



Recommendations on the process of facilitation and liberalisation of the visa regime between the European Union and the Russian Federation

Steering Committee of EU-Russia Civil Society Forum

April 2013

EU-Russia Civil Society Forum (CSF) has considered effective facilitation of the visa regime between Russia and the EU and progress towards reaching a visa waiver agreement of an utmost importance for civil society and public interests from the very beginning of the Forum's existence. As stated in the CSF's Mission Statement adopted in 2011, "people-to-people cooperation has a key role in the peaceful development of the European region and in the overcoming of dividing lines across Europe." Despite of the progress made in the recent years, the existing visa regime between the EU and Russia is still a huge barrier for human contacts, civil society, business, scientific, and cultural cooperation.

With the goal of providing civil society's expertise and views to the EU and Russia policy-makers, the CSF has produced in 2011 and 2012 two policy papers addressed to participants of EU-Russia summits and issued two public statements on the visa issue. The CSF remains committed to closely following further evolutions in the process of visa facilitation and liberalisation between the EU and Russia and intends to continue providing constructive policy recommendations based upon independent research. For this purpose, CSF has established an Expert Group on Visa Issues comprised of academics and NGO representatives from Russia, Poland, Belgium and Germany. The expert group met for the first time in Moscow on 14-16 March 2013 and by autumn 2013 will prepare a detailed report including assessment of existing regulations and practices and its recommendations for further visa facilitation and progress towards visa liberalisation based upon analysis of best practices.



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The CSF Steering Committee welcomes the progress in the EU-Russia visa dialogue made since the publication of its latest policy paper on this subject in October 2012. In particular, we consider the release of the *Common Steps* towards visa-free short-term travel of Russian and EU citizens and the advancement of negotiations on the amendment of the 2006 Visa Facilitation Agreement (VFA) as very positive evolutions. We would like to underscore with satisfaction that millions Russian and EU citizens will benefit from prompt adoption of the amended Visa Facilitation Agreement.

Nevertheless, further active steps are necessary. In particular, it is of utmost importance that negotiations on the amended VFA are not limited to service passport holders but are first and foremost aimed at protecting interests and improving the situation of ordinary citizens. Moreover, while indeed the agreement of the EU to accept Russian government's condition to grant holders of service passports a visa free regime has allowed to untie a deadlock in negotiations on amended VFA for the benefit of millions of members of the public on both sides, we believe that priority in this particular case was set wrong, because it is the ordinary citizens whose interests should be put first and who should be the main beneficiaries.

In anticipation of the report by the CSF Visa Expert Group to be released in autumn 2013 and in view of prospects of adoption of the amended Visa Facilitation Agreement at the upcoming EU-Russia summit in Yekaterinburg, the Steering Committee of the EU-Russia Civil Society Forum has decided to issue this policy brief with the following concrete recommendations while negotiations are still going on in a hope that they would be taken into account by decision-makers and negotiators:

Amendments to the EU-Russia Visa Facilitation Agreement

- In order the amended EU-Russia VFA be beneficial to all citizens of EU and Russia, not just a handful of the privileged, the list of categories enjoying the facilitated visa process must be broadened now to include the following new categories:
 - representatives of NGOs/civil society organisations;
 - participants of youth exchange programmes;
 - members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events;
 - participants in official exchange programmes organised by municipal entities other than twin cities,
 - journalists and technical crews accompanying them;
 - persons traveling for medical reasons and accompanying persons;
 - members of religious communities;

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- participants of official EU-Russia cross-border cooperation programmes;
 - close relatives of individuals legally residing in the EU or Russia.
- Beyond these categories of the travel purpose, *bona fide* travellers with a positive visa history visiting the EU Member States or Russia for private purposes (e.g. visiting friends or tourism) should also be able to benefit from the facilitated visa regime.
 - We welcome the introduction by the Schengen consulates in Russia on 14 January 2013 of a harmonised list of supporting documents for visa applications. However, the amended VFA should provide for a shorter list of required documents applying to both sides and relating to the purpose of the trip, as well as to conditions of stay and the intention to return to the country of origin. Types of document specified in the amended VFA for each category should be made fully sufficient for an application.
 - The amended VFA should provide increased options for visa fee waiver and the issuance of multiple-entry visas with maximum validity (5 years) to *bona fide* travellers with a positive visa history.

The use of multiple-entry visas

- Multiple-entry visas with maximum term of validity should be issued on a regular basis to all *bona fide* travellers who need to visit the EU or Russia regularly. While we acknowledge with satisfaction the growth of the number of multiple-entry visas issued by the EU member states to Russian citizens, in practice many of them are short-term and only a very low percentage has a length of 3 to 5 years. Situation with long-term visas issued by Russian consulates is even more problematic. Yet, only issuance of long-term visas considerably simplifies the situation of *bona fide* travellers as well as limits queues at consulates and visa centres.
- In order to better monitor the issuance of long-term multiple visas, the European Commission should work with Member States to include the length of issued multiple-entry visas in the statistics that they collect annually from the Member States. The same should be done with the Russian Federation's statistics.
- A specific code of purpose or an actual purpose of visits should not be indicated on the multiple-entry visas. This would help a more flexible use of these visas for multiple purposes after the first trip was made according to the original purpose.

Information and service provided to visa applicants

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- Ordinary citizens on both sides should be better informed about their rights, benefits and duties under the Visa Facilitation Agreement, the EU Visa Code, relevant national legislation of EU member states and the Russian Federation. This information should be provided by the relevant authorities, consulates, visa centres and Migration Services. Currently, the level of information provided is considerably lacking. For example, it should be the duty of the visa application processing authority to inform the applicant if they fall under a category benefitting from the Visa Facilitation Agreement. Once the amended VFA is adopted and enters into force, both sides should immediately provide information to the public about the changes.
- Visa applicants should be clearly informed about their right to appeal and the procedures to be followed, in case of visa refusal. The responsibility of the EU and Russia consulates to inform applicants of their right to appeal in case of visa refusal should be added to the Visa Facilitation Agreement.
- EU Member States and Russia should ensure an effective implementation of the right to appeal against visa refusals on the basis of short, accessible and simple procedures.
- The application of the provision on conduct of staff regulated by the EU Visa Code article 39 and relevant provisions of the Russian legislation should be closely monitored. A similar provision should be included in the amended Visa Facilitation Agreement.
- The EU Member States should strive for closer consular cooperation, especially in case of smaller countries with limited representation in Russia. Member States that have their representations only in the capital should seek to sign additional agreements with other Members States that could issue Schengen visas on their behalf in other cities of Russia.
- While we acknowledge with satisfaction growing cooperation in exchanging and promoting best practices between the EU consulates in Russia (based on Local Schengen Cooperation, Art. 48 EU Visa Code), there should be more cooperation in this field among the EU consulates in Russia as well by Russian consulates in EU Member States. Moreover, information exchange about best practices should become part of the EU-Russia dialogue in order to streamline the visa policies of both the EU and Russia.
- EU Member States and Russian consulates cooperating with visa handling centres and other commercial intermediaries should closely monitor the standards of work of



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these bodies in order to ensure the application of the same standards and requirements.

- The service fee for applications at the visa handling centres should be limited to a maximum of EUR 30, while ensuring the right of all applicants to lodge their applications directly at a consulate. These provisions should be included in the amended Visa Facilitation Agreement. Otherwise, the reduced fee for processing visa applications as laid down in the existing Visa Facilitation Agreement only exists on paper but not in practice.

The process of visa liberalisation

- It has been 10 years since the establishment of a visa-free regime was identified by the two sides as a long-term goal. We believe that abolition of the visa regime should be treated now as a mid-term or even short-term objective and as a priority of EU-Russia relations. A reference to visa-free regime as a mid- or short-term goal should be made in the preamble of the amended Visa Facilitation Agreement.
- Moreover, the EU and Russia should agree on a target date of starting (not concluding) negotiations on a visa waiver agreement, conditional on the progress in implementation of the *Common Steps*.
- The process of visa liberalisation should be as transparent and accountable to the society as possible. We welcome the recent release of the *List of Common Steps*; however, in order to enable full participation of EU and Russian civil society, progress reports on *implementation* of common steps should also be made public. In this context, the disclosure of the progress reports on Partnership for Modernisation and progress reports on the Common Space on Freedom, Security, and Justice should be regarded as examples of good practice.

Further steps after adoption of the amended Visa Facilitation Agreement

- Once the amended VFA is adopted and enters into force, further steps are necessary to ensure progress in visa facilitation. In particular, the requirement for registration of travellers upon arrival should be abolished by Russia as well as by the EU Member States that still uphold this requirement.
- Russian Federation should abolish the practice of refusing visas to NGO representatives or journalists critical of its policies, and compiling “black lists” of such persons. Abolition of this practice should be set as a benchmark for progress in the EU-Russia dialogue on visa liberalisation. Meanwhile, persons who find themselves

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on such a list should have the right to information as to the reasons of a ban of entry as well have the right to appeal.

- An online-based fully electronic system of applying for and issuing of visas without the need for an applicant to attend a consulate or a visa handling centre in person should be gradually introduced.
- Issuance of Russian visas for the country as a whole rather than for certain cities should be adopted.
- Negotiations of bilateral facilitation agreements between Switzerland, Norway, Iceland, Denmark and Russia should start as soon as possible after the amended EU-Russia VFA is signed.