

## **Move Towards the Visa-Free Regime with the EU: Where is Ukraine Today?**

The experts of the **Civic Initiative Europe without Barriers** and the partner analytical centers express the anxiety regarding the actual tempo of implementation of the tasks defined in the **Ukraine-EU Visa Liberalization Action Plan (VLAP)** and the quality of some laws which are essential for the establishment of the symmetric visa free regime between the European Union and Ukraine.

Ukrainian politicians are united in declarative aspiration to obtain the EU's cancellation of the visa regime.

At the same time the absence of the substantial progress in the fulfillment of the First Phase of VLAP demonstrates the usage of the declarative approach towards the performance of the tasks and as a result the loss of interest and the lack of the political will in the fulfillment of the legislative planning stage.

However on the assumption of the consolidation of the authorities' efforts and cooperation with the independent experts **there is still a real chance to note the Ukrainian transition to the Second Phase of the VLAP on the Eastern Partnership Summit, which is going to take place on November 25-26, 2013.**

The precondition for such scenario can be the acceleration in the adoption of laws and bylaws which remain unadopted in the framework of the First Phase and passing to the EU the third final report of the VLAP implementation, which will have testify that Ukraine meets **all the criteria** of the First Phase.

As a rule the **European Commission will need 2-3 months to prepare its own report on the Ukrainian progress in VLAP implementation.** That's why to reach the success on the **Vilnius Eastern Partnership Summit the Ukrainian national report has to be passed to the EU in the end of May / beginning of June 2013.**

**To fulfill the First Phase of the VLAP, Ukraine has to:**

- amend the **Law of Ukraine on the Principles of Preventing and Combating Discrimination in Ukraine**, adoption of the comprehensive Action plan on Preventing and Combating Discrimination in Ukraine and the Strategy on Protection and Integration of the Roma National Minorities into the Ukrainian Society
- amend the **Law of Ukraine on Protection of the Personal Data** regarding independence of the state institution authorized to form and realize the policy in this sphere.
- adopt the legislation in the area of preventing and combating corruption according to the GRECO's and CoE's recommendations especially regarding the establishment **of the specially authorized body in the field of the anti-corruption policy**, establishment of the system of the state monitoring on conflict of interests of the government officials, mechanism of control over the procedure of drawing up the declarations by the government officials, determination of the special confiscation procedure, application of the penal measures towards the legal entity etc.

**To fulfill the listed tasks the government:**

- has introduced into Verkhovna Rada the Bill on Amendments to Some Legislative Acts of Ukraine Regarding Preventing and Combating Discrimination in Ukraine (register № 2342) and has introduced to the President of Ukraine the project of the Strategy on Protection and Integration of the Representatives of the Roma National Minority into the Ukrainian Society
- has introduced the Bill on Amendments to Some Legislative Acts of Ukraine Regarding the Improvement of the Institutional System in the Area of the Protection of the Personal Data (register № 2282)
- has introduced the Bill on Amendments to Some Legislative Acts of Ukraine Regarding the Improvement of the Financial Control and Settlement of the Conflict of Interests (register № 2608), Bill on Amendments to Criminal Code of Ukraine and Code of Criminal Procedure of Ukraine Regarding the Improvement of the Legislature in the Area of Preventing and Combating Corruption (register № 2033), Bill on Amendments to Some Legislative Acts of Ukraine Regarding the Establishment of the Penal Measures Towards the Legal Entities (register № 2032).

*At the same time in our opinion the accordance of these bills especially highlighted above to the European standards excites the serious doubts. That's why the adoption of these bills can make the transition to the fulfillment of the Second Phase of VLAP impossible. Moreover for today the Ukrainian government hasn't even started the preparation of some bylaws including the Action Plan on preventing and combating discrimination in Ukraine which according to the recommendations of the European Commission has to be worked out in close cooperation with the civil society. The receipt and of the offers and elaboration of the offers will also take time.*

**The establishment of the biometric travel documents in Ukraine also became the particular problem because the cancelation of the visa regime will be impossible without the practical establishment of such documents.** The Law of Ukraine On Unified Demographic State Register and Documents which Confirm the Citizenship of Ukraine, Attest the Person or Special Status which came into force on December 6, 2012 authorizes to start the production of the biometric passports for traveling abroad which is necessary while taking into consideration the prospect of visa free regime with the EU. But the general assessment of this regulatory legal act is mainly negative as some norms and provisions run contrary to international standards in the field of human rights.

**Europe without Barriers pays attention to the necessity of the radical changes of the Law on Unified Demographic State Register as in practice it suspends for 3 years the mass issue of the of the biometric documents for traveling abroad.**

Thus the terms of the fulfillment of VLAP and its specific criteria for today **depend only on Ukraine.**

**Taking into consideration all listed above we invoke:**

**President of Ukraine** – to adopt immediately the Strategy on Protection and Integration of the Representatives of the Roma National Minority into the Ukrainian Society introduced by the government and to charge the government to prepare the Action plan on Strategy's realization

**Cabinet of Ministers of Ukraine** – to start immediately the preparation of the Action Plan on Preventing and Combating Discrimination in Ukraine, having involved the representatives of the civil society and the experts of international organizations into this process

Taking into consideration the necessity of essential correcting of the bill introduced by the government we address to **Verkhovna Rada of Ukraine** with the proposition to involve the wide circle of the Ukrainian and international experts for brining as soon as possible the introduced bills in accordance with the European standards and EU's recommendations during their examination in the relevant committees of Verkhovna Rada and in the Committee on the European integration issues of the Verkhovna Rada and also during their examination on the parliament plenary meeting.