Turkey	2011	IPA 2011/022985.13/TR/ Support to Better Introduction of the Data Protection System (229 kB)
Turkey	2011	IPA 2011/022985.14/TR/ Support to Establishment of Ombudsman Institution in Turkey (193 kB)
Turkey	2011	IPA 2011/022985.15/TR/ Civil Society Dialogue Between EU and Turkey-IV (241 kB)
Turkey	2011	IPA 2011/022985.16/TR/ Dialogue between trade union organisations in Turkey and the European Union with a focus on young workers (272 kB)
Turkey	2012	TR2012/0123.01 Prevention of corruption and promotion of ethics
Turkey	2012	TR2012/0123.02 Strengthening Judicial Ethics in Turkey
Turkey	2012	TR2012/0324.03 Efficiency in anti-money laundering and counter terrorist financing
Turkey	2012	TR2012/0124.04 Socioeconomic development through demining and increasing the Border Surveillance Capacity at the Eastern Borders of Turkey - Phase II
Turkey	2012	TR2012/0323.05 The Strengthening of Probation Services' Institutional Capacity in Transition to Electronic Monitoring System
Turkey	2012	TR2012/0136.07 Common Cultural Heritage: Preservation and dialogue between Turkey and the EU (Phase II)
Turkey	2013	Measure 1: Strengthening the Legal Aid Service in Turkey
Turkey	2013	Measure 2: Performance Assessment and Management System for Judiciary
Turkey	2013	Measure 3: Supporting the Individual Application to the Constitutional Court in Turkey
Turkey	2013	Measure 4: Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality
Turkey	2013	Measure 5: Strengthening the institutional capacity of Turkish National Police and Gendarmerie General Command regarding Public Order Management, Crowd Control
Turkey	2013	Measure 6: Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard
Turkey	2013	Measure 7: Improving the Crime Scene Investigation Capacity of Turkey
Turkey	2014	Measure 1 - Empowerment of the Role of Parliament in the Protection and Promotion of Human Rights by Strengthening the Administrative Capacity of Parliament
Turkey	2014	Measure 2 - Enhancing the Capacities of both Chief Civil Administrators about Crowd Control and the Civil Inspectors about Effective Investigation

COUNTRY	YEAR	INTERVENTION
Turkey	2014	Measure 3 Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards
Turkey	2014	Measure 4 - Strengthening the Civilian Oversight of Internal Security Forces in Coordination with the Ministry of Interior General Directorate of Provincial Administration
Turkey	2014	Measure 5 - Strengthening the Institutional Capacity of National Human Rights Institution of Turkey
Turkey	2015	Activity 1.6: Empowerment of the Role of Ombudsman Institution in Protection and Promotion of Human Rights
Turkey	2015	Activity 1.8: Strengthening the Institutional Capacity of Turkish National Police regarding Public Order Management and Crowd Control
Turkey	2015	Activity 1.9: Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard
Turkey	2015	Activity 3.2: Increasing the Organizational Capacity of the Women and Children Sections (WCS) of the Gendarmerie General Command
Turkey	2015	Activity 3.3: "Generation Democracy" Strengthening A Culture of Democracy in Basic Education Institutions
Serbia	2015	Improve judicial system in line with EU requirements
Serbia	2015	Support to home affairs
Serbia	2014	Support to home affairs
Albania	2015	Consolidation of law enforcement agencies
Albania	2014	Support to public administration reform
Montenegro	2015	Support the implementation of the IBM strategy
Montenegro	2015	Promotion and protection of human rights of Roma and other vulnerable groups
Montenegro	2014	Support to the implementation of chapters 23 and 24 action plans
Montenegro	2014	Support to the anti-discrimination and gender equality policies



DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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