
LIBERALIZATION OF VISA REGIMEN BY THE EUROPEAN UNION AS A NECESSARY PRECONDITION FOR EFFICIENT TRANSBORDER COOPERATION

The article analyses issues associated with visa regimen liberalization by the EU in terms of Ukraine and implications of the mentioned factors for efficient transborder cooperation

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Under conditions of today's global challenges Ukraine is getting increasingly engaged into integration processes with the EU. This is especially evident on the basis of concrete examples of cooperation in border regions where considerable part of the neighboring countries national minorities lives. It is for that reason that research of the status of how the existing problems are solved and how negative developments are minimized, all associated with visa regimen functioning, is extremely topical and needs system and continuous research and analysis.

The paper aims at analysis and assessment of the status of things in the context of visa regimen simplification and liberalization as an important component and strong reserve for transborder cooperation.

Overview of the research results. Improvement of transborder cooperation efficiency of Ukraine with the neighboring EU member states depends on many conditions. The most important factor influencing efficiency of bilateral cooperation is the set of problems associated with the necessity to liberalize visa regimen of the European Union towards Ukraine. The attention that was paid during the Summit "EU - Ukraine" in November 2010 to the simplification issue and in the future to abolishment of visa regimen by the European Union is the evidence to this.

It is a common knowledge that the Decree of the President from April 22, 2011 approved a National Plan for implementation of the Action Plan as to liberalization by the EU of the visa

regiment towards Ukraine. Issues of border crossing and other connected issues are extremely topical for the border regions of our country. Those also include Transcarpathia which bordering with four EU countries (Poland, Romania, Slovakia, Hungary) is a connecting links of Ukraine with the European Community.

It is known that many national minorities live in the border areas of Ukraine with neighboring states; they constantly need to contact with their relatives and cooperate in many direction of social - economic sphere of life.

As an example, only in Transcarpathia in its border areas live more than 151 thou Hungarians (12,1%), 32 thou Romanians (2,6%), a lot of Slovaks and Poles. All of them before the visa regimen with Ukraine and neighboring countries used to enjoy the simplified border crossing to meet their relatives, acquaintances, business partners. Once the Schengen agreement came into force, contacts between population of border areas where national minorities live became more complicated and decreased a lot [2].

It its known that the Schengen legislative framework is made of the Schengen agreement from June 14, 1985 and the executive agreement signed therein on June 19, 1990 which is the implementation act for the agreement. It includes detailed sequence and rules of the steps, identifies what the Schengen area has to offer to their members and what it expects from them. The agreement shall provide for:

- abolish control of persons and goods at internal borders, including in airports and water ports;
- strengthen control at external borders;
- introduce more quality and result-oriented cooperation between national systems and legal authorities;
- introduce Schengen information system as a joint system for crime combating;
- gradually harmonize joint visa and migration policy, issue of weapon and ammunition, court cooperation in criminal cases etc. [3].

It is for this reason that adoption of the Agreement on simplified visa procurement [4] on January 15, 2008 was very positively taken both in the EU and in Ukraine. Analyzing the status of implementation of the mentioned Agreement, one

should take note of the relatively positive changes that took place during implementation of the set of activities in terms visa regime liberalization, in particular [5]:

- simplification of visa regimen in terms of Schengen visa procurement reached (multientry, free visas) for selected 14 categories of citizens for the entire country;
- local border traffic for citizens of border areas of Ukraine with Hungary, Slovakia and Poland implemented and its implementation with Romania is in process;
- new phase of visa relations with the EU initiated, in particular from the simplified procedure of visa procurement up to gradual liberalization of visa regimen (abolishment of visa fees for all categories of citizens of Ukraine);
- structured visa dialogue with the EU established (formulation of activities and recommendations, implementation of which will allow introducing a visa-free regimen);
- first steps towards realization of Communication of the European Commission "Eastern Partnership" undertaken, including initiating of work over draft "Roadmap" which would include preconditions and technical criteria, implementation of which will allow to cancel visas and improve interrelations of Ukraine with the EU countries.

Efficiency of bilateral cooperation as to realization of Agreement between Ukraine and the EU about simplification of visa procurement is testified by the fact that today each tenth Schengen visa is issued in Ukraine. In addition to the mentioned positives that took place during the recent period the following should also be mentioned [6]:

- drastic increase of number of free visas issued;
- substantial increase of the share of multi-entry visas issued (from 1 to 5 years);
- decrease of number of refusals to issue visas in average from 12% in 2007 to 5% in 2010.

Another important factor of implementation of the Agreement on simplified visa regimen is practical solving of problems which exist in the local border traffic of Ukraine which foresees stay within the 50-km border area of the Ukrainian - Hungarian

border: of residents of 244 Hungarian and 384 Ukrainian settlements and in the similar area of Ukrainian - Slovakian border - of 299 Slovak and 280 Ukrainian settlements. Permit for citizens willing to visit their relatives and acquaintances within the mentioned distance is issued within 10 days.

A real breakthrough for simplification and liberalization of visa regimen of Ukraine with the EU were the results of the first official visit to Brussels of the President of Ukraine Victor Yanukovych on March 10, 2010 when priority of the Euro-integration course of the country was confirmed. This had its influence on the dynamics and efficiency of cooperation in bilateral relations. Concrete activities testify to this as well:

- work on implementation of the “Concept of integrated border management” was activated;
- draft “Migration policy concepts” and normative-legal acts developed, necessary for realization of the Law of Ukraine “On border control”;
- state target program of development and reconstruction of the state border for the period of up to 2015 is successfully being implemented;
- work on implementation of the Law of Ukraine “On border control” has been optimized;
- important activities as to integration of foreign migrants and reintegration of Ukrainian migrants for 2011 - 2015 are being implemented and automatic system “Refugees” was put into force;
- activities on provision the going abroad citizens of Ukraine with biometric foreign passports already in 2011 has started etc.

Decisions of the fourteenth Summit of “EU - Ukraine” that took place in Brussels in November 2010 were extremely fruitful in terms of implementation of the previous agreements [7]. It approved the Action Plan as to liberalization of the European Union of the visa regimen for Ukraine.

Over the after summit period substantial organization - analytical work as to prioritizing of implementation of its decisions was carried out. This is proved by the Decree of the President

of Ukraine from April 22, 2011 No 494/2011 that approved the National Plan on implementing the Action Planas to liberalization of the European Union of the visa regimen for Ukraine. [8].

Taking into account the importance of the National Plan on implementing the Action Plan as to liberalization of the European Union of the visa regimen for Ukraine, the President of Ukraine identified tasks to have the larger part of the Plan as to simplification of the visa regimen with the EU implemented already in 2011. Therefore heads of the relevant public authorities are obliged to report about its implementation on a permanent basis. For coordination and strengthen control over implementation of the provisions of the mentioned document on February 7, 2011 the Decree of the Cabinet of Ministers of Ukraine No 77 set up the Coordination Center with the monthly sittings or more often if necessary. the activities of the newly established unit and central executive powers are based on the tasks of implementing tasks and activities including [9]:

Task one - in May - June to develop and approve all necessary normative - legal basis;

Task two - speed up implementation of efficient mechanism of migration management according to the EU standards. First of all efficient State Migration Service should be set along with the nation-wide data basis on migration flow control;

Task three - establish the system of personal data security according to the EU requirements;

Task four - set up an efficient system of integrated border management;

Task five - until the end of the year to set up a system of biometric identification of citizens of Ukraine and to initiated issuing corresponding travel documents with electronic media of biometrical information.

Practical actions of Ukraine on implementing the agreements reached during the 14th Summit "European Union - Ukraine"

are positively assessed by the EU management. In particular, the President of the European Parliament Jerzy Buzek on the meeting with the Head of the Verkhovna Rada of Ukraine Volodymyr Lytvyn that took place in Strasburg on May 10, 2011 expressed his satisfaction with the activation of cooperation of Ukraine with the EU in the issues of visa regimen liberalization, as well as in terms of negotiation process as to signing an Agreement on association and free trade zone creation [10].

Selected conclusions

Taking into account that visa-free regimen for Ukrainian citizens is a long term perspective, one should not positive developments in terms of liberalization of the EU attitude to this issue. For sure implementation of the "Road map", Action Plan of the November Summit "EU - Ukraine" depends a lot on concrete actions as to implementation of conditions on the way to the Free trade zone, associated membership of Ukraine in the EU and free visa regimen.

At the same time one should consider the objective status and ambiguous processes taking place in some EU member countries. They included not controlled refugee flow from North Africa countries and Near East, unstable political situation, ambiguous attitude to the existing system of free flow of citizens across borders within the Schengen zone and intentions of Switzerland to restore the border control and walk out from the free visa area.

One should note that along with implementation of the mentioned National Plan provisions, to receive a visa free regimen Ukraine should work not only with central institutions, but also with capitals of each European Union country. This fragment of intentional cooperation is very important and therefore one should probably consider also the negative impacts from particular decisions and actions of some state instructions of Ukraine towards each EU member state.

In addition, provisions of the appeal of the President of Ukraine Victor Janukovych to the EU hold a very important

proposal to put those tasks for Ukraine for which real possibilities are in place.

At the same time, we believe, there are Schengen challenges which are limiting factors for the UE on the way to grant Ukraine visa free regimen, including:

1. Insufficient financing of projects foreseen by the technical refurbishing of the border, and creation of the infrastructure according to the EU requirements.

2. Increase of anti-migration attitudes in the European Union member states associated with Ukraine not fulfilling the agreements on visa free regimen introduction [11].

3. Precaution of the Interpol as to simplification of visa regimen for Ukraine which falls under the category of risk countries [12].

4. Ambiguous assessment of the EU countries of issues associated with dual citizenship

5. Complicated travel of people within the Schengen zone countries related with the inflow of migrants from North Africa and Near East [13], and withdrawal of Switzerland from visa free area[14].

We believe that concrete reforms on the regions level in the border areas of Ukraine will contribute to solving the issue of visa free regimen between Ukraine and the EU. Necessity to activate work in the local areas in all directions was mentioned by the President of Ukraine Victor Janukovych in his speech specifying tasks for the regional heads during his visit to Transcarpathia [15]. It is that very issues that have been emphasized by the international experts of the Working Group National Convent of Ukraine on EU[16].They attract attention to the following:

- Successful realization of problems is impossible without

forming and implementation of the regional dimension of Euro-integration strategy of Ukraine;

- Issues of regional policy and regional cooperation development of Ukraine and the EU should be separated and specified in detail in the distinct chapter of the Agreement on association and in the Action Plan on association;

- It is necessary to secure the ratification of Ukraine of the Third additional protocol to the Madrid Convention on regional cooperation associations, which set forth single legislative framework for functioning of all European Euroregions and contributes to intensified regional cooperation with the EU.

References

1. Артёмов І.В. Транскордонне співробітництво в євроінтеграційній стратегії України: [монографія] / І.В.Артёмов. — Ужгород: Ліра, 2009. - 520 с. (Серія "Євроінтеграція: український вимір". Вип. 13).
2. Національні меншини Закарпаття: цифри і факти. [Електронний ресурс]. - Режим доступу: <http://zakarattva.net.ua/ukr-news-64717-Nacionalni-menshvnyv-Zakarattva-cvfrv-i-fakty>
3. В.Чечот. Розширення Шенгенського простору: політичні і технічні проблеми / Підготовка нових членів ЄС - країн-сусідів України - до вступу в Шенген і виклики для України: матеріали міжнародного «круглого столу» експертів. - Ужгород: Мистецька лінія, 2007. - С.30.
4. Відомості Верховної Ради України - 2008 .- № 10.- С.312.
5. Мітрянєва С.І. Лібералізація візового режиму між Україною та ЄС: регіональний аспект // Закарпаття : Науково-популярне видання. -2010-2011. - №3. - С. 62.
6. Там само.- С.64-65.
7. Чотирнадцятий саміт ЄС - Україна. [Електронний ресурс]. - Режим доступу:<http://esbs.kiev.ua/index.php?option=comdocman&task=docdownload&gid=468&Itemid=176&lang=uk>
8. Указ Президента України «Про Національний план з виконання Плану дій щодо лібералізації Європей-

-
- ським Союзом візового режиму для України». [Електронний ресурс]. - Режим доступу: <http://ovu.com.ua/articles/10481-pro-natsionalniy-plan-z-vikonannya-planu-diy-schod>
9. Ключев: Президент поставил задачу выполнить большую часть плана по упрощению визового режима с ЕС уже в этом году. [Електронний ресурс]. - Режим доступу: versii.com/news
 10. Украина договаривается с ЕС о безвизовом режиме. [Електронний ресурс]. - Режим доступу: <http://www.gosbalt.ru/ukraina/2011/05/10/847076.html>
 11. ЕС в ближайшее время не либерализует визовый режим с Украиной? [Електронний ресурс]. - Режим доступу: <http://www.unian.net/rus/print/436024>
 12. Европол выступил против упрощения визового режима с странами бывшего СССР. [Електронний ресурс]. - Режим доступу: <http://for-ua.com/politics/2011/05/04/205012.html>
 13. Перемещаться по странам Шенгенской зоны станет сложнее. [Електронний ресурс]. - Режим доступу: <http://podrobnosti.ua/power/2011/05/13/769073.html>
 14. Евросоюз начал рассыпаться: Швейцария уходит из Шенгенской зоны. [Електронний ресурс]. - Режим доступу: <http://www.ua-reporter.com/novosti/103629>
 15. Віктор Янукович: Закарпаття — приклад усієї України. [Електронний ресурс]. - Режим доступу: <http://www.karpatnews.in.ua/news/20188>
 16. The project is implemented on the initiative of the National Institute of Strategic Research jointly with the Research Center of the Slovak Association of Foreign Policy in partnership with the Ukrainian Center for Independent Political Studies, supported by the Slovak Development Fund (SlovakAid).

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