

Moldova ahead of Ukraine in the queue for EU visa liberalisation

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On 9 February, the European Commission presented reports evaluating the progress of Moldova and Ukraine in implementing action plans for visa liberalisation with the European Union. This implementation is divided into two phases: (1) introducing legislative changes and preparing reforms, and (2) the implementation of those reforms. The action plans cover four major areas: document security, illegal migration, public order and security, and fundamental rights and external relations. Neither Moldova nor Ukraine has succeeded in obtaining the Commission's approval to start implementing the second phase of the action plans, although the governments of both countries had stated that this would happen before the end of 2011. The Commission and the EU Council will decide whether to move those countries on to the second stage on the basis of the reports just published (and which will be updated later), as well as an assessment by the European Commission of what effect visa liberalisation will have on the fields of migration and security.

Commentary

- The reports show that Moldova is much more advanced than Ukraine in its implementation of the action plan. Moldova has almost completely accomplished the task regarding document security, and the others are at an advanced stage. Ukraine's progress is assessed as 'limited' in most areas (outside the area of illegal migration, where it has adopted the relevant legislation).
- Moldova's main problems include the need to adopt anti-discrimination legislation and deal with inconsistencies within the system changes it has implemented so far. The problems for Ukraine include a lack of regulation on biometric documents; insufficient progress in implementing mechanisms to combat corruption; a lack of coordination and exchange of information among institutions; and a lack of comprehensive anti-discrimination legislation.
- Implementing the action plans for visas, which requires broad legal and systemic changes, is a challenge for both countries because of the weakness of their administrations and legal systems. In Moldova's case, political instability is also a major obstacle. The political class's focus on the issue of electing a president, and the possibility that early parliamentary elections may be called, have slowed the introduction

of legislative changes, and may significantly delay the completion of the action plan's first phase. In the case of Ukraine, a key problem is the lack of political will to implement changes. Kiev is hoping to win liberalisation of EU visas by acting on only a superficial basis (such as accepting regulations which will not in fact be introduced later). The process of implementing certain legal arrangements is also causing conflicts of interest between different groups of influence, a fact which is delaying the whole process of reform and reducing the quality of the changes introduced. One example is the law on biometric documents, which the president vetoed in October 2011. On 13 February this year, the Party of Regions submitted a draft of a new version, while the Ministry of Justice prepared its own draft, which was adopted by the government on 15 February. There have been reports that each of these projects favours a different company which would be responsible for producing the biometric documents.

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