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Visa-Free Europe for the Eastern Partnership: a Way to Achieve

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This publication is about the strategy and tactical priorities on the path toward visa-free regime for the countries of the Eastern Partnership (EaP) with the European Union. Assessments and recommendations developed by the expert group disclose available mechanisms and opportunities for further visa liberalisation. The research is aimed for strengthening and further professionalisation of international public impact and lobbying of the freedom of movement in Europe. Famous European think tanks and NGOs such as European Policy Centre (Brussels) and European Stability Initiative (Berlin-Brussels-Istanbul) contributed to this project.

Visa-Free Europe for the Eastern Partnership: a Way to Achieve

Policy paper

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FOREWORD

The publication is another contribution made by “Europe without Barriers” to strengthen independent expertise of the EU visa and migration policies.

This time experts focused their attention on the potential value and perspectives of the Eastern Partnership (EaP) initiative for the sake of visa liberalisation.

Launch of EaP is expected to add regional dimension into the “visa dialogue” between Ukraine and the European Union. The dialogue started in 2008 with the aim to elaborate criteria and tasks to be implemented by Ukraine on the way to visa regime removal on behalf of the EU. We believe that effective use of EaP will not only facilitate people to people contacts, but bring the participating countries closer to the norms and standards of the European Union.

We believe that professional capacities of international partners involved into this project may significantly strengthen the level of professional expertise as well as improve lobbying of necessary changes.

In order to achieve synergy, “Europe without Barriers” started institutional cooperation with two think tanks from the Western Europe, namely European Policy Centre (EPC) and European Stability Initiative (ESI). EPC works in direct contact with EU institutions and it is highly respected by independent experts. ESI is well known for its high-quality expertise and lobbying visa free regime for the Western Balkans.

Authors of the research discover the mechanisms and impact on relevant decisions in the European Union’s institutions as well as outline major stereotypes and reasons that affect important positions concerning visa free perspectives for Ukraine. Amanda Paul, EPC expert, contributes to this issue in her writing.

Positive international experience in fighting for freedom of movement in the countries previously having visa regime with EU is an important





component of visa free movement. Public campaigns for visa free regimes, lobbying of necessary internal reforms in the most sensitive sectors which are generally aimed at improvement in the spheres of security, border management and fundamental human rights — these subjects are covered by Alexandra Stiglmayer's contribution. She works as ESI Schengen White List project director.

The target audience of this publication is wide range of experts, politicians, public activists and everyone interested in professional recommendations regarding political, technical and legal tasks aimed at achieving the criteria for visa free regime with the EU.

We offer also exclusive material developed by "Europe without Barriers", presenting expert evaluation of official visa issuance statistics of the European Union for 2009.

The publication was developed in terms of the project "Public support for Ukraine-EU visa dialogue in the context of "Eastern Partnership" supported by European Programme of the International Renaissance Foundation in the frames of grant competition "*Strengthening cooperation between Ukrainian and West-European think-tanks*".

On behalf of international public initiative
"Europe without barriers"

Iryna Sushko





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POTENTIAL VALUE AND MECHANISMS OF THE EASTERN PARTNERSHIP FOR VISA LIBERALISATION PROCESS

Eastern Partnership (EaP) is a specific EU initiative aimed at creating conditions for bringing the countries of Eastern Europe closer to EU norms and standards through stimulation of regulatory reforms, introduction of free trade, sector cooperation and promotion of contacts between people. EaP is a supplement to the bilateral agreement relations between EU and each partner state.

Reduction and further removal of administrative barriers between EU and partner countries in the sphere of freedom of movement for the citizens is one of the cornerstones of EaP philosophy. At the same time conditions and pace of such policy is still the subject for discussions in EU Member States, while specific mechanisms are being formed.

In this analysis we will try to determine how EaP can give additional impulse or serve as a reinforcement factor for the processes initiated in bilateral relations between Ukraine and EU several years ago. Today they are (practically or potentially) turning into common achievement of all six EaP countries.

Regulatory base

As we know, EaP started as the initiative for developing proposals in order to strengthen relations of European Union with its eastern neighbours. Polish Prime Minister Donald Tusk announced it as common Polish-Swedish initiative during the European Council meeting in March 2008. On May 26th, 2008 ministers of external affairs of Republic of Poland and Kingdom of Sweden presented to the foreign ministers of the EU Member States the





common position paper on “Eastern Partnership” concept. Propositions were supported by Member States during the meeting of the European Council on June 20th 2008.

Stimulation of faster progress in visa barriers removal subject to adherence to necessary security standards has been one the EP elements since the very beginning. Initiators proposed to apply (or at least adapt) in the EaP countries the experience offered to the Western Balkan countries in spring 2008. Such experience was accumulated in terms of the development on roadmaps towards visa free regime.

Communication from the European Commission on Eastern Partnership dated December 3rd 2008 developing the Decision of the European Council dated June 20th, includes declaration of political perspective of visa free regime and referrals to the specific practical mechanism applied to achieve the aim — “roadmaps”. Such roadmaps should be developed taking into account peculiarities of each country. It says, in particular: “*Once visa facilitation and readmission agreements are effectively implemented, open dialogues on **visa-free travel** with all cooperating partners. Dialogues would establish **roadmaps** leading to visa waiver, dealing with four main blocks of issues: document security; fight against irregular migration, including readmission; public order issues; and external relation issues, including human rights of migrants and other vulnerable groups*”.

Communication also lists the ways of providing EU assistance for partner countries: *To ensure that mobility takes place in a secure environment, the EU should also help its partners implement the political and legislative commitments they have already undertaken in the ENP framework in the justice and law enforcement areas. This could be done through reinforced technical cooperation and financial assistance, where the role of twinning projects and TAIEX should be substantially enhanced.*

In particular, in the framework of the pacts the EU should:

- *Help partners establish high-standard border management procedures at the external borders;*





- Assist them in setting up an effective data protection regime which would allow them to share operational information with Europol and Eurojust in the context of bilateral agreements;
- Grant partners special status in relevant EU agencies, where feasible;
- Support them in adopting and effectively implementing national strategies in line with EU standards to fight vigorously against organised crime, trafficking and high-level corruption, and to prevent money laundering and financing of terrorism, which need to be tackled effectively at an early stage¹.

At the same time the divergences between Member States have become obvious. Some of them stood for stronger impetus for integration of Eastern European countries, while others preferred to preserve traditional agenda of European Neighbourhood Policy. The differences proved to be especially clear in the sphere of visa liberalisation.

As a result, the following EU documents on EP proved to be less ambitious and less specific. Such situation reflects the differences in approaches and the necessity to find common denominator acceptable for all.

For example, the Declaration of the European Council on Eastern Partnership approved in Brussels on March 20th, 2009 includes much softer wording concerning the perspective of visa waiver: it mentions the term “full visa liberalisation” instead of “visa free regime”. The content of this term is in general the same as “visa regime removal”, but it was presented and worded in such a way that there is no doubt — the European Council applies more cautious approach towards visa regime removal than the European Commission:

“The EU, in line with the Global Approach to Migration, should also take gradual steps towards full visa liberalisation as a long term goal for individual

¹ Communication from the European Commission to the European Parliament and the Council. Eastern Partnership. {SEC(2008) 2974} — Text and unofficial translation into Ukrainian on the website of the Cabinet of Ministers of Ukraine http://www.kmu.gov.ua/kmu/control/uk/publish/article?showHidden=1&art_id=227401910&cat_id=223345569&cti_me=1247064584304





*partner countries and on a case by case basis provided that conditions for well-managed and secure mobility are in place*².

Negotiations on common document which was to be signed both by EU leaders and leaders of six partner countries, allowed very little room for diplomatic manoeuvres and revealed the differences in priorities for partner countries. As a result, the Declaration of constituent Prague EaP Summit of May 7th 2009 includes the wording which is almost identical to the previous one: *“the EU, in line with its Global Approach to Migration, will also take gradual steps towards full visa liberalisation as a long term goal for individual partner countries on a case-by-case basis provided that conditions for well-managed and secure mobility are in place*”³.

Start of realization, revealed peculiarities

Implementation of EP cooperation components relating to the perspectives of visa liberalisation has started. For example, the issue was discussed on May 24 2010 in Polish city of Sopot where the first informal EP meeting took place on the level of ministers of external affairs.

The issue of visa liberalisation was raised by Ukrainian and Moldovan partners. Commissioner for enlargement and European Neighbourhood Policy Stefan Fuele outlined that one of the goals of this initiative is introduction of visa free travel for all 6 participating countries. Commissioner mentioned that the dialogue with Ukraine on visa liberalisation is the most advanced among the 6 EP members; a specific action plan for Ukraine’s visa-free status with the European Union should be ready by the next au-

² Communication from the European Commission to the European Parliament and the Council. Eastern Partnership. {SEC(2008) 2974} — Text and unofficial translation into Ukrainian on the website of the Cabinet of Ministers of Ukraine http://www.kmu.gov.ua/kmu/control/uk/publish/article?showHidden=1&art_id=227409726&cat_id=223345569&ctime=1247074664679

³ Joint Declaration of the Prague Eastern Partnership Summit, May 7th, 2009 http://www.kmu.gov.ua/kmu/control/uk/publish/article?showHidden=1&art_id=227410963&cat_id=223345569&ctime=1247074921321





tumn EU summit. *“I hope that a plan of lifting visa requirements for citizens of Ukraine travelling to EU countries is to be drafted before a planned autumn Ukrainian-EU meeting”*, — he said. In addition, Euro Commissioner said that establishing visa free regime is a complicated issue as numerous “technically demanding” changes should be introduced and this subject is “politically sensitive” for European Union.

The period since the start of Eastern Partnership implementation showed several important aspects which should be mentioned when we speak about visa liberalisation.

First of all, partner countries show different levels of interest, active participation and accumulated experience on this issue.

For example, Belarus, Armenia and Azerbaijan do not declare visa regime waiver as short term priorities. In Belarus such situation is caused by political considerations (progress in contacts with the West is still viewed as an issue of political risk if not as a threat); Armenia and Azerbaijan do not push this issue due to its relatively low social significance (share of citizens who need to travel regularly to EU Member States does not exceed 1–2%).

Georgia just signed (in June 2010) the Agreement on the Facilitation of the Issuance of Visas and Readmission with the EU and it needs time to implement it. The issue of freedom of movement is not so critical in this country as in the countries neighbouring on EU Member States owing to its distant geographical location.

Thus both by definition and de facto Ukraine and Moldova are the only two EaP countries which not only declare but also absolutely need the decision on visa regime removal made by the EU as soon as possible. The citizens of these countries truly depend on border crossing scheme with the EU Member States. Since January 1st, 2008 Ukraine and Moldova have been implementing the Agreements on Facilitation of the Issuance of Visas and Agreement on Readmission of Persons with the European Union.

Ukraine (in October 2008) and Moldova (in June 2010) started visa dialogue with the EU in order to lay down the conditions and criteria for





full removal of visa requirements by the EU. In both cases the EU outlines that introduction of visa free regime is a “long term perspective” (similar approach is not applied in the EU relations with countries of Western Balkans, where visa dialogue is conducted on the basis of more intense scheme, aimed at obtaining the result as soon as possible).

Secondly, the structure of EP Thematic Platforms presupposes certain dispersion of issues related to visa liberalisation.

4 thematic platforms exist in terms of EP:

Platform # 1 “Democracy, good governance and stability”;

Platform #2 “Economic integration and convergence with EU policies”;

Platform # 3 “Energy security”;

Platform # 4 “Contacts between people”.

The main list of “visa dialogue” agenda belongs to the competence of thematic platform # 1 “*Democracy, good governance and stability*”. The platform is coordinated by ministries of justice of partner countries. The competence of this platform is rather wide and it includes ensuring democracy, rule of law, human rights, freedom of speech, right of minorities, etc. The range is so wide, that the issues of justice and internal affairs, directly related to the subject of visa liberalisation are in *somewhat peripheral position comparing to other issues*.

At the same time separate Platform # 4 “*Contacts between people*”, whose philosophy is highly related to the freedom of movement and communication, mostly deals with sector issues: student and scientific exchanges, engagement in pan European educational programs, cross border cooperation. But at the same time the issue of visa waiver and related reforms *is not included into the competence of this platform*.

Thirdly, formation of specific Eastern Partnership know-how — “flagship initiatives” resulted in separation of a single component of “visa dialogue” into an individual flagship initiative. Specific plans, resources and efforts are concentrated around it. We speak about integrated border management. This issue belongs to the key elements on the way to visa liberalisation on behalf of EU (flagship initiative #1).





Border management is one of those issues, where the implementation depends on the quality international cooperation both on bilateral level between partner countries and EU and among partner countries themselves supported by EU.

Some EaP countries already have considerable experience in cooperation on border issues with the support of the EU. First and foremost we mean Moldova and Ukraine. EUBAM — border assistance mission of EU for Ukraine and Moldova has been functioning on the borders of these countries since 2005. The work of this mission is a good example of application of the EU experience and practice in order to strengthen the capacity of border services of partner countries and establish trust between partner countries.

Further progress in introducing modern system of border management in Eastern Europe demands significant improvement of bilateral and multilateral cooperation. EP cooperation may be useful in this issue. For example, countries of Southern Caucasus can apply and develop EUBAM experience in border services modernization, facilitation of rules and conditions for border crossing, development of border crossing point infrastructure, as the number of crossing points is unjustly little in the Caucasus region.

It is important that all six partner countries showed interest in the development of this flag initiative. The first meeting of the special panel “Integrated border management” took place in Odesa already on 15-16th of October, 2009. The panel was created within the framework of the thematic platform # 1 and its participants approved the position paper on the Integrated Border Management. According to the announcement posted on the web site of the Cabinet of Ministers of Ukraine, there was a proposition not to limit the project exclusively to border crossing points along the pan European transport corridor and TRACECA. The parties reached the agreement to hold several educational courses and seminars on border management and development before the start of flag project. Currently 47 million





Euro from the EU budget are planned to be allocated for the initiative (for 6 partner countries).

Exchange of information should become an important and everyday practice for countries aiming to build common justice, freedom and security space. The step taken in this direction was the seminar “Pre-arrival exchanges of information for the cross-border transport of goods” held on April 14 in Kyiv within the framework of the 1st thematic EaP platform. The participants learned about modern practices of joint information sharing by border and custom services concerning the goods transported to border/custom points.

The issue of **document security** is an important and useful element of cooperation. All six partner countries are on the stage of transition to new generation of travel documents. Moldova is the leader in this area as it started issuing biometric passports for abroad travels in 2008 and starting January 1st, 2011 it will begin issuing exclusively biometric passports for its citizens. Georgia has started issuing biometric passports since June 2010. Other countries, including Ukraine, are lagging behind in this issue.

It is important to establish cooperation between partner countries which will enable not only information exchange on introduction of new standard documents but also creation of effective system of active notifications concerning the lost, forged or annulled documents. The seminar of the first thematic EaP platform “Detection of forged and falsified travel documents” which was held on April 15th 2010 in Riga dealt with this issue.

Civil Society Forum

Civil dimension of Eastern Partnership allows additional opportunities for coordination of effects made by non governmental structures and independent experts on visa issues.

On November 16-17th 2009 the European Commission together with the Swedish EU Presidency and European economic and social committee





held “**Eastern Partnership**” **Civil Society Forum** in Brussels. More than 200 representatives from partner countries of “Eastern Partnership”, EU Member States, international organizations and third countries participated in the Forum.

CSF participants included independent experts and public activists from the EU Member States and partner countries who directly deal with the issues of visa policy monitoring and visa liberalisation. Representatives of Ukraine, Poland, and Moldova were the most active participants as due to their efforts the final Forum resolution included the positions on the necessity to achieve quicker progress in visa liberalisation by laying down and implementing clear list of conditions and criteria (roadmaps similar to the countries of Western Balkans).

Later in spring 2010 the most active public experts created the **working group on visa liberalisation** within the framework of the thematic platform # №1 of CSF. (Four platforms of CSF are structured in the same way as official thematic EaP platforms). The group is working on propositions for the 2nd Forum which is to be held in November 2010 in Berlin.

Conclusion

Eastern Partnership can serve as the important complementary element of bilateral relations between partner countries and EU in the sphere of freedom of movement liberalisation by creating necessary regional platform for countries with similar interests and problems. Experience of Western Balkans shows that regional approach can be useful even if at the initial stage the countries demonstrate different level of readiness.

The fact that visa liberalisation was listed among the priorities in EaP initiation is of political importance. That is why for many partner countries EaP served as a certain political “push” for principal decision (concerning the perspective for visa waiver) though several years ago it seemed unrealistic. In this context EaP Prague Declaration 2009 may be considered equal to





the Thessaloniki Summit Declaration (2003) which opened the perspective of visa liberalisation for Western Balkans.

EaP is a platform where cooperation and reform programs in terms of visa free regime criteria and standards can be implemented more effectively and on bilateral basis. It primarily includes cooperation in the sphere of integrated border management, cooperation of law enforcement bodies, custom services, joint actions aimed at fighting illegal migration, human trafficking, etc. Within the EaP framework it is possible to implement programs on building trust between partner countries themselves, as well as between partner countries and the EU Member States, in particular in law enforcement sphere, without which progress in visa liberalisation is impossible.

EaP can turn into informal competitive ground where partner countries are on objective competitive terms: which country implements the list of criteria faster and more effectively and achieves progress in lifting visas on behalf of EU. If an individual EaP country implements relevant reforms and obtains visa free regime before others, such achievement will turn into an important political and psychological factor and will determine its leadership role within EaP. Such informal competition will encourage the governments of all partner countries to realize quicker and more focused actions. As a result we will speak of leadership not only in visa free regime, but also in the general process of European integration in the region.

EaP includes the mechanism for consolidation the efforts of active civil society truly interested in the freedom of movement — EaP Civil Society Forum. CSF makes it possible to carry out public lobbying and independent expertise, create synergy effect from cooperation between society and experts from the EU Member States and all six partner countries with the aim of visa removal.





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ACCUMULATING WIDER SUPPORT IN EU MEMBER STATES FOR VISA LIBERALISATION FOR UKRAINE AND EASTERN EUROPE

Challenge

The free movement of people is a natural right, a real value of modern Europe. It is impossible to imagine the political, economic, and humanitarian consequences for Europe if freedom of movement was limited today. However, as with every other freedom, free movement of people has not only positive, but also negative aspects, which are often associated with migration as a “concomitant disease”. Although in the majority of cases real grounds of the associated problems have no direct linkage with non-visa regime, visa liberalisation has become something of an unpopular issue in the majority of EU member states. The increase of illegal migration, organized crime and other negative phenomena are rooted in problems such as bad governance, the inability of governments to effectively manage their countries, economic decline, globalization of criminal links etc. But whatever the arguments that organized criminals easily bypass visa obstacles or that illegal migrants just ignore visa requirements growth of radical right political forces and xenophobic feelings among the population is a matter of fact.

There is a misperception and lack of knowledge about the real interrelation between visa liberalisation and illegal migration. Visa liberalisation would actually have a marginal impact on the phenomena which are of citizens concern. However, the negative perception is increasing not only among the marginal groups. Therefore, it is vitally important for European values and for the unification of Europe, for improvement of political and





security cooperation on the continent, economic growth and human links that progress towards a visa free regime and the free movement of people is clearly understood and supported. It is also vital to understand that there is a huge difference between no visa regime for short travel and real free movement of people including movement of labour. If the second would demand real preparation and its effect would be visible and strong in the short term for certain groups inside of the EU, the first one is more of a symbolic gesture with no serious implication for EU labour market.

Therefore, accumulating greater support in the EU for visa liberalisation is a crucial but challenging. The objective of this paper is to define who are the decision makers in this area, where is potential for stronger support, what are the concerns and problems to be solved and what should be done to achieve this goal.

Players and decision-makers

There are multiple players in the EU institutions, in EU Member States and on different levels in the decision making process. Before we examine who influences EU visa policy, and of which nature their interests are, we must clearly identify the division of competence in EU visa policy. It goes without saying that talking about EU visa policy in this article we mean the Schengen area.

In accordance with the Treaty on the functioning of the European Union shared competence between the Union and the Member States applies to cooperation in the area of freedom, security and justice. The Schengen acquis forms part of EU legislation and is divided between the first and third pillars of EU competence with border and visa policy falling under the first pillar and subsequently under the scrutiny of the European Commission and (with some specific conditions) of the Court of Justice of the European Communities and also involving the European Parliament. The European Commission has the exclusive right of initiative on external bor-





der control and short-stay visa policy and on free movement within the Schengen zone. This means that the Commission is responsible for proposing policies and actions and that the Council votes them into law together with the European Parliament. The Member States are responsible for implementing them.

Visa policy belongs to the most complicated part of EU internal functioning system, where decisions face lengthy periods of consideration and conciliation and where full and unconditional support of all three EU institutions and all Schengen member states (including those that are not EU members) is required. We can easily see that the Lisbon Treaty, following changes introduced in the Maastricht and more particularly the Amsterdam treaties, strengthened the role of the Commission in migration issues but at the same time increased control and supervision of this area by the member states through the EU Council and the Parliament. The Council adopts Schengen rules *unanimously* after a proposal from the European Commission. If earlier the European Parliament was only to be consulted, now the Council makes a unanimous decision to legislate Schengen rules under the codecision procedure, which gives the European Parliament *equal power* to the Council.

The role of the European parliament in this area is relatively new and there have only been a few cases until now when the Parliament acted in visa issues. So, it is still to be ascertained whether the actions and behaviour of the Parliament would not change from the expected patterns to something new on visa issues.

1. EU institutions

Commission. The Commission is in general positive about the introduction of a visa free regime for Ukraine and Eastern European states provided that all the necessary legislative changes are made and implemented and the countries in question cooperate well in the area of justice, liberty





and security. Visa liberalisation for EC bureaucrats is a very logical continuation of unavoidable and profitable process of globalization as well as the continuation of European integration to Eastern Europe. It is the only way the Commission can implement its role of a driving force of the European integration — through initiating new stages of integration inside the EU as well as between the EU and its potential new members.

Eastern Europe and in particular Ukraine has been benefiting for the last five years from the positive attitude of the Commission. The EC has always championed visa facilitation and has no problems now with intensive and active progress towards a free visa regime for Ukrainian. This is true for both DGs in the Commission involved in the decision making process — DG External relations and DG Justice, liberty and security, although each of them has its own agenda of relations with Ukraine, in particularly with regard to visa issue. For DG Relex the granting of a free visa regime is something of a long overdue debt to Ukraine, which unilaterally introduced a free visa regime for EU citizens in 2005 and, following the pressure from the Commission in 2007, extended it to new members Romania and Bulgaria. DG Relex can be considered as one of main movers encouraging both partners: Ukraine to make reforms and the member states of the EU to intensify decisions regarding the granting of a free visa regime.

DG JLS has more technical approach looking firstly towards legal aspects and the implementation of the necessary conditions for a visa free regime. However, it is also strong proponent of visa liberalisation provided all the conditions are fulfilled.

The political leadership of the Commission — EC President Barroso, the High Representative, Catherine Ashton and ENP Commissioner, Stefan Fuele should also be included in the list of those who support visa liberalisation and give a clear political guidance to the DGs in this respect. JLS Commissioner Malmstrom deserves particular mentioned. With her appointment the Eastern Partnership countries received a strong supporter and committed friend. However, bearing in mind that not only “liberty”,





but also "security" is a part of her portfolio, one can expect that her positive engagement will not compromise the lack of implementation of the necessary conditions by the countries concerned.

In general, the Commission has been and will continue to be the strongest partner with a clear and positive attitude to visa liberalisation. Their engagement needs to be strengthened by reliable cooperation and clear achievements in practical cooperation. These efforts need to be supported and encouraged. However, it should be understood, that the Commission will only propose to establish a free visa regime for Ukraine provided there is unanimous support by all 27 Member States.

Parliament. The European Parliament has also been a consistent supporter of Ukraine's EU aspirations. A number of EP declarations have supported granting a visa free regime to Ukraine. However, there can be no guarantee that if asked the EP will easily give a green light for the abolishment of visas for Ukrainians. All previous declarations had no legal power and basically brought no tangible results. This time, when the decision of the EP will inevitably mean very important practical change, which could not be ignored in some constituencies, one can not exclude certain resistance among MEPs from not only radical rightist faction, but also from the centre-right EPP and even in the left PSE. However, at the same time it is very unlikely that the Parliament would go against the very nature of its previous decisions and would stop or significantly slow down the process; being, together with the Commission, a champion of European integration both institutions would be expected to do the utmost in this respect. Furthermore, at the present time the key posts in the Parliament in this respect are occupied by people with quite positive records — President Jerzy Buzek and Head of the Delegation for Relations with Ukraine, Pawel Kowal.

The EP may also be used as a vehicle to increase support within EU member states and in national political forces which may be hesitant to offer their support. For example, German CDU/CSU MEPs may be mo-





bilising support for a visa free regime with Ukraine but compared to their colleagues in national parliament they seem very liberal and can be used to influence the latter to remove possible obstacles blocking positive decisions in the Council.

Council. One has to consider the EU council and its working groups in two ways. First, they of course represent positions of their respective countries, so the Council has to be considered as a sum of national positions. But it is not always a case. The Council has its own independent life and often acts not as the lowest common denominator of 27 positions but as an independent body able to take a step forward. The key role in the process belongs to the EU Permanent representatives as well as to groups of diplomats working in council formats like geographical working groups or in the thematic Visa group. Here one has to take into account the crucial role of the presidencies, which formulate the agenda and leads the discussion. For example, we can easily expect no great progress under the current Belgian Presidency to intensify the dialogue in this area. However, on the flip side, the subsequent Hungarian and Polish presidencies offer a good opportunity to build up stronger support in the Member States the introduction of a free visa regime for Ukraine and other eastern European countries. Moreover, the 2011 Polish presidency represents the best moment for key decisions on this issue. It is possible but rather unlikely that in a short time Ukraine will meet all the conditions for visa free regime. However, even if not adopted the decision to take this step can be seriously advanced during the coming year creating the ground for a positive decision in 2012

EU Council formats will present the discussion place for visa issue and will reflect the position of member states. It will also bring back a feeling of the situation and probable prospects to make the decision to the capitals. Work with the Council will be done only by official channels and will rely on national positions. The main job has to be done in the Member states.





2. EU MS governments

Political leadership. The decision to introduce a free visa regime is always political. If left in the hands of bureaucrats it be discussed for another decade. It has always been with the strong political will of visionary statesmen who were able to take the decision that progress has been made. Therefore, the role of heads of states and governments is a really decisive one. They are the ones able to overcome the endless objections from the justice or finance ministries. Their decision is shaped by the following elements: input by their governmental agencies, parliaments and political parties, general line of the Council, level of their contacts with the countries concerned and their own vision for the future of Europe. In other words if one asks what might be done in the short run to improve support for a visa free regime by the political leadership the answer is to increase internal political demand for this decision and to establish and effectively use direct contacts between Ukraine and EU Member states on the highest level.

One particular channel of influence is the Foreign Policy advisors to the head of governments. In some countries their role is very technical, in the others, like Germany or France, it is very important or even decisive. It can be an extremely effective channel to keep this issue on the agenda of the EU head of states or government. This job should be done by the Ukrainian Ministry of Foreign Affairs and the foreign policy advisers to the President of Ukraine. However, it is only personal contacts, trust and confidence in Ukraine's leadership as well as their own interests which can really change or improve the position of EU leaders. The contacts have to be permanent and engaging, relations — reliable.

Foreign ministries have always been the most favourable for the introduction of a free visa regime among the governmental departments in all EU member states. Normally they are either positive or in the worst case scenario — neutral on the issue. The main difference between the Minis-





tries of Foreign Affairs is whether they are ready to take a lead in the process of internal decision making process or just follow the line of sectoral ministries, primarily the ministries of interior. The political leadership of foreign ministries is of crucial importance for achieving the result. For the moment the level of pressure on foreign ministries from the side of Ukraine and other Eastern European countries diplomacy is quite high, so there is little need for further action and further pressure could be counterproductive. However, internal pressure — from national businesses and lobbyist groups may still intensify the efforts of foreign ministries in cooperation with line ministries.

Ministries of interior and justice, migration authorities are probably the key to settling the problems of granting a visa free regime for Ukraine and other Eastern European countries. Unlike foreign ministries they have a very different point of view on the visa issue. Diplomats are primarily concerned with maintaining good relations with third countries. Police authorities are responsible for maintaining law and order, keeping any possible threat away. They do not really care how their efforts are perceived by a country of presumed origin of the threats.

The German Federal Police authorities are probably the best example of inhibitory influence on visa dialogue with Ukraine and will most likely be one of the most negative players in the course of adapting the final decision on introduction of a visa free regime. This position is defined by a number of factors — from real criminal activities originating from or linked with Ukraine to a lack of sufficient contacts and cooperation. The last issue may be the most likely explanation of the tough position of German interior ministry. Criminal activities linked with some Balkan countries have been of incomparably higher scale but it did not stop them being granted a visa free regime as almost all of Balkan countries. Russian criminal activities are also of much higher scale but political considerations do not allow expressing very negative position towards visa





dialogue with Russia. Ukraine becomes the one case where the German police demonstrate their adherence to principles and rigidity. The latter sometimes has no reasonable explanations as happened with a group of Ukrainian travellers who were stopped by the German border police in May 2008 and harassed despite not violating a single rule.

Improvement of relations with Germany and the establishment of positive cooperation with other EU Member States police authorities is a task that falls to the Ukrainian Ministry of interior. For the moment the Ministry has not been very active in its cooperation with EU partners; it seems that the Ukrainian interior ministry has the strongest potential to be used to improve attitude in the EU Member States towards visa issue with Ukraine.

Border control authorities play a role in the internal decision making process, though this role is not as important as the role of other line ministries and is of a more technical nature. The border control authorities provide factual information about movement of people, are in direct contact with visitors with or without visas and control the inflow of illegal migration from the country in question. Information from the border control authorities influences the attitude of the other ministries on the visa issue in general. Close cooperation with these institutions in EU member states is a task for the Ukrainian State border control committee, especially in terms of the establishment of joint border checking points. The last measure might significantly improve the spirit of trust between Ukraine and the EU in the area of liberty, security and justice.

Ministries of finances can sometimes become the main stumbling block for the introduction of a visa free regime as they have already proved to be a number of times for other actions in the area of visa liberalisation — a good example is the waving of visa fees. The argument from the ministries of finances is very simple and convincing — there is no other source to cover





the financial losses from the removal of visa fees, so they have to remain. Only a political decision at the highest level can remove the obstacle of the finance ministries.

EU Member State parliaments and political circles have no direct influence on visa dialogue but basically contribute to the atmosphere of the debate. It was the political will in EU member states to bring CEE countries back to the family, which easily enabled removal of visas at the beginning of 90s. This move was based on wide support in national parliaments and political parties, all of whom were inspired by the fall of the Berlin Wall. It is now resistance in national parliaments and political circles to any new opening to Eastern European countries left outside of the EU, which has been the main reason for the EU's slow movement towards visa liberalisation with Ukraine and others. If 20 years ago the attitude to Eastern Europe was defined by principles of the French revolution, now it can be better described in terms of Huntington's Clash of civilization or the Fortress Europe concept. To change this perception, to remove real concerns and dispel myths around the results of the establishment of a free visa regime with Ukraine is a real challenge and issue, which must be settled.

Of course positions of national parliaments and political parties in different countries vary greatly. The most negative positions can easily be expected from the German, Austrian, Dutch and Belgian Parliaments. Neither can one expect a particularly positive approach from political circles in Spain, Portugal, and Luxembourg with the French parliament remaining quite ambiguous. One can also not be confident of the positions of the Slovenian and Romanian parliaments. From the point of view of the political spectrum the most likely negative attitude is likely to be demonstrated by the radical right and conservative political forces. Central liberal as well as left political forces are in general positive about visa liberalisation.





There are different ways to improve the attitude of parliaments and political forces towards visa liberalisation. It can be done in the same way as it was for visa liberalisation with the Western Balkan countries or for labour movement with the new member states. Political will, explanations, certain shock and media channels. Today very few voices still express much concern over Polish plumbers or Serbian migrants. It is very easy to predict that the introduction of a free visa regime following may be of crucial relevance or importance to the wider public and may very likely disappear from public monitors 2-3 months latter.

However at the same time public concern can be effectively used by EU member states as a justification for slowing down the process of visa liberalisation. Therefore, it is important in the first place to use public pressure inside EU Member States on national authorities with demands to liberalize and to establish a free visa regime with Ukraine as the only effective way to develop economic, cultural and interhuman links. It can be done through inter-parliamentary cooperation committees, cultural projects, youth exchanges, media projects. The usual lobbying practice could be also helpful.

Media, lobbyists and society are basically an additional element to the previous point. However, they can be used directly and more efficiently through different direct projects which can be financed by the state budget and interested parties. Media and civil organization can become a strong influencing group to shape attitudes in national parliaments and governments. It is also necessary to strengthen dialogue and partnership with trade unions and unions of employers of Ukraine and the EU. Both structures have the possibility to be either a troublemaker or promoter for visa liberalisation or vice versa — strengthening of visa regime. Youth organizations can also be very effective in pressuring governments to liberalize the visa regime. It is enough to recall the Austrian-Hungarian picnic of 1989 for just to imagine possible scope of action and public attention to them.





The main problem here seems to be weakness of partner organization in Ukraine (and basically absence of them altogether in some other countries). They have insufficient funds, experience, contacts, and often, interest in this issue. In this respect the sponsored special program to develop the partnership of Ukraine and EU civil organizations can be very effective — the struggle Ukrainian partners face to get visas will inevitably bring the visa issue to the top of the meetings and the ensuing discussion and will help create real, not artificial public pressure on EU governments.

Issues

Lack of trust. EU specialists working in the visa area frequently refer to the issue of trust in partners as the main precondition for introduction of a free visa regime. Lack of trust is one of the main reasons for the slow pace of the visa dialogue. Lack of trust can be explained by two reasons: lack of communication or unreliable Ukrainian counterparts. There are very few contacts on the level of minister of internal affairs of Ukraine and their EU counterparts (if any). There is one annual formal ministerial meeting of justice and internal affairs, where Ukraine is not always represented on the level of minister of interior, there are very few contacts with key partners, especially from the group of 4 most negative EU member states.

Trust is also undermined by certain actions. For example the reintroduction in June 2010 of old type passports (sample of 1994, with paper photo) despite official assurances that Ukraine has settled and is on the way to implement biometric passports. Allegations of corruption, violations of human rights by law enforcement bodies, slow progress in the establishment of European type of migration authorities, etc, makes the prospects of widening support to extending visa free travel to Ukraine rather slim.

This issue could be relatively easily settled provided there is enough political will and administrative capacity to do it. The Ukrainian Minister of the Interior must take a number of actions to establish a partnership





with his EU colleagues. Ukrainian authorities must unconditionally implement the well known list of reforms to ensure that the trust in reliability of Ukrainian partners is revived.

Lack of knowledge. As already mentioned, resistance in EU member states to the establishment of a visa free regime is to a big extent determined by a lack of knowledge about the real consequences. There should be a very clear distinction between short term visits which in no way influence the labour market and are mainly of a touristical nature and the free movement of workers. If somebody who visited an EU member state for a short term visit undertook employment it means that she\he violated the law and here we have to speak about the efficiency of law enforcement. In any case those persons who want to travel for illegal employment will find a way whatever the visa regulations — they buy a visa or cross the border without visa. A free visa regime would just help to better control the movement of persons. This has to be clearly explained not only to the wider public, but also to journalists, business and even to some political circles. The emphasis on the positive economic effect from the removal of the visa regime, especially for tourism and services, should be particularly highlighted in the campaign and lobbying efforts. It would also be efficient to capitalize on the expected internal reforms in Ukraine to convince EU decision makers that Ukraine is really changing and is worthy of trust and new steps in the relationship. The ways to do it are well known — seminars, conferences, media campaign, direct contacts etc.

The economic aspect of a free visa regime is very important, especially now. Opponents to a visa free regime openly use the argument that consular services are very expensive and visa fees allow them to keeping it running. It is a false argument and should be rejected if raised. However the main argument in favour of a visa free regime should be a positive one: an increase in the flow of tourists followed by immediate growth of income to





the public budget as well as to the real economy is strongly overcoming the narrow interests of foreign ministries to maintain visa fees.

The rule of law, the fight against corruption and organized crime remain important points in discussions on the visa regime with Ukraine. Information on cracking down of one or two international criminal groups by Ukrainian police would have a great impact on EU public opinion and willingness, with which EU Member State authorities will consider granting visa free access to Ukrainian citizens. It would be advisable to prepare such an information campaign before important meetings inside the EU on the visa issue take place. Furthermore, reform of judiciary and actions of the Ukrainian government deserve to receive great support.

Fatigue from European integration/Brussels influence in general and enlargement in particular is frequently invisible in visa dialogue but still present in the room when this issue is discussed by the EU member states. It is therefore important to formulate arguments in favour of a free visa regime in the right way. The emphasis should be on the very value of freedom of movement by itself, on the reliability of Ukraine as a partner in the area of justice and home affairs, on efforts of the government to control its borders, on the economic benefits from visa a free regime etc. It should be in no way linked during the discussion or in a public campaign with the free movement of labour or the issue of EU membership. Although it seems very natural to link these issues the result is counterproductive and creates more resistance than support to granting visa free travel to Ukrainians.

Recommendations for Actions

1. ***Delivering results and improving Ukraine's image.*** Ukraine and other eastern European countries have to carry out fundamental reforms that will help to protect them and the EU against organised crime and





irregular migration. They have to introduce biometric passports, modernize their border crossing points, built reception centres for asylum seekers, establish closer cooperation with Europol, Eurojust, Frontex and Interpol, and strengthen the fight against corruption and organised crime. This will be the most convincing argument for garnering increased support for visa liberalisation. At the same time significant resources have to be invested in information campaigns to ensure that the efforts inside the country are well known and have a positive effect on visa dialogue.

2. ***Sending right messages across.*** A clear public explanation of the political importance, economic profitability and positive impact of visa liberalisation for EU Member States and the formulation of the right messages in this respect are of key importance for the success of the campaign for removal of visas for Ukrainians. As was already mentioned, the messages have to be positive and not linked with issue of free movement of labour or membership prospects. Ukrainian authorities together with relevant NGOs and lobbying group have to formulate a list of relevant messages which should be used in work with EU political circles, public administration and media. These messages could be as follows:
 - The introduction of a visa free regime for Ukrainian opens huge economic opportunities for EU business and tourists industries.
 - A free visa regime will help to focus on the fight against illegal migration and human trafficking.
 - A free visa regime will improve border control and control of movement of persons.
 - A free visa regime will help reform the country and provide a greater incentive for Ukraine (at no cost for the EU Member States).
 - Visa regimes are obsolete, left over from cold war times and do not help to solve any of the important EU internal problems. They create artificial borders and dividing lines. The introduction of a free visa regime is the moral and political duty of the EU.





3. **Knowing each other better.** There is an increased need to intensifying contacts on different levels — youth exchange, student programs, cultural and business conferences and seminars etc. The Ukrainian government and the EU could elaborate a special program for strengthening and developing inter-human links and contacts.
4. **Strengthening political links and dialogue at the highest level.** The political leadership of Ukraine has to adopt a focused program to intensify contacts with their EU counterparts in order to strengthen their support for a visa free regime for Ukraine. It is not only for the president and prime minister, but also for ministers of internal affairs, justice and finance, who should be very actively involved into this business.
5. **Media and lobbying campaign.** It would be advisable for the Ukrainian government to elaborate special projects together with EU leading media (for ex. Euronews) and lobbying groups to work with EU decision makers and public to facilitate introduction of non visa regime.



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VISA-FREE TRAVEL WITH THE EU IS ACHIEVABLE⁴

Within this analysis I would like to show three things:

- Visa-free travel is a realistic and achievable goal for Ukraine;
- Visa-free travel will not be a political gift from the EU, but it will require hard work, which, however, is doable; and
- It is in the EU's interest that Ukraine succeeds and meets the conditions for visa-free travel.

To show that, I will draw on the experience of the Western Balkans. They were the first countries to receive visa-free travel in return for far-reaching reforms in the justice and home affairs area, and this approach is the model for the Eastern Partner countries.

Before the war in former Yugoslavia which started in 1991, Yugoslavs could travel to most European countries without a visa. But with the war came hundreds of thousands of refugees that poured into the EU, and organised crime got a foothold in the Balkans. In response, EU countries imposed visa restrictions.

As soon as the last conflict in former Yugoslavia ended — and that was in 2001 in Macedonia — the governments of the new countries that had emerged in the Western Balkans as well as neighbouring Albania began to ask the EU to lift the visa requirement. Their citizens detested the difficult, stressful and often humiliating experience of having to obtain a visa before making a trip.

⁴ Edited on the basis of the speech delivered by the author to the Roundtable “Prospects of removal of visa barriers by the EU for Ukraine and other Eastern European countries” held by “Europe without Barriers” in Kyiv on June 11, 2010.





In the meantime, the EU had established the Schengen area and had a common visa policy, so the issue was to convince all the EU Member States that an abolition of the visa regime would be the right step.

The EU said ‘No’. It was afraid of illegal migrants and organised crime from the Balkans. Then in 2003, at an EU/Western Balkans summit in Thessaloniki, the EU promised that the European Commission would hold discussions with the Western Balkan countries about the reforms necessary to lift the visa barrier. In the summit declaration these reforms were described as “*major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents.*”

At first nothing happened. Nothing happened for years. Nothing happened even against the backdrop of the European perspective of these countries. They were assured that their future lay in the European Union, but at the same time the EU made it difficult for their citizens to come and visit the EU.

But then things started to change. A first step was done when the EU launched negotiations about visa facilitation and readmission agreements in 2006, a year after such negotiations had commenced with Ukraine. This coupling of two separate issues — easier visa procedures in return for readmission, which the EU was keen on — was important since it later became the basis for the approach to visa liberalisation.

In parallel, the situation in the Western Balkans was improving. The rule of law was slowly returning, and organised crime was declining. More and more EU countries as well as the European Commission realised that the visa requirement was counter-productive.

However, what was *decisive* was the realisation of EU Interior Ministers that they could get the Balkan countries to do many things that were really important to the EU, in exchange for visa-free travel; in fact, that they could make sure that what they feared — illegal migration and organised crime — would be controlled. The idea of a designing a catalogue of con-





ditions and demanding their implementation in return for visa-free travel was born.

So in January 2008 the visa process for the Western Balkans was launched. The EU foreign ministers agreed to begin visa dialogues with 5 Western Balkan countries — Albania, Bosnia, Macedonia, Montenegro and Serbia — and announced the elaboration of “*detailed roadmaps setting clear benchmarks to be met by all the countries in the region in order to gradually advance towards visa liberalisation*.”

A few months later, in May and June 2008, all 5 countries received roadmaps. The roadmaps were identical, only slightly adjusted to the situation and terminology used in each country. They listed almost 50 conditions from the fields of passport security, border control, and the fight against illegal migration, organised crime and corruption. These conditions were challenging⁵.

Firstly, as mentioned, the Western Balkan countries were the first where the new approach — far-reaching reforms in return for visa-free travel — was used. It took them many years of lobbying to get a visa liberalisation process, but this was because they paved the way. Things are moving faster for Ukraine and the other Eastern partner countries. The Commission promised Ukraine and the other 5 Eastern partner countries visa liberalisation in 2008, and in May 2009 EU leaders confirmed this goal.

Ukraine has had a visa dialogue since 2008. At the Ukraine/EU JLS Troika meeting this week, Ukraine was promised a roadmap — which, in the case of the Eastern Partners will be called “action plan”. The action plan is due to be handed over at the Ukraine/EU summit in the autumn, probably in November. This is when things will get serious. Then Ukraine will know exactly what the EU expects it do to; and then Ukraine will determine the pace of the process since the pace will depend on how fast it implements the requirements.

⁵ to be found at: www.esiweb.org/whitelistproject





Secondly, the conditions from the roadmap/action plan for Ukraine will be tough. It will cost a lot of efforts, time and money to meet them. But the EU has an active interest that the Ukraine fulfils these conditions. If they are implemented, Ukraine will be a partner in protecting the EU's external borders and the Schengen zone inside. Its passport will be forgery-proof and only persons who are entitled to them, will hold them; Ukraine will take back its citizens if they reside in the EU illegally, as well as third-country nationals that have reached the EU via Ukraine; it will have well-controlled borders with modern equipment; it will manage migration flows through Ukraine and apply the Refugee Convention to those in need of protection; and it will step up the fight against organised crime and corruption.

These conditions are demanding, but they can be met. Three Western Balkan countries have already met them; the remaining two are likely to get visa-free travel this year. There is no doubt that Ukraine too can meet these conditions.

In May and June 2008, all WB countries got roadmaps. With that, the criteria were clear. What were the next steps? What followed was a clearly structured process, and I hope that Ukraine will get the same.

By 1 September 2008, the countries had to send reports to the Commission outlining where they stood in relation to each requirement, and what they intended to do when to fulfil it.

Based on these reports, the Commission wrote a first assessment for each country in November 2008. The assessments showed the strength and weak points of each country, so they knew what to focus on in the coming period.

But the Commission did not only rely on what the WB countries had written. Between January and March 2009, it organised assessment missions to each country. The missions comprised Commission officials but also experts nominated by EU member states. There were different missions, but altogether experts spent roughly 3 weeks in each country.





And they were thorough. For example, in Macedonia a Dutch expert who visited a border crossing point gave the authorities his passport and asked them to check it. It was a good forgery, and he wanted to see if they would discover it. Another expert spent a whole day in a reception centre for asylum seekers and looked at everything, from the toilets to the filing system. The experts made surprise visits to border crossing points, to civil registries that were issuing birth certificates based on which people got passports. In Macedonia, they once checked all the registry offices in one specific region.

As a result of these assessment missions, Macedonia got the green light for visa-free travel in July 2009, while Serbia and Montenegro were asked to do a bit more work on a few remaining issues. By October, they had fixed the problems in these areas. So in November 2009, the Council of the EU, where all the EU MS are represented, decided to lift the visa barrier for Macedonia, Montenegro and Serbia. Albania and Bosnia have had to do some additional work, but it looks that the visa restrictions for them will be lifted in the autumn.

So, what the visa liberalisation process for the Western Balkans shows is that not only the criteria for visa-free travel were clear, but that there was also a clear process with clear timelines and clear deliverables. The governments knew well what was expected from them, the Commission also provided advice whenever needed, which made it easier for the countries to implement the requirements.

So far, visa-free travel for the Balkans has been a success. No incidents at the EU borders have been reported, people travel without problems, and their number is probably growing. Initially, there was no rise in trips to the EU, but the Balkan countries have been hit hard by the economic and financial crises, so many people might not be able to afford frequent trips to the EU.

There was one problem, but it was resolved quickly and successfully thanks to the new cooperation in the area of visa policy:





In January and February of this year, the number of *asylum seekers* from Macedonia and Serbia, mostly ethnic minorities from these two countries, suddenly rose in Belgium and in Sweden.

Previously, only a handful of asylum seekers from these two countries had requested asylum in Belgium and Sweden each month, and their asylum requests were hardly ever decided positively. To give an example: in the last three years — 2007, 2008 and 2009 — 362 Macedonians applied for asylum in Belgium, which is an average 10 per month. Of all the 362 requests in these three years, only 6 were decided positively. That's 1.66 percent.

Then, in January and February 2010, 850 asylum seekers from Macedonia and Serbia arrived in Belgium and around 800 in Sweden. All the concerned governments reacted immediately. The Belgian and Swedish authorities informed their counterparts in Macedonia and Serbia, which promised to take every of their citizens back. The EU governments shortened the period it usually takes them to process an asylum request from several months to a few weeks. They told the asylum seekers that their chances to be granted asylum were minimal, and they offered free transport home, which most people accepted. In Macedonia, the government launched campaigns informing their citizens that they would not be granted asylum in the EU, while in Serbia Belgian authorities themselves went to the Albanian villages in the south to spread the word. There were also investigations in Macedonia and Serbia who was behind this exodus as it appeared to be organised.

As a result of these activities, the vast majority of these asylum seekers have returned home. This episode shows that visa-free travel has opened new channels of communication and increased the willingness of the Western Balkan countries to prevent their citizens from abusing the EU asylum system.

Since March, there have been no such incidents anymore, and Balkan countries have stepped up their efforts to explain their citizens what visa-free travel means: that it is the right to visit the Schengen zone for up to 3





months within a 6-month period; that it does not represent a work permit or a residence permit; and that hardly any citizen from the Balkans qualifies for asylum in the EU since the EU does not think that persecution based on race, nationality, religion or political opinions occurs in the Balkans anymore.

As I mentioned before, it required a lot of effort and money for the Western Balkan countries to implement the roadmap conditions — they did not do it just in passing. This was made a national priority in each country. Special task forces were set up. There was central oversight.

In Macedonia for example, the Deputy Prime Minister chaired the task force, which was made up of deputy ministers and department heads. They met once a week, everybody had to report to him, and then a report for the government was drawn up. The report was discussed at the weekly government meeting. If there were hiccups somewhere, the Prime Minister would sometimes call the responsible official and inquire what the problem was.

Without such focused efforts, the Western Balkan countries would not have been able to implement the roadmaps fast.

Now, where does Ukraine find itself today and what can it do to fasten the process to visa-free travel?

Many of the issues that will be listed in the action plan towards visa liberalisation are things that Ukraine has worked on for years. They have been part of the first EU Action Plan on Justice and Home Affairs from 2001, there have been part of the revised action plan from 2007, they have been discussed in the Sub-Committee on JLS affairs, they have been discussed in the framework of the visa dialogue since 2008.

Ukraine has already achieved a lot with regard to a good number of these issues, and this is important for visa-free travel. It would be important to make the achievements visible. I work in Brussels, and I have been in touch with officials from the EU member states who are in charge of visa issues or who deal with the Eastern European countries. They are not aware





of how advanced Ukraine is. The same is the case in the EU capitals. Show that has already been accomplished, keep them informed pro-actively!

Secondly, it is important that Ukraine builds trust. It could for example ask border guards from Germany to come and visit and give advice on border control issues. It could invite document security experts from France. It could request bilateral help to implement the action plan/roadmap. When these experts come and see the situation on the ground and that there is a strong commitment to make further progress, they will report it back to their governments. It is very important to build such networks.

Thirdly, it would be useful to start to work on the action plan already now. It is known which conditions it will list. Early action will make a good impression on the Commission and EU member states, but also shorten the time until the visa barrier will be lifted since these things will not have to be done anymore.

To conclude: visa-free travel is a real option for Ukraine, but it will not fall into its lap. It will require hard work. But this work can be accomplished, and it is in the EU's interest that it is accomplished. And visa-free travel is certainly a goal that is worth-while the effort.





“Europe without Barriers” (Kyiv)

UKRAINE ON THE “VISA MAP” OF THE EUROPEAN UNION: ANALYSIS OF OFFICIAL STATISTICS FOR 2009

Citizens of Ukraine receive about 9,2 % of all visas issued by European Union, steadily occupying the second position in the world after the Russian Federation (29,4%). Ukrainians receive over twice as many EU visas comparing to the citizens of all other “Eastern Partnership” countries taken together. Citizens of Ukraine obtain twice as many EU visas as the citizens of China (while the proportion of the population is $\approx 30:1$ in favour of China). At the same time Ukrainians receive fewer EU visas than Belarusians in proportion to the total number of the population: in 2009 proportion equalled to one visa per about 21 citizens of Belarus and only per 41 citizens of Ukraine. Thus, an average Belarus citizen visits EU twice as often as an average Ukrainian. About 40% of visas in Ukraine are issued by the Consulates of Poland. In 4% of cases Ukrainian applicants were refused visas, this indicator is slightly lower than in 2008 (4,6%).

On June 9th, 2010 European Union published on its official website the statistics on visa issuance for the citizens of third countries. Consolidated table, (full version can be found here)⁶, includes the information on the number of visas issued by all consular establishments of the countries participating in the Schengen Agreement located all over the world.

Therefore the material shows the statistics on visa issuance on behalf of 28 countries: 22 EU Member States belonging to the Schengen area; Iceland, Norway and Switzerland that belong to the Schengen area, but are not the EU Member States; Bulgaria, Cyprus and Romania that participate in the Schengen Agreement but do not belong to the Schengen area. The research does not include Great Britain and Ireland, as these countries, while being

⁶ <http://register.consilium.europa.eu/pdf/en/10/st10/st10002-re01.en10.pdf>





the EU Member States, do not participate in the Schengen Agreement and do not belong to the Schengen area.

Official statistics agencies of the EU Member States did not systemize the data according to the countries as objects of visa policy (the statistics is grouped by countries participating in the Schengen Agreement and by their consular establishments). “Europe without Barriers” fills this gap as it offers its readers the statistic information compiled in such a way that it enables analysis of the position of certain countries and Ukraine in particular on the “visa map” of the European Union.

Specifics of available EU statistics make it possible to count the number of issued visas only by territorial dimension. It means that visas issued abroad to the citizens of Ukraine are not taken into account. On the other hand, Ukrainian statistics includes visas issued to the citizens of other countries on the territory of Ukraine. In general according to our estimates, the share of such visas does not exceed 1% so it has no significant impact on the general pattern.

General indicators

In 2009 Consular establishments of the members of the Schengen Agreement issued 12,190,687 visas of all types to the citizens of third countries requiring visas to enter the EU territory; 10,241,000 (more than 80%) of this number includes C type visas, or Schengen visas for short term stay. More than 1 million of the issued visas are D type visas, which are national visas, as a rule entitling the bearer to long term stay for family reasons, employment or studies.

Ukraine occupies an important position on the “visa map” of European Union– **almost every tenth visa of countries of the Schengen Agreement (1,125,659 or 9,2% of all visas) was issued in Ukraine.** According to this indicator Ukraine steadily occupies the second position in the world after Russian Federation (3,578,672 of visas or 29,4%). Chi-





na is the third (544,586 or 4,5%), Serbia is the forth⁷, Turkey — fifth, Belarus — sixth, India — seventh (see table 1). In general more than half of all Schengen visas in the world is issued only in five countries — leaders of this “rating”.

Ukraine’s specifics includes relatively high share of D type visas — national visas for long term stay. While Ukraine’s share in C type visas equals to 8,4%, D type visas comprise 17,5% of all visas of this type in the world. In total 182 thousand of such visas were issued in Ukraine, 87% of them were issued by the consular establishments of Poland.

Table 1. Countries — leaders in the number of visas (of all types) issued by the members of the Schengen Agreement⁸

Country	1. Russia	2. Ukraine	3. China	4. Serbia	5. Turkey	6. Belarus	7. India
Total number of visas issued by EU Member States	3,578,672	1,125,659	544,586	535,529	510,557	449,351	405,813
Share in the total number of issued EU visas in the world	29,4%	9,2%	4,5%	4,4%	4,2%	3,7%	3,3%

Data comparison of “Eastern Partnership” countries should also be analyzed. Ukraine obtains more visas than all other 5 countries

⁷ Visa regime (for short term visas) was lifted for Serbia since December 19th, 2009, that is why the country was still among the leaders in the annual 2009 statistics.

⁸ Number of issued visas is given according to the territorial dimension. For example, visas issued to the citizens of Ukraine outside the country are not taken into account. On the other hand, Ukrainian statistics includes visas issued to the citizens of other countries on the territory of Ukraine. In general according to our estimates the share of such visas does not exceed 1% and thus it does not have significant impact on the general pattern.





taken together, however this fact is not of great surprise as the population of Ukraine is larger than the population of other 5 EaP countries (table 2).

Table 2. Number of visas issued by consular establishments of members of the Schengen Agreement in the countries of the Eastern Partnership

Country	Ukraine	Belarus	Moldova	Georgia	Azerbaijan	Armenia
Total number of issued visas	1,125,659	449,351	155,542	54,099	32,237	31,559
Share in total number of issued visas in the world	9,2%	3,7%	1,3%	0,45%	0,3%	0,26%

Visas “per person”: Macedonia hands over the leadership to Belarus

Sixth position of Belarus in the table 1 draws attention (449,351 visas or 3,7%). Taking into account relatively low population of this country (about 9,5 million), Belarus will become the leader in the number of issued EU visas per person in the world after all countries of Western Balkans become “visa free”.

In 2009 according to proportions one Schengen visa was issued per 21 citizens of Belarus, while the relevant number for Ukraine and Russia is twice smaller: one visa per 41-43 persons, Turkey — one visa per 160 persons, China — one visa per three thousand people.





Among CIS countries Moldova occupies the second place — one visa per 27-29 persons⁹ (see table 2). However, in the case of Moldova the real number of citizens who received visas is bigger, as certain members of the Schengen Agreement do not have consular establishments on the territory of Moldova and citizens of the Republic of Moldova receive visas issued by these countries in Bucharest or Kyiv, if the relevant competences weren't delegated to other Consulates (and consequently such visas are included into the statistics of consular establishments in Romania or Ukraine). On the other hand, it should be taken into account that about two thirds of visas issued in Moldova are visas of two countries that do not belong to the Schengen area yet — Romania and Bulgaria and that is why such visas have territorial validity limited to one country.

Thus, out of all “visa” countries, apart from Western Balkans, Belarus has the most intense statistics of Schengen visa issuance in proportion to the population and consequently closer human contacts with European Union. This fact proved to be unexpected in the analysis of this statistical report. It means that an average Belarus citizen travels to EU twice as often as an average Ukrainian, despite the unfavourable political atmosphere, lack of the Agreement on the Facilitation of the Issuance of Visas and higher visa fee (60 Euro instead of 35). It refutes to a greater extend the stereotype about Belarus as a country which is rather isolated from Europe. More than three thirds of visas are issued to the citizens of Belarus by the Consulates of three Schengen countries — Poland, Lithuania and Germany.

However, Macedonia is the absolute leader according to this indicator. Its citizens received 247,757 visas issued by members of the Schengen Agreement. Bearing in mind that the population of this country is 2,045 million people (2005), one visa is issued per 8 persons a year, which is the highest indicator in the world. Since December 2009 citizens of this country (as well as of Serbia and Montenegro) are able to travel to EU without

⁹ Exact figure is hardly to count due to the lack of reliable population statistics in the entire Moldova including Transnistria





visas with the aim of short stay and that is why in future there will be a new leader — in 2010 it will be Bosnia and Herzegovina and later, if the current dynamics is preserved — Belarus.

The lowest number of visas issued per person among EaP countries is noted in Azerbaijan. Obviously, due to geographical factor social significance of travels to EU is lower for the citizens of Caucasian states than for the citizens of Ukraine, Belarus and Moldova and it is depicted in the given statistics.

The Largest Schengen Consulates

Polish Consulate in Lviv is the largest foreign Consulate in Ukraine and the largest Consulate of Poland abroad in terms of the issued visas. The indicator of 273,569 in 2009 means that this Consulate **issued every forth visa out of all visas, issued on the territory of Ukraine by the members of the Schengen Agreement**. Taking into account that in 2009 all consular establishments of Poland in the world issued 795,387 visas in general, we may state that a single Consulate in Lviv issued more than one third of all Polish visas in the world.

At the same time even this indicator places Polish Consulate in Lviv on the forth position among the Schengen Consulates in the world. Second and third position are occupied by Consulates of Italy (315,356 visas) and Spain (276,765 visas) in Moscow (see table 3).

The absolute world leadership belongs to the Consulate of Finland in Saint Petersburg that issued 542,525 visas in 2009. For comparison, it equals to the half of all visas issued in Ukraine by all EU Consulates; it is almost equal to the number of visas issued by all EU consulates in China (which takes the third position in terms of the issued EU visas) and is bigger than the number of visas issued by all EU Consulates in Turkey.

The Consulate of Finland in Saint Petersburg issues more than 6% of all Schengen visas issued in the world. On average about 2 thousand visas





are issued during every working day, and in peak seasons — more than 3 thousand.

**Table 3. The Largest Schengen Consulates in the World
(comparison)**

Country, city	Consulate of Finland	Consulate of Italy	Consulate of Spain	Consulate of Germany	Consulate of France	Consulate of Poland
Russia, Moscow	122,336	315,356	276,765	216,769	210,870	57,394
Russia, Saint Petersburg	542,525	19,996	16,926	35,260	23,006	6,398
Ukraine, Kyiv	10,659	56,605	18,272	101,438	43,218	56,213
Ukraine, Lviv						273,569

	Up to 100 thousand per year
	From 100 to 200 thousand
	From 200 to 300 thousand
	From 300 to 500 thousand
	More than 500 thousand

«Soft filters» of Schengen: Finland for Russia, Poland for Ukraine

Specifics and working outcomes of certain national consular services in some “privileged” target countries testify to sufficient flexibility of Schengen regulations and dependency of visa practice on political considerations. Visa practice of Finland in Russia and Poland in Ukraine may serve as relevant examples.





In general Finland issued 784 thousand visas per year in all countries of the world, out of which 730 thousand were issued in Russia (in Ukraine — about 10 thousand). Thus, more than 93% of visas issued by all Finnish consular establishments in the world were issued on the territory of Russia. Apart from Saint Petersburg Finland has Consulates in Moscow, Petrozavodsk and Murmansk. Every fifth Schengen visa in Russia is issued by consular establishments of Finland.

Role of consular services of Finland in Russia is similar to the role of Poland in Ukraine. Poland's share in visa issuance for the citizens of Ukraine is even more impressive. For example, in 2009 5 Polish Consulates in Ukraine (in Kyiv, Lviv, Lutsk, Odesa and Kharkiv) issued 439,348 visas which makes 39,8% of all visas issued on the territory of Ukraine by the members of the Schengen Agreement. 55% of all Polish visas are issued in Ukraine.

In addition, Poland is the leader in the issuance of D type visas (national visas for long term stay). From the total of 210,292 Polish D type visas, issued in the world, 158,337 of visas are issued in Ukraine. In general Poland issues the biggest number of D type visas among EU Member States, primarily for neighbouring countries. It serves as an example of effective application of legal opportunities offered by Schengen acquis for softening negative outcomes of Schengen area extension.

Consular establishments of Poland in Ukraine and Finland in Russia play an important social role serving as a “soft filter” of visa issuance by applying more liberal practice due to the flexibility of Schengen acquis and existence of political will to encourage travels of citizens from neighbouring countries. Owing to such “soft filter” the number of visits of the citizens, especially middle class representatives, to EU countries is comparatively much higher than potential number if the filter never existed.

The monitoring results directly show that “champion consulates” (more specifically, consular services of the countries) not only have high physical filing capacity (though it is not always the case) but also apply more liberal approach towards visa application process, requiring less additional docu-





ments, processing the documents faster, facilitating all components of visa procedure to the maximum extend.

Visa practice of Finland in Russia and Poland in Ukraine shows that the level of complexity of the Schengen visa issuance depends on the political will and instructions given to consular staff rather than on the Schengen acquis as such.

Together with Lithuania Poland acts as “soft filter” for the citizens of Belarus, while the importance of Polish consular establishments for the citizens of Russia is significantly lower (see table 4).

There is no “soft filter” for Moldova inside the Schengen area though after the anticipated accession to the Schengen zone in 2012-2013 Romania is likely to become the one.

Table 4. Role of Consulates of Poland and Finland for Ukraine and Russia

Country	Russia	Ukraine
Total visas issued by Schengen members	3,578,672	1,103,726
Consulates of Finland	729,720	10,659
	20,4% ¹⁰	1%
Consulates of Poland	121,490	439,348
		39,8%

Visa refusals

Ukraine receives 9,2% of all visas issued by countries participating in the Schengen Agreement and at the same time its share in all refusals equals to 5,9%. It means that Ukrainians are refused visas less often than

¹⁰ Share of all visas issued by the countries participating in the Schengen Agreement





the world average. **The visa refusal rate in Ukraine equals to 4% out of general number of applications** which shows that Ukraine is close to the benchmark level of 3% which EU considers to be the secure level and it is taken into account for lifting of visa obligations. For example, in Albania, the country aspiring visa free regime this year, the share of refusals equals to 13,5% (in 2008 it equalled to 18%, and in 2007 — 21%) — table 5.

Table 5. Share of refusals — comparing Ukraine to the «borderline» (for visa free regime) countries of Western Balkans

Country	Bosnia and Herzegovina	Albania	Ukraine
Issued A, B, C type visas	131,570	155,359	1,125,659
Number of visa refusals ¹¹	8,222	21,899	45,233
Share of refusals in the number of applications	6,3%	13,5%	4%

As it has been mentioned, total share of visa refusals received by the citizens of Ukraine equals to 4%. It is not a high indicator comparing to certain countries of Western Balkans. At the same time the indicator does not take into account “hidden refusals”: when the applicants were refused to submit their documents for unknown reasons (this is not shown in the statistics) or when the visa was issued later than the trip was initially planned so the trip turned to be useless. According to the monitoring conducted by “Europe without Barriers” the share of the applications that weren’t submitted equalled to 8% in 2009.

Consulate of Spain in Kyiv is an absolute “champion” in visa refusals. In 2009 it refused every seventh application (14,7%). The Consulate of Germany in Kyiv occupies the second position according to the percentage (10,9%) and the first position in terms of the absolute number (see table

¹¹ Only for visas of A, B and C types. Visa refusal statistics for D type visas is not available



6). High level of refusals (more than 10%) is noted in the Consulate of the Czech Republic in Lviv, while other Consulates of this country (in Kyiv and Donetsk) issue significantly lower number of refusals (2-4 %).

Table 6. Number of refusals received by Ukrainian applicants grouped by specific countries (Germany and Spain — Consulates in Kyiv; Czech Republic and Poland — all Consulates in Ukraine)

Country	Spain	Germany	Czech Republic	Poland
Applications for visas of A, B, C type	20,308	107,383	91,673	290,171
A, B, C type visas that were refused	2,993	11,705	3,895	9,602
	14,7%	10,9%	4,2%	3,31%

Low level of visa refusal (1,5–3%) is traditionally shown by the Consulates of Poland, Slovak Republic, Hungary, Sweden, Norway, Baltic countries. Decrease in the refusal rate in such usually “problematic” consular establishments as Consulates of France (up to 6%) and Austria (up to 3%) is a positive factor. The lowest level of refusals is noted in the Consulates of Romania and Bulgaria (up to 1%) but these countries do not belong to the Schengen zone; they issue only national visas, and that is why this result should be analyzed with the relevant reservations.



Detailed Data

The data on all Consulates of countries participating in the Schengen Agreement functioning in Ukraine is listed below and summarized in a consolidated table 7. It includes:

Column 3 — A type visas (airport visas) — citizens of Ukraine do not need such visas, that is why their number is close to zero

Column 4 — issued B type visas- transit visas (since April 2010 this category is abolished according to the provisions of EU Visa Code)

Column 5 — issued C type visas — the largest visa category or the standard Schengen visa

Column 6 — number of applications for C type visas: in comparison with the data listed in column 5 it enables evaluation of the number of refusals in C type visas

Column 7 — number of issued A, B, and C visas taken together

Column 8 — number of applications for A, B, and C visas taken together

Column 9 — number of refusals concerning A, B, and C visas taken together

Column 10 — number of issued visas with limited territorial validity

Column 11 — number of issued national visas (D type) — number of refusals is not available for D type visas as well as number of submitted applications for visas of this category

Column 12 — number of issued visas of (C+D) type- national visas also entitling the stay on the territory of other Schengen countries for the period of up to 90 days.

Column 13 — number of issued visas of all categories.





Table 7. Visas, issued by all countries participating in the Schengen Agreement in all Consulates in Ukraine

1	2	3	4	5	6
Countries	Consular es- tablishments in Ukraine	Issued A type visas	Issued B type visas	Issued C type visas	Number of appli- cations for C type visas
Austria	Kyiv	0	8	25,237	25,914
Belgium	Kyiv	—	421	6,479	7,155
Bulgaria	Kyiv	0	525	62,665	62,793
	Odesa	0	170	6,406	6,428
Greece	Kyiv	—	9	14,969	16,278
	Mariupol	—	145	3,937	4,712
	Odesa	—	2,367	9,326	10,268
Denmark	Kyiv	—	43	5,270	5,510
Estonia	Kyiv	—	1	6,851	7,104
Iceland	—	—	—	—	—
Spain	Kyiv	—	1,893	14,847	18,362
Italy	Kyiv	14	1,006	33,960	36,617
Cyprus	Mariupol	—	—	412	412
Latvia	Kyiv	—	37	8,270	9,209
Lithuania	Kyiv	0	1,270	13,289	13,629
Luxembourg	—	—	—	—	—
Malta	—	—	—	—	—
Netherlands	Kyiv	14	847	20,637	22,158
Germany	Kyiv	11	593	95,074	106,766
Norway	Kyiv	—	115	6,063	6,003
Poland	Lutsk	0	198	54,160	55,937
	Kharkiv	0	160	12,606	12,878
	Kyiv	0	1,140	48,478	49,370
	Lviv	0	841	154,085	160,598
	Odesa	0	301	8,600	11,939





	7	8	9	10	11	12	13
	Total number of issued A, B, C type visas	Total number of applications for A, B, C type visas	Total number of refused A, B, C type visas	Number of issued VTL visas (visas with limited territorial validity)	Number of issued D type visas	Number of issued D+C type visas	Total number of issued A, B, C, VTL, D, «D+C» type visas
	25,245	25,922	677	2	1,876	206	27,329
	6,900	7,580	680	—	297	21	7,218
	63,190	63,320	130	—	225		63,415
	6,576	6,598	22		186		6,762
	14,978	16,287	1,309	10	421	—	15,409
	4,082	4,857	775	—	36	—	4,118
	11,693	12,635	942	—	368	—	12,061
	5,313	5,553	240	—	13	1	5,327
	6,852	7,105	253	9	71	—	6,932
	—	—	—	—	—	—	—
	16,740	20,308	2,993	6	1,526	—	18,272
	34,980	37,647	2,667	6,674	252	14,699	56,605
	412	412	—	—	—	—	412
	8,307	9,247	940	614	403	—	9,324
	14,559	14,895	336	3	6	0	15,037
	—	—	—	—	—	—	—
	—	—	—	—	—	—	—
	21,498	23,040	1,348	9	4	456	21,967
	95,678	107,383	11,705	85	5,675	—	101,438
	6,178	6,118	25	1	1,349	—	7,528
	54,358	56,135	1,777	3	26,732	0	81,093
	12,766	13,038	272	5	3,879	16	16,666
	49,618	50,519	901	212	6,248	135	56,213
	154,926	161,444	6,517	27	118,616	0	273,569
	8,901	9,035	134	9	2,862	35	11,807



1	2	3	4	5	6
Portugal	Kyiv	—	5	4,293	4,557
Romania	Kyiv	—	786	3,143	3,155
	Odesa	—	284	6,092	6,179
	Chernivtsi	—	488	10,971	11,087
Slovak Republic	Kyiv	0	231	12,970	13,017
	Uzhgorod	0	116	9,962	9,949
Slovenia	Kyiv	—	3	4,600	4,804
Hungary	Beregove	—	2,928	18,441	15,001
	Kyiv	—	2,922	29,234	30,129
	Uzhgorod	—	1,974	22,738	23,443
Finland	Kyiv	—	7	10,651	11,068
France	Kyiv	16	113	41,847	44,347
Czech Republic	Donetsk	0	4	29,747	30,511
	Kyiv	0	240	46,791	48,578
	Lviv	0	0	10,996	12,329
Switzerland	Kyiv	4	1	11,835	12,428
Sweden	Kyiv	—	1	9,186	9,632
Total number of visas in Ukraine		59	22,193	894,848	940,254

Table 8. Share of (not) issued visas in Ukraine on behalf of countries participating in the Schengen Agreement

Issued A type visas	0,2%
Issued B type visas	10,05%
Issued C type visas	8,7%
Num-ber of applications for C type visas	8,5%
Total number of issued A, B, C types visas	8,8%
Total number of applications for A, B, C type visas	8,5%
Total number of not issued (refused) A, B, C type visas	6%
Number of issued VTL visas (visas with limited territorial validity)	1,8%
Issued D type visas	17,5%
Issued D+C type visas	9,3%
Total number of issued A, B, C, VTL, D, «D+C» type visas	9,2%



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	7	8	9	10	11	12	13
	4,298	4,562	280	9	897	—	5,204
	3,929	3,942	13	—	34	—	3,963
	6,376	6,465	89	—	113	—	6,489
	11,457	11,555	98	—	80	—	11,537
	13,201	13,246	217	0	142	0	13,343
	9,808	10,070	260	1	1,587	0	10,396
	4,603	4,807	204	303	30	—	4,936
	21,369	21,962	454	—	1,367	—	22,736
	32,156	33,096	715	11	169	—	32,336
	27,712	25,437	562	14	803	—	25,529
	10,658	11,075	417	1	—	—	10,659
	41,976	44,501	2,525	328	914	—	43,218
	29,751	30,515	764	1	606	389	30,747
	47,031	48,829	1,798	72	681	108	47,892
	10,996	12,329	1,333	291	2,357	990	14,634
	11,840	12,433	593	4	2,445	21	14,310
	9,187	9,632	268	7	34	—	9,228
	920,098	963,504	45,233	8,711	182,304	17,077	1,125,659





Conclusion

The openness of the European Union in providing rather full information on visa issuance by consular establishments should be welcomed. Such openness is not typical for the majority of other consular services in the world, including that of Ukraine.

Ukraine belongs to the group of states which are the leaders on the “visa map” of European Union. Its citizens obtain almost every tenth Schengen visa in the world. This fact determines reciprocal intense interest on behalf of Ukraine and the EU in the sphere of migration security; it also creates grounds for productive visa dialogue aimed at elimination of visa regime by the EU on one hand, and ensuring necessary security guarantees by Ukraine on the other hand — in the spheres of document security, border management, fighting illegal migration, other types of cross-border crime and corruption.

Relatively low rate of visa refusals (4%) testifies to sufficient quality, integrity and justification for the absolute majority of visa applications submitted by the citizens of Ukraine. In terms of this indicator Ukraine is close to the 3 percent “security benchmark” set by the EU for the countries graduating for visa free regime.

Significant differences between the EU Member States’ consulates in visa refusal rate for Ukrainian citizens (from 1,5% to 14,7%) testifies to the significant role of political factor when the level of visa availability depends to a great extent not on the normative criteria of the Schengen acquis but on the certain policy instructions given to consular officers in order either to facilitate or complicate travel conditions of Ukrainian citizens to the EU. In fact, refusal rate taken together with monitoring of national political positions, precisely reflects political willingness of the specific EU Member States to work on further visa liberalisation with Ukraine: the fewer the refusals the fuller is the readiness of specific country to make the decision on lifting visas for the citizens of Ukraine.



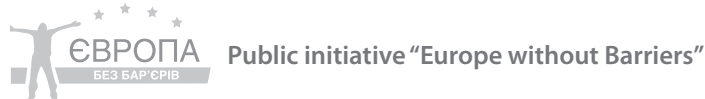


VISA-FREE EUROPE FOR THE EASTERN PARTNERSHIP:
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ABOUT PROJECT'S PARTICIPANTS



Public initiative “Europe without Barriers” (EWB) was founded in Summer 2008 on the basis of all-Ukrainian consortium of NGOs and think tanks conducting independent monitoring of the EU policies and practices in Ukraine. The aim of EWB was to consolidate the efforts of public activists and experts for the sake of elimination of barriers for freedom of movement within Europe, providing relevant expertise and advocacy.

The participants of Consortium jointly promote people to people contacts in Europe, in particular via independent monitoring of visa issuance by the EU Member States for Ukraine’s citizens. EWB provides independent assessment regarding the quality of implementation of the Agreement on the Facilitation of the Issuance of Visas between Ukraine and the EU.

Founding members of EWB represent cities (regions) where EU Consular establishments are located: Kyiv, Lviv, Odesa, Donetsk, Uzhgorod, Lutsk, Kharkiv.

EWB establishment and their projects were supported by the International Renaissance Foundation.

EWB web-site: www.novisa.org.ua





Center for Peace, Conversion and Foreign Policy of Ukraine

The institution was founded in 1992. Major activity focus is concentrated in the sphere of international policy, security, defence, political and social development of Ukraine, ways of its integration into European and world community.

CPCFPU studied a variety of policy issues, paying special attention on Ukraine-EU relations. A number of analytical publications in Ukrainian and English were presented.

Since 2003 CPCFPU launched regular monitoring of the EU visa policies and practices in Ukraine, taking part in numerous international projects in this sphere, involving Ukrainian and foreign partner organizations, such as Stefan Batory Foundation (Poland), Institute for Public Policy (Moldova), European Stability Initiative and others. More than ten international projects were implemented on the subject of visa and migration issues, five policy papers were presented and a number of articles were published on the subject of people-to-people contacts in Europe, visa regimes, border management, migration, etc. CPCFPU was a key founding member of the public initiative “Europe without Barriers”



European Policy Centre (EPC), Brussels

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analysis on the EU and global policy agenda. It aims to promote a balanced dialogue between the different constituencies of its membership, spanning all aspects of economic and social life.



**European Stability Initiative (ESI),
Berlin–Brussels–Istanbul**

ESI is a non-profit research and policy institute, created in recognition of the need for independent, in-depth analysis of the complex issues involved in promoting stability and prosperity in Europe. ESI was founded in June 1999 by a multi-national group of practitioners and analysts with extensive experience in the regions it studied. ESI's experienced and multi-disciplinary team is committed to provide policy makers with relevant strategic analysis.