Eastern Partnership Visa Liberalisation Index

Review of recent developments
February 2013

The liberalisation of the European Union visa regime is one of the priorities of the EU Eastern Partnership initiative covering Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Achieving visa-free travel for short-term trips between the EU and its Eastern neighbours is important not only for the Eastern Partnership states, but also the European Union. Visa-free regime is not only about helping people-to-people contacts, boosting economic, cultural, scientific cooperation, promoting exchange of knowledge, know-how and ideas, the importance of which cannot be overestimated. The promise of visa-free travel also serves as an important motivation tool for the EaP states to introduce very needed but costly, complex and burdensome reforms. The process of visa liberalisation with the EU is governed by the conditionality principle and is granted to countries that are safe, well-governed, have adequate migration policy and good record in respecting and protecting human rights, including the rights of minorities, and are reliable partners for cooperation with the EU in a number of policy areas. Thus, each EaP country needs to introduce a number of reforms in key policy areas in order to meet these criteria. Thanks to these reforms the EaP countries will be closely cooperating with the EU to ensure public order and security, fight organised crime, protect EU external borders, will not be potential sources of large waives of asylum seekers – and in general will become reliable partners of the EU. Visa-free regime will be achievable when all the required criteria are met. In what follows, we look at the progress recently made by all the Eastern Partnership states in the required policy areas.

Introduction

All the required criteria and benchmarks are set out in the documents prepared by the European Commission known as Visa Liberalisation Action Plans (VLAP). Right now, three out of six EaP states have been granted such Action Plans: Moldova and Ukraine

in 2011, and Georgia in 2013. However, the main criteria for all the countries are similar. Whereas, all the six EaP countries are implementing reforms in the key policy areas, including Belarus, which does not have official cooperation with the EU on visa policy. For these reasons it is possible to monitor the situation in every country according to a common methodology, including one set of criteria and benchmarks.

All the benchmarks in the Action Plans are grouped into four policy blocks: **Block 1** is focused on ensuring that travel documents issued by EaP states conform to international standards and the issuance process is safe and reliable. **Block 2** is aimed at ensuring adequate level of border and migration management as well as asylum policy in accordance with international standards. **Block 3** focuses on public security and order, including prevention and fighting organized crime, terrorism and corruption; international judicial co-operation and law-enforcement co-operation; and ensuring high level of data protection. Finally, **Block 4** is focused on anti-discrimination and respect and protection of human rights.[1]

In what follows, the most recent developments in each of the six EaP states are presented. For more information please visit the Eastern Partnership Visa Liberalisation Index' website: monitoring.visa-free-europe.eu
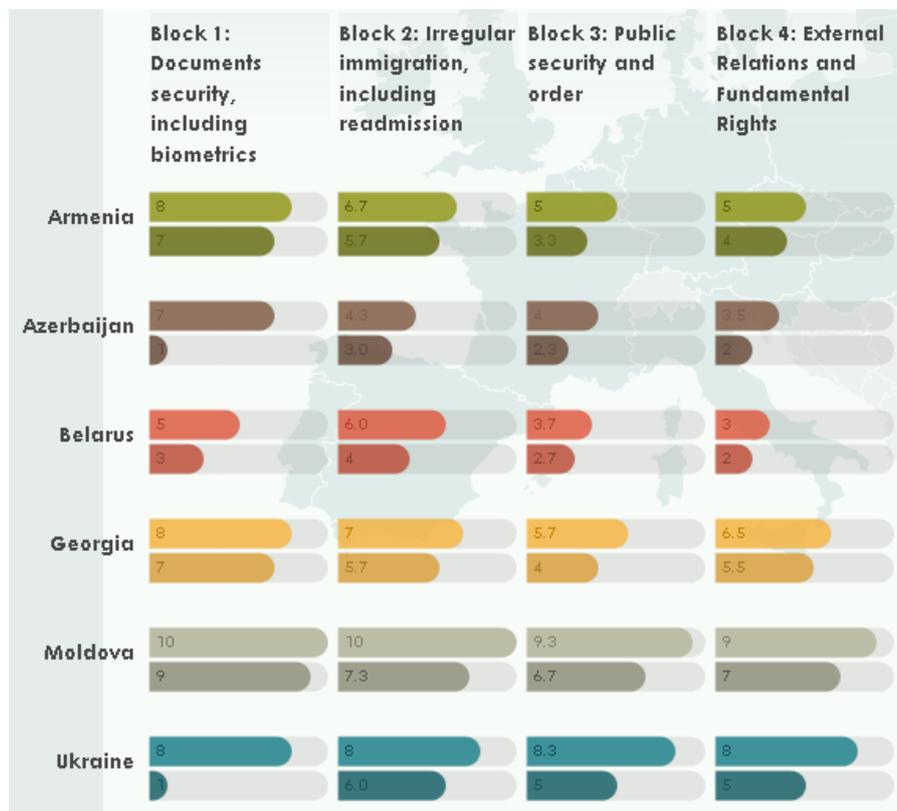
Aggregated results for each policy Block on a 10-point scale (data for February 2013).

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[1] For details, see http://monitoring.visa-free-europe.eu/methodology

MOLDOVA

Moldova is the unquestionable champion. The country has managed to meet all the benchmarks of the legislative and institutional phase in mid-2012. Now the country is actively implementing the adopted legislation to meet all the criteria of the Visa Liberalisation Action Plan. The most recent developments include:

Block 1

- On 1 January 2013 were in circulation 2.514.335 passports, out of which 487.745 (19.3%) were biometric.

- The border crossing points are connected to the Interpol database.

Block 2

- By the end of January 2013 some 40 legislative acts were amended in line with the new law on state border and EU visa code.

- In 2012, the Border Police have trained 1973 employees in different areas of border policing, almost half of them being trained by the international experts.

- Agreement between Border Police and Centre for Combating Human Trafficking (2 January 2013) and number of meetings between Border Police and Bureau of Migration and Asylum and Customs in order to improve inter-agency cooperation.

- The mandate of EUBAM was for the first time extended for 4 years, until 2016.

- A special Unit on Integration and Accommodation of Foreigners and Refugees was established within the Bureau for Migration and Asylum.

- A specialized unit responsible for updating and production of the Extended Migration Profile has been created within the BMA.

- The Order No. 130 of the Head of the Border Police Department on the approval of the Practical Handbook of the Border Police Officers describing the asylum-related procedures was signed on 16 November 2012.

- Government Decision No. 1023 "On the approval of the Regulation of the Accommodation Center", implementing law "On Asylum" was approved on 28 December 2012.

- A National procedure to receive applications for stateless status has been established in 2012 together with the Unit for Stateless Persons and Information within BMA.

Block 3

- A new Strategy on preventing and combating money laundering and financing of terrorism for 2013 – 2017 and Action Plan for its implementation were submitted to the Parliament for approval.

- The law "On Police activity and status" was approved by the Parliament on 27 December 2012 and will enter into force on 5 March 2013.

- A number of steps (legal decisions and amendments) have been taken between October 2012 and January 2013 in order to improve functioning of National Anticorruption Centre.

- In order to implement two remaining GRECO Recommendations on financing of political parties and election campaigns a draft law was drafted and the CoE expertise was requested.

- The Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters was ratified by the Parliament (26 December 2012).

- Moldova has signed the Agreement with Europol on liaison officers and submitted it to Europol for signature on 6 February 2013.

- In 2012, the National Centre for Personal Data Protection conducted some 80 controls related to data protection.

Block 4

- Declaration under Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) was approved by the Parliament on 26 December 2012.

- Council on Prevention and Combating Discrimination and Ensuring Equality is currently being created.

UKRAINE

Ukraine is very close to fulfilling all the criteria; the country has almost adopted all the necessary legislation, yet some amendments are necessary to legislative acts regulating issuance of biometric passports and fundamental rights, the majority of required amendments have already been submitted to the Parliament.

Block 1

- The law providing the legal basis for issuance of biometric passports, "On the Unified State Register of Demographics and Documents Confirming the Citizenship of Ukraine, Proving Identity or Special Status" entered into force on 6 December 2012.

Block 3

- The draft law "On introduction of changes to the Criminal Code and Code of criminal procedure of Ukraine regarding improvement of confiscation procedures" was registered in Parliament on 17 December 2012.

- The draft law "On introduction of changes to certain legal acts of Ukraine as for improvement of legislation in the sphere of preventing and combating corruption" is under consideration of the Parliament (registered: 17 January 2013).

- The draft law "On introduction of changes to certain legal acts of Ukraine regarding introduction of criminal and legal measures as regards to legal entities" is under consideration of the Parliament (registered: 17 January 2013).

- The presidential decree (No. 598) introduces additional changes to the provisions on National Anticorruption Committee to enhance the independence of the Committee (12 October 2012).

- The draft law "On amendments to some legislative acts of Ukraine concerning improvement of the institutional system of protection of personal data" was submitted to Parliament 11 February 2013.

Block 4

- The draft law "On Amending the Legislative Acts of Ukraine on Preventing and Combating Discrimination in Ukraine" was submitted to Parliament 19 February 2013.

GEORGIA

Georgia has received the Visa Liberalisation Action Plan in February 2013. However, the country has already introduced many important reforms in all the required policy areas. The country already issues biometric passports and is also especially advanced with regard to border and migration management.

Block 2

- Readmission agreement with the European Union is properly implemented. Approval rate of readmission applications is above 90% (data from 19 November 2012, Georgian MIA).

- The State Commission on Migration drafted a National Migration Management Strategy and submitted to the government in August 2012. The draft of the strategy was presented to the public on 2 August 2012 and it is still under the consideration of the government.

- The law "On Refugees and Humanitarian Status" entered into force in 2012.

Block 4

- The law "On legal status of Foreigners and Stateless persons" (2006) was amended on 25 May 2012 (including changes in the title of the law).

ARMENIA

Armenia has also taken important step towards visa liberalisation with the EU. It has started issuing biometric passports and has also made considerable progress in the border and migration management policy area. It has recently signed visa facilitation agreement with the EU and will sign the readmission agreement soon.

Block 2

- Several anti-corruption trainings are carried out by the EU Advisory Group with the UNDP.

Block 3

- A National Strategy and Action Plan for Combating Money Laundering and Terrorism Financing 2013-2015 were developed by Financial Monitoring Center (FMC) and aim at fulfilling 40 FATF recommendations - adopted in late 2012.

More information:
Eastern Partnership Visa Liberalisation Index: monitoring.visa-free-europe.eu
Visa-free Europe Coalition: visa-free-europe.eu

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AZERBAIJAN

The country has made some steps towards fulfilling the criteria for visa liberalisation with the EU. It is close to signing the visa facilitation and readmission agreements with the EU. It already has legal basis for issuance of biometric passports. Although the country still faces many challenges on the road towards visa-free regime with the EU, there have been some important developments. The most recent developments include:

Block 2

- The country participates in the EU Integrated Border Management Initiative. A bilateral workshop for border delegates from Georgia and Azerbaijan, aimed at straightening bilateral cooperation was organized by South Caucasus Integrated Border Management (SCIBM) (29-31 August 2012).

Block 3

- The National Action Plan on Open Government and National Action Plan on Combating Corruption (2012-2015) were adopted by presidential decree on 5 September 2012.

- Signing Memorandum of Understanding (MOU) between Azerbaijan's and Moldova's financial intelligence units (14 December 2012, at MONEYVAL session in Strasbourg).

- The Additional Protocol to the Council of Europe Criminal Law Convention on Corruption was signed on 8 October 2012.

- Trainings for public and private employees on cooperation with Financial Monitoring Service (October-November 2012).

Block 4

- Unfortunately, the use of force to suppress of a wave of moderate protest actions in January 2013 in Baku and Ismailli represents a setback on the human rights front and reflects noncompliance with the commitments taken towards the EU and in the framework of the Council of Europe and OSCE.

BELARUS

Belarus is the only country out of the Eastern Partnership states that does not have official visa dialogue with the EU. However, the country has made some important steps to meet the benchmarks for visa liberalization. The most considerable progress is made in the area of migration and border management.

Block 1

- The country is equipped to start issuing biometric passports as of 2012 and pilot biometric passports have already been issued.

Block 2

- A project aimed at creation of an electronic system of pre-arrival information exchange between the customs authorities of Belarus and Ukraine has been launched under the Eastern Partnership Integrated Border Management Flagship Initiative.

- Draft law "On introduction of additional provisions and changes to some laws of the Republic of Belarus on questions related to legal status of foreign citizens and stateless persons in the Republic of Belarus" is under consideration by the parliament (first reading), introduced by the government on 29 November 2012.

- Special State Border Committee was created under the aegis of the Council of Ministers in December 2012. The overall objective of the Committee is to coordinate the activity of the state border policy commissions accredited at the regional border executives committees, as well as to assist with the issues of border security.

- The Protocol on Intentions of Cooperation between the Ministry of Internal Affairs, international organisations (the United Nations Office of the High Commissioner for Refugees, the Office of International Refugee Organization, the International Organisation for Migration, the Belarus Red Cross Society, the Belarusian Health Workers Movement) and non-government organisations for refugees was signed on 24 January, 2013 in Minsk, Belarus. The protocol was drafted within the framework of international technical assistance of EU-UNHCR "Strengthening the Protection Capacity in the Republic of Belarus". It set up the cooperation with the Ministry of Internal Affairs and all refugee organisations. The experts of all the structures will have access to foreign detainees who are in internal affairs bodies for violations of migration legislation.

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For detailed results please visit: monitoring.visa-free-europe.eu

Information about the *Visa-free Europe Coalition*:

Visa-free Europe Coalition, launched in 2010 on the initiative of the Stefan Batory Foundation, gathers more than 40 non-governmental organizations from different parts of Europe, working towards visa liberalisation between the EU and its eastern neighbours. The Coalition is the outcome of many years of collaboration between the member organizations. Jointly we have prepared reports and policy papers, recommendations and advocacy tools. The activities of the Coalition are coordinated by the Friendly EU Border project of the Stefan Batory Foundation. For more information see: visa-free-europe.eu