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EU-Eastern Europe: No breakthrough on visa issues

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On 23 September, the European Commission (EC) presented a negative evaluation of Ukraine and Moldova's achievements in completing the first phase of the EU Action Plans for Visa Liberalisation, which were granted to Ukraine in November 2010 and Moldova in January 2011. Although the reports estimated that the two countries have made a certain amount of progress towards meeting the conditions set, it also recognised that both Ukraine and Moldova have much catching-up to do. The documents avoid making general assessments, although it seems that Moldova was evaluated as having done better than Ukraine. According to the reports, Ukraine's main problems are a lack of legislation and plans of action relating to the introduction of biometric documents, as well as problems with the rule of law and the failure to complete reform of immigration law. On the other hand, Moldova needs to improve its legislation in the fields of security and public order, as well as its anti-discrimination legislation.

Commentary

- The shortcomings and inconsistencies indicated in the reports mean that these two countries will not be invited by the European Commission and Council to move to the next (implementation) phase of the Action Plans for the time being, and will remain at the first, preparatory phase. The next evaluation will take place at the end of this year. The Ukrainian government (Moldova's to a lesser extent) would have to make considerable additional efforts over the next few months to introduce all the required legislative changes. The transition to the second, more difficult phase of the Action Plans will therefore most likely take place in the middle of next year.

- It seems that one reason for the critical comments on Ukraine was the fact that the assessment only covered the changes introduced by the state up to the middle of this year. It was only towards the end of September that the Ukrainian parliament passed a law on identification documents which is essential to the introduction of biometric documents, as well as a new version of the law on the legal status of foreigners. However, in Moldova a long-term ideological argument is underway on the EC's recommendations concerning anti-discrimination provisions relating to sexual orientation.

- Regardless of how the progress of Ukraine and Moldova has been assessed, the climate for liberalising the external visa policy within the EU is currently unfavourable. It seems that in this situation, and in the absence of opportunities for quick success, Ukraine (and perhaps Moldova) will seek to amend the already existing agreements on visa facilitation (such as easier access to long-term visas and limiting the list of documents required to obtain a visa), and to introduce favourable clauses on visas into the Association Agreement. Recent data on the number of refusals of visa applications received by the consulates of their citizens in EU countries works to these two countries' advantage; in 2010 this indicator accounted for 3.43% of all Ukrainian visas (3% is considered a safe level).