

EU visa liberalisation: success for Moldova, slow progress for Ukraine

Rafał Sadowski

On 19 November, the EU Council acknowledged that Moldova has completed the first phase of the Visa Liberalisation Action Plan (VLAP), and agreed that it can move onto the second phase. Fulfilling the VLAP should lead to the abolition of Schengen visas. The Action Plan consists of two phases: preparation (drawing up reforms and legislative changes) and implementation (of the planned reforms). So far, the EU has granted the Action Plan on Visa Liberalisation to Moldova (in January 2011) and Ukraine (in November 2010). In addition, on 20 November the Ukrainian parliament adopted two laws on biometric documents and the protection of personal data, the lack of which had been an obstacle to concluding the first phase of the VLAP.

Commentary

- Moldova's passage to the VLAP's second phase is a tangible achievement in the process of visa liberalisation with the EU. It also demonstrates Chisinau's greater involvement in the process of coming closer to the EU, in comparison with Ukraine, which only a year ago was seen as a leader of EU integration in Eastern Europe. The Council's decision on Moldova is also aimed at stimulating the processes of European integration, and at offering support for that country's pro-European political forces. However, this has been weakened by the long decision-making process within the EU; it took the Council five months to take the decision, after the Commission published a report on 22 June stating that Moldova had met all the requirements of the VLAP's first phase.
- Implementing the VLAP's second, implementation phase will be a much greater challenge for Moldova. Its success will now depend on progress in implementing the specific reforms. Here, however, problems may lie in the state's limited administrative capacity; internal resistance by various interest groups to change; and the country's deteriorating economic situation. The most serious challenges for Chisinau are reforming the justice system and the fight against corruption. The abolition of EU visas will depend on how fast Moldova implements the VLAP, as well as the political decision of the EU member states. This process may take at least two or three years.

- For the Ukrainian government, abolishing the visa regime is a priority in relations with the EU, especially as political relations with Brussels are deteriorating, and the EU has abstained from signing the Association Agreement (AA). Unlike with the AA, the EU is not using the possible suspension of the visa liberalisation process to put pressure on Kiev, despite the latter's undermining of democratic standards, because the VLAP programme is an instrument aimed at the society. In the case of the VLAP, the Ukrainian leadership can achieve measurable success in less time and at a lower cost than implementing the AA, which is planned for many years. However, the Ukrainian parliament's voting through the two outstanding measures does not mean that the VLAP's first phase has been concluded. Gaps in the legislation, concerning anti-discrimination measures and the lack of functional anti-corruption institution, still remain. If these issues were to be resolved quickly, the conclusion of the first phase and the transition to the second would be possible, albeit by mid-2013 at the earliest. However, the biometric act is controversial in Ukraine and has been criticised by non-governmental organisations, who have stated that it goes far beyond EU requirements. These organisations fear that the government will be able to collect too much information about its citizens, without adequate supervision.