

# Practise what you preach

*The prospects for visa freedom  
in Russia-EU relations*

Minna-Mari Salminen, Arkady Moshes  
The Finnish Institute of International Affairs

**Practise what you preach**  
*The prospects for visa freedom  
in Russia-EU relations*

FIIA REPORT 2009 18

Reports can be ordered from the  
Finnish Institute of International Affairs  
+358 20 6111 707  
erja.kangas@upi-fiia.fi  
FIIA reports are also available on our website at  
[www.upi-fiia.fi](http://www.upi-fiia.fi)

Language editing: Lynn Nikkanen  
Graphic design: Nordenswan & Siirilä Oy  
Layout: Mari Pakarinen/Juvenes Print  
Printed by: Tampereen Yliopistopaino Oy –  
Juvenes Print, Tampere 2009

The Finnish Institute of International Affairs  
Ulkopoliittinen instituutti  
PL 400  
00161 Helsinki  
Finland  
[www-upi-fiia.fi](http://www-upi-fiia.fi)  
firstname.lastname@upi-fiia.fi

ISBN 978-951-769-216-8  
ISSN 1458-994X

## Contents

|  |    |
|--|----|
| 1. Executive summary   | 5  |
| 2. Introduction  | 9  |
| 2.1 <i>Methodology and case studies</i>                                  | 14 |
| 2.1.1 Finland  | 15 |
| 2.1.2 Germany  | 17 |
| 2.1.3 Italy  | 18 |
| 2.1.4 Estonia  | 19 |
| 2.1.5 Poland   | 21 |
| 2.2 <i>Russia</i>  | 22 |
| 3. What are the current conditions under which the visa regime operates? | 25 |
| 3.1 <i>Legal framework</i>   | 25 |
| 3.2 <i>Visa practises</i>  | 27 |
| 3.2.1 How the practices differ?  | 28 |
| 3.2.2 Why the practices differ?  | 32 |
| 3.3 <i>Border cooperation</i>  | 33 |
| 3.4 <i>What works in the current system?</i>                             | 34 |
| 3.5 <i>What does not work?</i>   | 37 |
| 4. What are the concerns regarding visa freedom?                         | 43 |
| 4.1 <i>Political concerns</i>  | 43 |
| 4.2 <i>Security concerns</i>   | 45 |
| 4.3 <i>Technical concerns</i>  | 47 |
| 5. Conclusion  | 49 |
| 6. Bibliography  | 53 |
| 7. Annexes   | 56 |
| 7.1 <i>List of Interviewees</i>  | 56 |
| 7.2 <i>Questionnaire</i>   | 57 |



# 1. Executive summary

The amount of travel between Russia and the EU states is growing steadily and the cultural and economic ties are getting stronger, yet the visa regime has nevertheless remained in place. This report assesses the visa relations between Russia and the EU, and in so doing seeks to address two fundamental research questions which form the basis of the study: *Why does the visa regime still exist between these two entities?* and *What are the obstacles preventing visa freedom?*

On the European side, five countries were chosen, namely Estonia, Finland, Germany, Italy and Poland, because these states provide a representative selection for the study. The counterpart is just one geographical entity – Russia – so numerical imbalance is unavoidable. Interviews were conducted in all the case-study countries at the Ministries of Foreign Affairs, the Ministries of the Interior, the Border Guard where necessary, the embassies in Moscow, the Russian Embassy in Finland and the European Commission in Brussels and its delegation in Moscow.

One of the notable conclusions of the study is the fact that, on the European side, a set of assumptions seems to strongly influence the decisions on visa questions. These assumptions relate for the most part to security and political issues. In particular, the likelihood of visa freedom is regarded as being equivalent to opening the external border of the EU to illegal immigration and labour markets. Although there is very little empirical data to back up such assumptions as yet, it is not unknown for states to define their visa policy leaning towards these assumptions.

Contextual changes have taken place in the societies in question and this has been reflected in a certain liberalisation of existing visa regimes. Allegedly, millions of Russians and Russian speakers are residing in the EU territory and are consequently able to invite their Russian friends for visits, contributing to the increase in travel. In addition to these groups, regular Russian travellers are important for the European tourism industry. As a result, individual Russians are no longer perceived as a threat to European security. These societal changes require corresponding changes in the legal frameworks that regulate visa issues between Russia and the EU. As early as 2005, visa-free travel was designated a long-term goal and inscribed in the roadmaps of Russia and the EU.

The goal, however, has thus far remained long-term, with not even a preliminary timetable being set for further liberalisation. Therefore, from the practical point of view, it is hardly surprising that both Russia and the Schengen states are dissatisfied with the current regime. This report provides details of issues that do not function with regard to Russia–EU visa relations. There is ostensible distrust on both sides, which has been to the detriment of the image of strategic partnership. The Russian side strongly feels that the European consular departments do not apply the regulations in a uniform manner, making the application procedure extremely complex and putting individuals on an unequal footing. The complaints on the European side relate mainly to the persistent question of the registration requirements demanded by Russian officials, as well as to document security in Russia, which is exacerbated by the rampant corruption in the country. In addition, the anticipated cross-border cooperation for those living adjacent to the border has not produced tangible results.

Yet, despite all the shortcomings in the Russia–EU visa relations, the report finds that the system is still workable, if not completely adequate. Millions of Russians and Europeans cross the border each year and the border cooperation between the respective agencies runs smoothly, attesting to the fact that the system works. A visa facilitation agreement implemented in July 2007 has ensured better travel conditions by listing numerous categories that can obtain a visa with fewer documents, freezing the cost of a visa, and providing a timetable for processing of the same. Furthermore, at the political level, the dialogue is aimed at solving problematic issues in visa relations between Russia and the EU.

Nevertheless, when it comes to the introduction of visa freedom, even in the long run, the list of concerns immediately grows much longer. The concerns which reportedly pose an obstacle to visa freedom can be divided into three different categories: political, security-related and technical. At the political level, problems stem from the meagre support for visa freedom in the EU at the domestic level, the belief that Russia would gain more than Europe in the event of visa freedom, and the alleged spread of Russian passports in Northern Caucasus. When it comes to security, all the states have expressed concern about losing control over migration, labour migration issues and the projected increase in the number of asylum-

seekers. In addition, technical concerns abound, including the state of readiness of the border, document security, corruption and the lack of a Russian population registry. Most of these technical matters are awaiting a political solution; the allocation of financial resources could start the ball rolling in terms of the technical preparations for visa freedom.

The Russian position regarding visa freedom is very positive and has been declared one of the main goals in the country's relations with the European Union. Nevertheless, it is very difficult to assess the sincerity of the Russian statements as they may be merely rhetorical in nature. Visa freedom ought to be in Russia's interests in order to ease travel for its citizens, yet the tight registration processes on the Russian side, when the agreement should be based on reciprocity, give grounds for speculation about the country's willingness for visa-free travel. In a similar vein, the European position is not prohibitively negative, yet some European countries only see visa-free travel becoming a reality in the very long term, and only then if all the concerns are addressed.

As far as the case-study countries are concerned, the positions adopted by the agencies varied and no logical pattern can be discerned. Generally, the Ministries of Foreign Affairs were slightly more positive, while the Ministries of the Interior were more hesitant in supporting the visa-free regime, citing the national right to control migration, although this is not a rule without exceptions.

There seems to be no correlation between the visa relations and political relations. Yet, the concept of reciprocity is the *sine qua non* of EU-Russia visa relations. In this respect, the unanimity among both the Russian and European officials was striking. The current relations that are regulated mainly by the visa facilitation agreement depart from the very reciprocity principle which appears to be crucial for the counterparts.

Three hypothetical scenarios for the future are presented in the report. First is the visa-free regime, which has been promoted lately by high-level ministers on both the Russian and the EU side. This would be desirable, but in the current situation it is not feasible due to the numerous concerns listed above. The second scenario implies building up "fortresses" between Russia and the EU by exploiting the visa regimes. This scenario is neither desirable nor feasible in this age of globalisation. The last scenario advocates step-by-step

## Executive summary

liberalisation of EU-Russia visa relations, ultimately leading to visa freedom. This process would be both desirable and possible. Special attention in furthering the liberalisation process should be paid to the two categories which, thus far, have not benefitted from this process under the current agreements: *bona fide* travellers and tourists.

## 2. Introduction

A visa is an instrument by which a state can regulate and limit the movement of people into the state. Traditionally, it is considered to be a tool for ensuring a level of security, while simultaneously representing the sovereignty of the state. The issue of visas has become topical now that the amount of travel between Russia and the EU is growing steadily and the cultural and economic ties are getting stronger. However, the visa regime between Russia and the EU has remained firmly in place. This report assesses visa relations<sup>1</sup> between Russia and the EU states and aims to ascertain whether visas are still an instrument of security or whether the visa model is out-dated. The research addresses two fundamental questions: *Why does the visa regime still exist between Russia and the EU states?* and *What are the obstacles preventing visa freedom?*

In the case of Europe, twenty-five states have joined the Schengen Area.<sup>2</sup> These states have abandoned their internal borders and have agreed to the principle of free movement within the European territory. The same principle applies for third country nationals when they have obtained a visa; the individual is free to travel within the borders of the Schengen area. In fact, in this way the Schengen states have shared their national sovereignty with other Schengen states, thereby altering the whole essence of visa issuance. Russia, in turn, requires visas from all European visitors.

However, present-day Russia also has tight economic and cultural relations with the European Union. Millions of people travel frequently to the Schengen states from Russia and vice versa, so visa freedom would alleviate and even remove some of the mundane problems they have to face.

Visa issues have attracted further attention due to the significant contextual changes which have taken place in the societies in question. In fact, the first notable change concerns the concept of Schengen visas as such, since the Schengen states share their

---

<sup>1</sup> This report concentrated strictly on assessing **visas used for travel** and therefore the issue of residence permits and work permits is not discussed.

<sup>2</sup> Ireland and Great Britain are members of the European Union but have opted out of the Schengen Agreement, whereas Norway, Switzerland and Iceland are not members of the EU, but are in the Schengen Agreement.



there are hundreds of thousands of Russians living throughout the continent. According to Eurostat, in 2007, 563,000 Russian citizens were living permanently on the territory of the European Union. Added to this figure is the reported millions of Former Soviet Union Russian language speakers who have obtained citizenship of EU states. Cases in point are the extensive Russian minority in the Baltic states, the numerous Russians who have obtained citizenship through marriage with EU citizens, as well as the large number of *Aussiedlers* in Germany. The upshot of all this is the vast potential for legal and legitimate travel, as Russians residing in the EU can invite friends and relatives onto European territory.

Visa regimes that are operational vis-à-vis Russia and the other European post-Soviet states have had to respond to these contextual changes and some promising cases have emerged as a result. The first encouraging example of change is provided by Israel, which has recently lifted the visa requirement for citizens of Russia. The plan, which has reciprocity as its foundation, was negotiated in early 2008 and signed in March 2008.<sup>3</sup> Traditionally, Israel has shared similar concerns to the EU states as far as illegal and even semi-criminal employment is concerned, but now it has apparently overcome its previous apprehensions. The second example of change is the positive attitude regarding visa freedom among some high-level European and Russian Ministers. In spring 2008, the Italian Prime Minister Silvio Berlusconi and the Finnish Foreign Minister Alexander Stubb publically stated that the EU and Russia should speed up the visa freedom process. Similarly, the Russian Foreign Minister Sergey Lavrov has expressed Russia's readiness for a visa-free regime with the EU. At a general level, it seems that the EU is slowly changing its attitude towards visas in Eastern Europe. The Eastern Partnership, proposed by Sweden and Poland, is aimed at increasing cooperation with the Eastern European states<sup>4</sup> at the bilateral and multilateral levels.<sup>5</sup> Increased mobility between the EU and its Eastern Partners is one of the concrete aims.

---

<sup>3</sup> Russia, Israel sign visa-free agreement, March 30, 2008 <http://en.rian.ru/world/20080320/101840804.html>

<sup>4</sup> The Eastern Partnership countries are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

<sup>5</sup> Eastern Partnership Memo 3.12.2008 downloaded: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/762&format=HTML&aged=0&language=EN&guiLanguage=en>

More specifically, the EU has spelled out the goal of visa freedom with Ukraine as well. In 2005, Ukraine took a first step and unilaterally abolished the visa requirements for Europeans citizens. Subsequently, in autumn 2008, the EU and Ukraine started negotiations on a visa-free regime.<sup>6</sup> The EU has not set any definite timetables for visa-free travel, but the Ukrainian side is aiming at full visa freedom by 2012. In order to ease the current situation, the EU is considering an easier visa regime for the Ukrainians.

Further evidence of changing attitudes is provided by the facilitated agreements for the residents close to border areas. Norway, for example, is setting a precedent with Russia in cross-border cooperation regarding visas. Similarly, Poland is preparing to ease its visa regime in the cross-border regions adjacent to the Belarusian and Ukrainian borders. The case of the Russian Baltic Sea enclave, Kaliningrad, is worthy of special note. In the first part of the decade, the Kaliningrad transit through the territory of Lithuania became a contentious issue in Russia and in EU-Russia discussions, but since the EU eastward enlargement, the Kaliningrad transit has been running smoothly without any problems.

At the same time, the rhetoric surrounding the discussion on visa relations can be characterized by assumptions, to a large extent. All of the following assumptions have been rife concerning visa matters and policies:

- Russia may need visa freedom more than Europe does.
- In the event of visa freedom with Russia, all Russians will try to cross the border.
- The EU external border could not cope with the prospect of visa freedom due to the massive flow of people across the borders.
- Masses of people from the Caucasus region would flood into the European Union territory.

---

<sup>6</sup> ES otmenit visy dlya ukraintsev (The EU abandons visas for Ukrainians) , October 30, 2008 [www.grani.ru/Politics/Word/Europe/Ukraine/p.143426.html](http://www.grani.ru/Politics/Word/Europe/Ukraine/p.143426.html)

- Third country nationals would travel through Russia to the European territory in droves.
- Visas can prevent illegal immigration and stop criminal gangs from entering the European territory.
- Russia does not want to open its territory to foreigners.
- The maintenance of a visa regime with Russia is lucrative for the EU.
- The EU could use visa freedom as a leverage point to demand Russia's internal transformation.
- In the EU states, visa policy is, in fact, defined by Ministries of the Interior.

Very little, if any, research has been conducted on these issues and it is very difficult to prove the assumptions right or wrong. Yet, they have formed the basis of policy decisions to a large extent. For this reason, one of the main purposes of this study is to examine some of the assumptions in order to separate fact from fiction.

The first critical fact to bear in mind is that a distinction must be made between visa freedom and freedom of movement. In the visa-free regime, the border control would be responsible for checks at the border, thereby removing only the pre-checks currently carried out at the consular departments. Thus, no traveller would be able to enter a state without undergoing a check, which is a common misconception. Yet this distorted picture has already had a negative effect on the decision-making process.

Some studies on European visa practices vis-à-vis Russia exist<sup>7</sup>; however, a comprehensive analytical assessment of Russia-EU visa relations seems to be lacking. This report's attempt to remedy this shortcoming proceeds from the premise that the question which should be asked is not *whether* to proceed towards a visa-free regime, but rather *how* to proceed towards such a regime. The research for

---

<sup>7</sup> Stefan Batory Foundation: Visa policies of European Union Member States: Monitoring Report and O'Connell (2008)

the project stemmed from an initiative by the Finnish Institute of International Affairs. The authors would like to thank Dr. Sinikukka Saari from the Institute who helped to frame the concept of the project. We would also like to express our profound gratitude to the Finnish Ministry of Foreign Affairs and the Heinrich Böll Foundation Moscow Office for their financial support and to the Embassy of Finland in Moscow for its organisational support. The sole responsibility for the findings of the study rests with the authors, however.

## *2.1 Methodology and case studies*

The purpose of the project has **not** been to examine the visa policy of *the EU* towards Russia. Rather, it is a study on the visa relations *between* the EU and Russia. In the light of this, case-study examination was chosen as a way to proceed and official interviews were conducted in those countries selected for the project. In order to assess the relations, five case-study countries from the European Union were chosen on the basis of their representativeness of the widest possible pool of states, namely Finland, Estonia, Poland, Germany and Italy. In this sample, the frameworks for analysis provide different criteria, such as old and new Schengen member states, the EU members that border and do not border Russia, states with a more tourist-oriented or migration-oriented profile, and states more frequented for purposes of transit.

An additional framework for conceptualizing the individual relations between the EU states and Russia is provided by the European Council on Foreign Relations report.<sup>8</sup> It categorizes the EU states' relations with Russia at a political level into five different groups and thus offers a background for the visa relations as well. In this report, Germany and Italy are regarded as "Strategic Partners" of Russia. Finland is categorized as a "Friendly Pragmatist". Estonia, for its part, is defined as a "Frosty Pragmatist", while Poland is designated a "New Cold-Warrior". Greece and Cyprus are classified as "Trojan Horses" in the ECFR report. However, the visa policies of those states are mainly tourist-oriented. As this factor features in the

---

<sup>8</sup> The European Council on Foreign Relations: A power audit of EU-Russia relations: [http://ecfr.3cdn.net/456050fa3e8ce10341\\_9zm6i2293.pdf](http://ecfr.3cdn.net/456050fa3e8ce10341_9zm6i2293.pdf)

approaches of other selected countries, this category was omitted from the report. Of special significance was the question of whether the ECFR report framework can provide grounds for an analysis of the correlations between political relations and visa issues.

Interviews were chosen as the main method of gathering information for the study to help the authors understand the problems pertaining to visa issues. During this phase, interviews were conducted in the Foreign Ministries and Ministries of the Interior of all the case-study countries in order to ensure that both of the agencies which are often perceived as having differing positions would be heard. Whenever possible and necessary, officials at the National Border Guard were also interviewed. In addition, a research trip was made to Brussels in order to discuss the questions with European Commission officials at the Directorate-General for External Relations and at the Directorate-General for Justice, Freedom and Security, which is responsible for the visa relations. The questions regarding the readiness of the EU external border were discussed with Ilkka Laitinen, the Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX). In October 2008, a research trip was made to Moscow to visit the Russian officials at the Ministry of Foreign Affairs and the Federal Migration Service. Furthermore, interviews were carried out in the case-study embassies in Moscow and in the EU Commission Delegation to Russia to learn about the practical point of view. The Russian Embassy in Helsinki was also visited to ascertain what their experiences had been in practice. In order to remain methodologically consistent, the same set of questions was asked everywhere. The list of questions and the list of interviewed officials and offices can be found in the annexes at the end of this report. The preliminary findings were discussed during working meetings in Moscow and St. Petersburg in December 2008. The authors would like to express their gratitude to all the participants of those meetings for their comments.

### **2.1.1 Finland**

Finland has been part of the Schengen community for over a decade, having signed the treaty in 1996 together with four other Nordic countries, and commenced the implementation phase in 2001. Finland is the EU state that shares 1,269 kilometres of land border

with Russia, most of it in sparsely populated areas. On this long border there are only nine international border crossing points. However, statistically, this is not reflected in the number of border crossings, as in 2007 there were over 7, 200,000 on the Finnish–Russian border.<sup>9</sup> Furthermore, statistics on visa issuance reveal that in 2007 Finland issued 645,000 visas in its embassy and consulates in Russia and the trend for 2008 is upwards. The General Consulate in St. Petersburg is likely to exceed 500,000 visas in 2008. In fact, these numbers make Finland the biggest visa issuing state in Russia. Since Finland has good land connections with Russia, it is expected to remain a primary destination for Russian visitors even amid the global economic crisis.

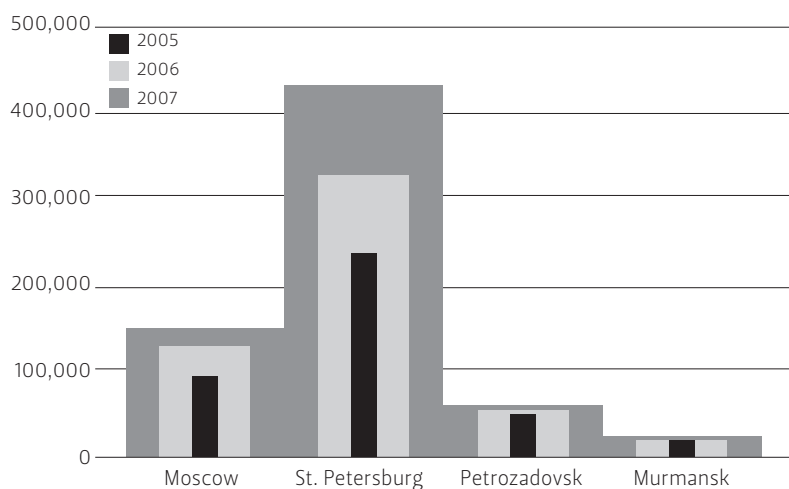


Figure 2. Visas issued in the Finnish consulates in Russia 2005–2007

Finland, characterized in the ECFR report as a “Friendly Pragmatist”, has recently been publicly stating that it is in favour of moving towards visa freedom with Russia. Previously, the common assumption had been that Finland was one of the most determined opponents of visa freedom. In May 2008, soon after assuming his current post, the

<sup>9</sup> The Finnish Border Guard: Schengen’s External Borderline Traffic

Finnish Foreign Minister, Alexander Stubb, announced that he strongly favours a visa-free regime between Russia and the European Union. He renewed this statement in the St. Petersburg Foreign Ministers' Northern Dimension meeting in late October 2008, stating that the Finnish policy line had been "too careful and conservative" regarding visa policy. According to Stubb, lifting the visa regime would advance the democracy development in Russia.<sup>10</sup>

### 2.1.2 Germany

The ECFR Report quite rightly calls Germany the "Strategic Partner" of Russia. Germany has very harmonious economic relations with the country, and political relations have also been close during this decade. It should also be remembered that Germany was one of the founding members of the Schengen Community, yet despite this, its stance has remained ambivalent when it comes to visa issues. On the one hand, a bilateral agreement facilitating visa issuance was negotiated between the two states in 2003, forming the basis for the EC-Russia visa facilitation agreement. The German Consular department in Moscow issues approximately 220,000 visas annually, making Germany one of the leading visa-issuing states for Schengen visas in Russia. This situation can easily be explained by two factors. Firstly, according to statistics obtained from Eurostat, more than 200,000 Russian Federation citizens are currently residing in Germany. The second factor is related to the attractiveness of Germany as a tourist destination. Eurostat provides data which show that in 2007 more than seven million Russians stayed in Germany for at least one night.

Yet, on the other hand, despite the practical results and overall partnership between Russia and Germany, the visa relations have remained rather cold and bureaucratic. Evidence provided by the Stefan Batory Foundation's Monitoring Report<sup>11</sup> suggests that only one in two Russians regard the German consular services as friendly. German interests in the visa issues stem from their security and labour market protection interests, as Germany is perceived to be a destination for migration. Thus, it is hardly surprising that Berlin is

<sup>10</sup> "Stubb kiirehtii viisumivapautta Venäjän kanssa" (Stubb wants to speed up the visa-free regime with Russia) STT 26.5.2008

<sup>11</sup> Visa policies of European Union Member States: Monitoring Report (<http://www.batory.org.pl/doc/monitoring-of-eu-visa-policies.pdf>)

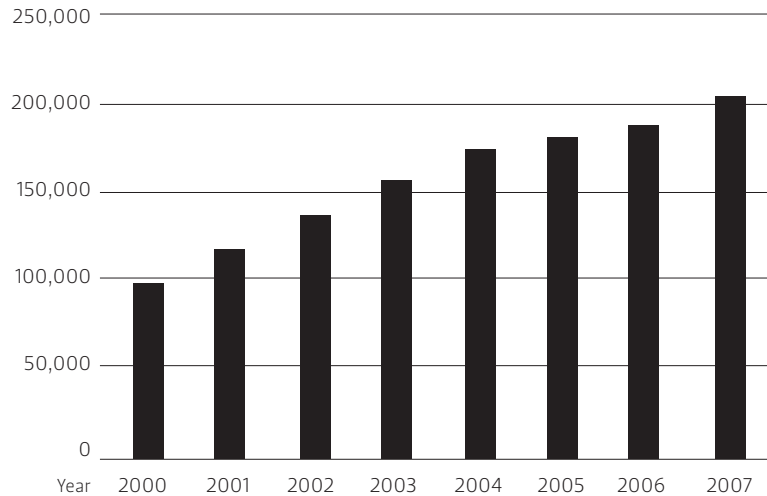


Figure 3. Citizens of the Russian Federation residing in Germany

reluctant to issue statements that would encourage the advancing of visa-freedom relations with Russia.

### 2.1.3 Italy

Italy differs from the other case-study countries in terms of visa category, as most of those issued in Italian consular offices are of the short-term tourist type. In order to facilitate the application process, the Italian embassy has mostly outsourced the process to a visa centre, consisting of several accredited Russian tour operators which deliver the applications to the consular sections. The Russian tour operators provide all the necessary documentation from insurance policies to hotel vouchers, in order to substantiate the visa applications which are signed by the applicants themselves. The visa centre naturally charges a fee for the services it provides for its customers. For some travellers, this facilitates the process as they do not have to make any trips to the consular sections, especially when they live at a distance from the major cities where the consular offices are located. Italy is among the biggest Schengen states issuing visas to Russians. According to the Italian data, in 2007 almost 330,000 tourist visas were issued in the Moscow embassy.

Like Germany, Italy is defined as a “Strategic Partner” to Russia in the EFCR Report. Indeed, Italy is second only to Germany as Russia’s most important trading partner. Russia-Italy relations have been personified around the two leading figures of these states, Prime Minister Putin and Prime Minister Berlusconi. In spring 2008, Italian Prime Minister Silvio Berlusconi announced that he would initiate discussions with the EU-27 on introducing visa-free travel between Russia and the EU. Visa relations often mirror political relations, as Berlusconi attested when he went on to say: “I am convinced that we need to give up the practice of issuing visas and I will take it upon myself to discuss the issue in the European Union.”<sup>12</sup>

#### 2.1.4 Estonia

According to the EFCR Report, Estonia is on the list of “Frosty Pragmatists”. Indeed, Estonia and Russia have what can only be described as very cold relations. Estonia has long been an outspoken critic of Russian democracy and human rights, and political relations have consequently been inflamed. In spring 2007, a new political row erupted between the two countries when Estonia decided to move a Bronze Soldier statue from a very central location in Tallinn to a remote cemetery.

This incident also had repercussions for visa relations between Estonia and Russia. Estonia introduced travel bans for some members of the Russian pro-Kremlin youth group “Nashi”, claiming that these activists posed a threat to national security. When Estonia started implementing the Schengen Agreement on December 21, 2007, the travel bans were transferred into the Schengen databases, preventing the activists from travelling to the entire Schengen area. As of December 2008, 488 Russian citizens remain on this “blacklist”.<sup>13</sup> This has had an impact on the image of Estonia and the whole EU in Russia. Most recently, the travel ban for Vasily Yakimenko, the former “Nashi” leader, has provoked discussion. In December 2008, the Russian Foreign Minister Sergey Lavrov asked the Estonian Foreign Minister Urmas Paet to remove Yakimenko from the Estonian

<sup>12</sup> Berlusconi wants EU-Russia visa regime to be scrapped, RIA Novosti, April 18, 2008 (<http://en.ria.ru/world/20080418/105424007.html>)

<sup>13</sup> Lavrov poprosil Estoniyu pustit’ Yakimenko v Evropu (Lavrov asked Estonia to allow Yakimenko into Europe) <http://lenta.ru/news/2008/12/17/ban/>

“blacklist”, invoking Yakimenko’s high position and simultaneously threatening to retaliate by imposing similar travel bans on high-level European officials.

Initially, after Estonia started to implement the Schengen Agreement, the number of visa applications submitted to the Estonian embassies and consulates decreased. This is not surprising as Russians can now apply for a visa from the consular departments of other states and travel, for instance, via Finland to Estonia. At the same time, the decrease should not be regarded as too dramatic, since during 2008 Estonian consular departments issued over 73,000 visas altogether. In 2007, Estonia issued national visas to the tune of 87,587.

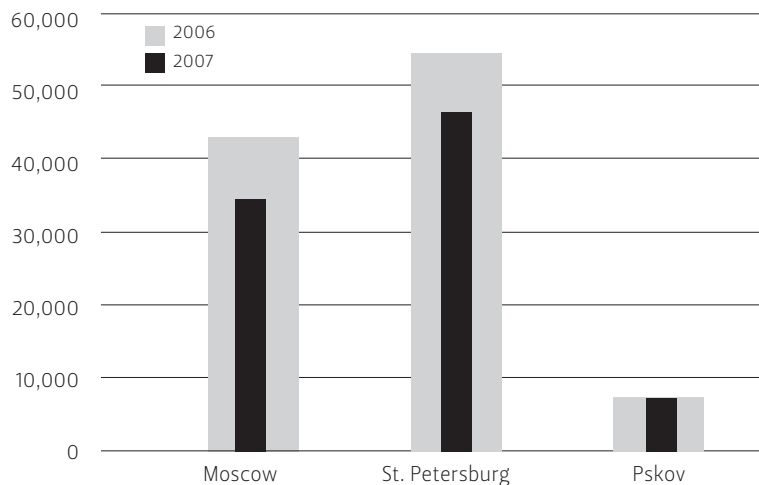


Figure 4. Estonian visa issuance before joining the Schengen Area.

In the summer of 2008, the Russian President, Dmitry Medvedev, signed a decree on a visa-free regime for the people with undetermined citizenship, the so-called “non-citizens” who were citizens of the former Soviet Union and who currently live in Estonia and Latvia, but were not granted the respective citizenship. According to the law, stateless persons can visit Russia without applying for a visa, but

they can only use their non-citizen passports issued by the Estonian or Latvian authorities. In effect, this means that these people have *de facto* visa freedom as they are also free to travel within the EU territory courtesy of passports issued by the authorities of an EU state.

### 2.1.5 Poland

Poland, like Estonia, started implementing the Schengen Agreement in December 2007 but, unlike Estonia, Poland enjoys very good visa relations with Russia. By dint of this, in 2005 Poland issued 250,000 visas to Russians. It has to be remembered, however, that until October 2003, Poland had a visa-free regime with Russia. It was only the country's EU membership in 2004 which forced it to introduce a visa regime. Poland shares a border with Russia's Kaliningrad region and therefore has a vested interest in promoting regional cooperation. Visa freedom would ameliorate the situation of small and medium-sized businesses in cross-border regions in particular.

Poland is not only a destination for those Russians visiting friends and relatives, it is also an important transit country for Russian

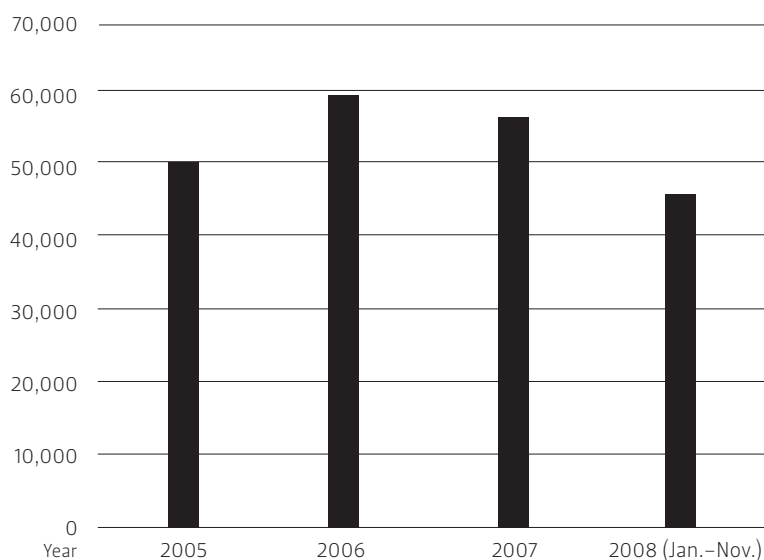


Figure 5. Issuance of Polish visas in Moscow Embassy

travellers on their way to other Central European states. In the light of statistics, Poland is also a destination for asylum-seekers holding a Russian passport. This is a security concern, of course, but it should not have a bearing on the discussion regarding visas. Poland shares a long border with Belarus, which does not require a visa of Russian passport holders. In this respect, these individuals can approach the Polish border guards and, based on the rights written in the Geneva Convention, apply for asylum directly on the border and be admitted into the country without a visa. Accordingly, around 2,500 people, predominantly from the Caucasus region, arrive at the Polish border each year without having to obtain a visa.

In the EFCR Report, Poland is one of two states that represent a group called “New Cold-Warriors”. Politically, relations with Russia have been very frosty and in 2006-2007 Poland blocked the negotiations on a new Partnership and Cooperation Agreement (PCA) due to the Russian import embargo on Polish meat. When it comes to visa issues, however, such political disputes are not discernible. Despite the lack of high-level political rhetoric advocating visa freedom, the sentiment in Warsaw was positive with regard to possible visa freedom.

## *2.2 Russia*

Globally, Russia issues approximately three million visas, according to the information received from the Russian Federal Migration Services. In Finland, in 2007, the Russian consular sections issued 197,000 visas according to Alexander Shepelenko, the head of the consular section at the Russian Embassy in Finland. But the curve is displaying a downward trend in comparison with the other European counterparts. This is attributable to two rather different factors. The first reason for the decreasing number of visas is the increase in the number of multiple-entry visas issued by the consular sections. The second reason could be that Finns are voting with their feet and heading for other destinations where a visa is not an obstacle to travel. Furthermore, Russian visa practices seem to be rather troublesome for Finns, as only ten to twenty people per day apply directly to the embassy, the remainder preferring to go through travel agencies, despite the added cost.

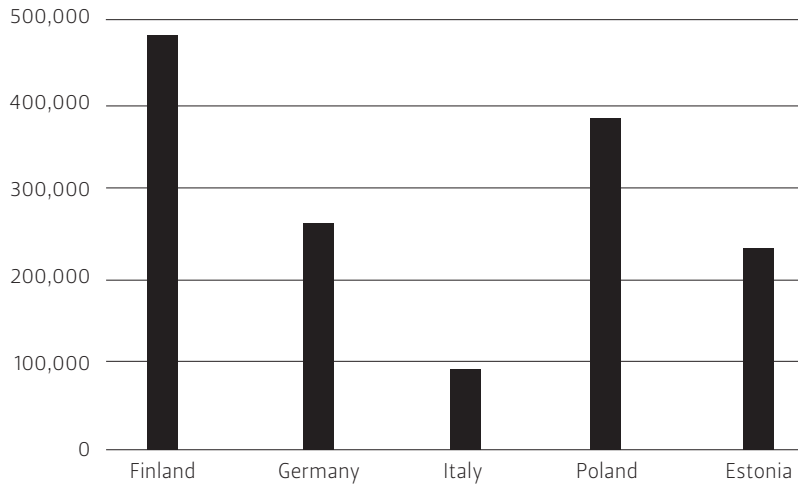


Figure 6. Number of tourists travelling to the Russian Federation from Schengen case-study countries (first half of 2008) Source: Federal Tourism Agency

Russia has openly stated that its goal is to attain visa freedom with the European Union. It is not ready to introduce visa freedom unilaterally, as did Ukraine, but its representatives have hinted that Moscow would go for a bilateral solution with individual countries if this were possible. Russia regards the visa facilitation agreement as a compromise because it demanded full visa freedom in the negotiation process. The logical deduction therefore is that Moscow regards the EU as an obstacle and expects Brussels to practise what it preaches and take the next step towards visa freedom. However, Russia's true position is hard to assess.

In practical terms, Russia is making its visa processes more compatible with the procedures of the EU in the name of reciprocity. In 2007, Russia introduced a limitation on long-term visas similar to the one that the Schengen states have, under which the traveller cannot spend more than ninety days in the Russian territory within any one hundred and eighty-day half-year period. Previously, there was no limitation on the number of days. For their part, the European states have requested quality checks when biometric passports are introduced to ensure that all biometric Russian passports issued

## Introduction

by 2015 meet EU standards. With this in mind, the Russian Border Guards are currently renewing the equipment needed to process the new passports, and this move will also stand the preparations for visa freedom with Europe in good stead.

## 3. What are the current conditions under which the visa regime operates?

### 3.1 Legal framework

EU–Russia relations can be examined through the lens of legal contracts, which provide the framework for the current relations. A plethora of agreements have been signed between the two entities, but when assessing the visa relations, there are four pieces of legislation in particular which regulate the visa regime between Russia and the EU.

First and foremost is the EU’s internal Regulation (539/2001) which defines “the third countries whose nationals must be in possession of visas when crossing the external borders...”<sup>14</sup> Russia is among this list of third countries requiring a visa for the European Union. The preamble to the Regulation states that “countries whose nationals are subject to the visa requirement, and those exempt from it, are governed by a considered, case-by-case assessment of a variety of criteria relating *inter alia* to illegal immigration, public policy and security, and to the European Union’s external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity”.

Whereas from the common sense standpoint this might be understandable, as the foreign policy actors should have room for manoeuvre on the issue, the criteria set out by the EU are nevertheless problematic. *Inter alia* can be interpreted in numerous and non-transparent ways. For the EU, it provides flexibility on the matter when Russia’s readiness cannot be measured by strict and rigid yardsticks. For Russia’s part, however, this may not be viewed as benign, since it would be in Russia’s interests for the EU to set clear and tangible parameters for Russia to achieve when it comes to the

---

<sup>14</sup> Council Regulation (EC) no 539/2001 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:081:0001:0007:EN:PDF>)

areas of “illegal immigration, public policy and security, and to the European Union’s external relations with third countries...” In the interviews, the Russian officials stated that the technical problems have almost been solved, and that it now boils down to a question of political will on the European side. An argument can be made that these vague criteria suit the EU precisely because it lacks the will to advance visa freedom and is treating the issue as an indefinitely long-term goal.

Secondly, the Common Consular Instructions (CCI)<sup>15</sup> stipulate the conditions governing the issue of a uniform visa, valid for the Schengen states. The purpose of the CCI is to clarify the fundamentals of EU visa policy for the member states.

The third piece of documentation that guides the Russia-EU visa relations is the 2005 agreement on the Common Space of Freedom, Security and Justice. In this political statement the European Union and Russia pledged to intensify cooperation in these areas. The objective is to build a new Europe without dividing lines and to facilitate European travel. The two parties agreed to intensify the visa dialogue at both the expert and political levels in order to examine the conditions for a mutual visa-free travel regime as a long-term perspective.

At a Russia-EU Summit in Sochi in May 2006, Russia and the European Community (EC) signed the fourth piece of legislation regulating visa relations. In fact, the implementation of the agreement stems from the political goals set out in 2003, providing practical assistance in the visa relations of the European Community and Russia. The Visa Facilitation Agreement (VFA) entered into force on June 1<sup>st</sup> 2007 and concerns citizens of Russia and the European Union. However, on the European side, three countries do not implement the agreement – the United Kingdom and Ireland are not Schengen states, while Denmark also chose to opt out.<sup>16</sup> As the name of the agreement suggests, the treaty is aimed at aiding and facilitating travel

---

<sup>15</sup> Official Journal C326, 22.12.2005 [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1222\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1222(01):EN:HTML)

<sup>16</sup> Agreement between the European Community and Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and Russian Federation: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:129:0027:0034:EN:PDF>

between the two entities. The agreement lists several categories<sup>17</sup> that can obtain a visa with fewer documents, thereby simplifying the process. The agreement has not been in force for long and there is little assessment of its success, but one contentious issue has been pointed out; the privileged categories have not been determined by a track record of legitimate visa use but rather by membership of a professional category.<sup>18</sup> Moreover, the facilitation agreement sets the price for processing a visa application at €35, rising to €70 when applying within three days before the planned departure, and stipulates ten calendar days as a strict rule for processing, although this may be extended to thirty days in individual cases.

### 3.2 *Visa practices*

As explained above, the legal framework provides the basic guidelines for visa practices, but the practical implementation depends largely on the Local Consular Cooperation (LCC). The latter took shape after the 1996 recommendation by the European Council to enhance the cooperation between the Schengen states.<sup>19</sup> In these meetings, member states are encouraged to establish cooperation between their consular services in order to:

- Exchange information on the criteria for issuing visas and the risks to national security and public order or risks of illegal immigration;
- Organise mutual visits by officials responsible for the procedure for issuing visas in order to improve the exchange of information;

---

<sup>17</sup> Close relatives, business people, members of official delegations, pupils, students, participants in scientific, cultural and artistic activities, university and other exchange programmes and sports events, journalists, persons visiting burials, drivers conducting international cargo and passenger transport, participants of twin city exchange programmes.

<sup>18</sup> O'Connell (2008) p.122

<sup>19</sup> European Council Recommendation March 4, 1996: <http://europa.eu/scadplus/leg/en/lvb/l33107.htm>

What are the current conditions

- Produce joint reports on local visa issues at the request of the Council;
- Adopt joint measures to check for simultaneous visa applications or series of applications or for any previous rejection of a visa application by another member state;
- Exchange information to help determine the good faith of visa applicants and their reputation.

In the interviews conducted for this research, it was revealed that the practitioners in Moscow felt that the LCC cooperation and the results attained in the meetings are closely linked with the activity of the incumbent EU president state, which is also responsible for the LCC meetings. If the country holding the presidency is interested in advancing cooperation in visa issues, harmonisation and improvements can be seen.

Despite efforts by the Council to provide instructions and frameworks for exchanging information and cooperation, the information gained in the interviews would appear to indicate that practices differ significantly between Schengen member states.

### **3.2.1 How the practices differ**

The first significant factor differentiating the Schengen states from one another is the attitude towards the visa applicants. The Stefan Batory Foundation has produced extensive reports on the visa practices of the Schengen states in Russia, Ukraine and Belarus. One of the key findings was that “the attitude and treatment by consular staff is of the utmost importance; more so than being refused a visa, more than having to wait in queues or even paying for the visa”.<sup>20</sup>

The second area where practices differ is the application procedure itself, which starts with queuing. Differences emerge in both queuing times and queuing systems. Some embassies give out service numbers to facilitate the process, but this has led to the selling of tickets and other unfair queuing practices. In most cases, people have to queue in the street as opposed to the inner courtyards of the embassy premises. As long as the people stay in the street, “the consulates have a

---

<sup>20</sup> Visa Policies of European Union Member States – Monitoring Report, 2006, p. 9

policy of repudiating any direct responsibility for what takes place in the queues before the actual application procedure is starting”<sup>21</sup>. Accordingly, the Finnish and German embassies in Moscow have hired security guards to patrol the street in order to manage and control the queues.

The next step in the application procedure is to leave the application on the counter. The queuing process is still ongoing as a new queue often forms on the embassy premises. To address this, the Finnish embassy has installed a ticket machine for those leaving their documents and receiving passports. As great clarity is required when filling in the documents, detailed information provided by the embassy, either outside the building on a notice board or on the net, would reduce the number of required visits. Applicants are supposed to visit the embassy twice; to leave documents and pick them up. Yet the applicant often lives far away and may be forced to make numerous trips to the embassy in order to obtain the visa, as the consular sections do not allow additional documents to be sent by mail or email.<sup>22</sup>

Consular section requirements for documents supporting the application vary greatly. The visa facilitation agreement has listed the documents needed by certain categories to verify the purpose of the journey. If there are any doubts concerning individual cases, member states can request additional documents. With regard to all other verification details (such as the means of subsistence, intention to return) the number and type of documents required can be decided by member states themselves, but should be harmonised in the LCC. This might suggest to the applicant that the Schengen member states do indeed have very different practices.

The language skills of the consular department staff are also crucial when considering the practices. The process runs much more smoothly when the applicants can discuss the issues in their own native language when submitting the application. The Polish embassy in Moscow is a prime example in this respect as all the personnel in the consular department are fluent in Russian.

Some of the Schengen states have tried outsourcing the visa application procedure to so-called visa centres. Out of the five EU

---

<sup>21</sup> Visa Policies of European Union Member States – Monitoring Report, 2006, p. 12

<sup>22</sup> Visa Policies of European Union Member States – Monitoring Report, 2006, p. 55

states chosen for this study, only Italy has opted to do this. Via this means, applicants can submit their applications through the agencies without having to come into contact with the consular staff. As mentioned above, this is also the case with the Russian embassy in Finland; most applicants go through the travel agencies. Yet this practice not only incurs a charge that will not be in accordance with the visa facilitation agreement, it also puts the applicants on a very unequal footing.

The seemingly different approaches adopted by the member states may have their origin in some very practical problems. Many embassy premises are old and have become short of space, due to the rapid increase in visa issuance. Moreover, the member states face very different volumes of applications, often arising from seasonal fluctuations. For instance, the Finnish consulates and embassy know that Christmas is the busiest season in the consular section. Even if the consular sections are fully-staffed and working in shifts, the demand for visas outstrips the rate at which they can be granted, and applicants suffer as a consequence. Finland, of course, is a very popular country for tourism, but this might not be the only reason for the volume of applications. More than 80 per cent of the visas issued by the Finnish consulates are multiple entries and as visa centres are not used, the processing time is relatively short compared with some other consular sections. Russians submitting applications to Finnish consulates are generally pleased with the level of service they obtain, and this may lead to a situation where the Finnish consulates get subjected to visa shopping.

A final point on which the practices of member states differ radically is the rejection process. The CCI states that uniform visas may be issued only once the entry conditions laid down in Article 15 of the Schengen Convention and Article 5 of the Schengen Borders Code have been met. This naturally leaves a lot of room for interpretation on the part of the visa official. In addition, the CCI states that as a general rule the applicant will be called on to appear in person for an interview. However, this requirement may be waived under certain circumstances. With the overwhelming number of applications, a comprehensive interviewing process is just not feasible.

Rejection figures vary, the lowest being the Italian and the Finnish percentages at around one per cent respectively. The German rejection rate is above three per cent. The exact Estonian data is not available,

but interviewees claimed it was “less than three per cent”. In the interview devised for this report, one of the questions concerned the reasons for rejection. This is the issue where practices differ the most among member states. Finland and Poland explain the grounds on which the rejection was made; in Poland it is also possible to appeal against the decision, whereas in Finland rejected applicants have the right to lodge an administrative complaint with the Ministry for Foreign Affairs. Conversely, Estonia does not provide any explanation and no system of appeal is in place. In the cases of Germany and Italy, grounds for rejection are provided in certain visa categories, but not if the applicant has applied for a tourist visa. Appealing may be quite difficult in some of the case-study countries as it must be done through a legal representative in the capital of the destination country, but it is still legally possible. Russian law does not require an explanation to be provided, but the practice is to provide one at the individual level.

The last issue in which the EU states and Russia exhibit a major discrepancy in their visa relations concerns the issue of registration. In actual fact, this puts the European travellers in Russia in a disadvantageous position vis-à-vis Russians in the EU. Russia requires that all visitors register as soon as possible with the local register office, which is part of the Ministry of the Interior, if staying for longer than three days. Registering is time-consuming and difficult for those travellers who are not staying in hotels. Most visitors are forced to stay in hotels just to comply with the registration requirements. Private stays are virtually impossible since registration should then be carried out at the host person’s local registration office and the procedures are complicated. The registration practices that Russian tourists in the EU area have to comply with differ among the EU states, with some setting no requirements at all, but if such requirements do exist, they are not as strict as the ones in Russia, or they are not implemented at all. This imbalance between Russia and the EU gives rise to numerous complaints among European travellers, who do not hesitate to complain to their Ministries of Foreign Affairs. Moreover, it has a detrimental effect on Russia’s image as a tourist destination, and is seen as increasing the level of corruption. The relationship between the EU and Russia, which should be based on reciprocity, is imbalanced in this respect.

### 3.2.2 Why the practices differ

Based on the interviews, two main reasons emerged to explain why the practices differ: history and culture on the one hand, and national legislation on the other. The interviewees felt that the former has to do with the attitude shown by the state in question. History and cultural differences were often mentioned as the defining factor. The Russian interviewees in particular argued that certain Schengen member states have strong perceptions about Russians being potential migrants, criminals or victims of trafficking. Concerns about personal security were also raised. (For instance, a young Russian female travelling alone might encounter problems in obtaining a visa for a certain state.) In the actual issuance process, perceptions of individual visa officers play a huge role as visas are granted individually on a case by case basis. Therefore, it is critically important for the consuls to deliver clear instructions on the general visa policy lines that have been agreed in the LCC. Furthermore, the German embassy official pointed out that the ability to run checks on the applicants varies greatly. Some embassies are swamped with applications and find it a challenge to develop the capacity to issue the complete travel documents within the timeframe. This pressure is very likely to affect the depth of the checks as well, as time spent per application has to be minimized. However, all the embassies ensure that the checks are thorough.

A second reason for the differing practices might lie in the varying national legislations, or at least this was suggested as a possible explanation. It is weak, however, as the Schengen *acquis* is implemented at the Union level and therefore bypasses the national legislation in general. However, the procedure and possible channels for appeal are governed by the law of the Schengen member state concerned.

Two major problems that arise from the different practices should be tackled without delay. First, the consular sections of embassies and consulates are not able to respond adequately to the demand. Even if it is clear that the demand for visas peaks during the summer and in winter, the consular sections have still not been able to organize their personnel policy so that it meets the demand. Permanent staff work around the year in the consulates and are assisted by temporary staff during the high seasons, but in the event of an unforeseen peak, most consular sections are not capable of rising to the challenge rapidly enough.

A second major problem engendered by the varying practices is so-called visa shopping. Applicants very quickly learn which countries are applicant-friendly and this duly encourages them to reapply to a particular embassy.

In some of the embassies, the usage of multiple-entry visas is calculated by the day, which is not only very time-consuming, but also against the whole visa principle in the Schengen Area. The Russian officials expressed their concern about lorry-drivers in particular, who are forced to drive to several countries if they are employed by an international cargo business, and in whose case the day-by-day calculation seems ludicrous. When it comes to multiple-entry visas for several years, it is not possible to plan trips years in advance, but as the visa facilitation agreement allows the issuance of these longer-term visas, the idea of calculating days is out-dated and against the concept of free movement within the Schengen states. Even more pointless is the concept of the main destination country, especially in the case of multiple-entry visas. If a person is travelling to Europe but enters, for example, via the Polish border, spends holidays in France and subsequently exits through the same Polish border crossing point, the following year the consular section concerned will only see that the person crossed the border with Poland. The Schengen states would easily be able to prevent visa shopping by unifying the practices in the third country where they are operating. In this way, applicants would also be encouraged to apply for the visas at the correct embassies and avoid lying to other embassies about their actual destinations. This would decrease the workload in some embassies and direct the applicants to the right places, thus ensuring that all applicants undergo appropriate checks.

### *3.3 Border cooperation*

A crucial role in smooth travel is played by the national border controls. A visa only represents preliminary permission to enter the Schengen zone, the final decisive power resting with the border guards, who have the right to turn the traveller back and deny entry to the Schengen area.

The EU–Russia common border is long, extending approximately 2,000 kilometres. Finland has nine border crossing points with Russia, Estonia four, Latvia five, and Lithuania and Poland twenty-five together.<sup>23</sup> Despite the political problems at high levels, at the grass-roots level the cooperation has worked without complaint. The border guards exchange information on a weekly and monthly basis to prevent crime, drug trafficking, smuggling and human trafficking.

One of the questions that all the interviewees were asked concerned the readiness of the border in the event of visa freedom. The answers varied from country to country. One Finnish border guard interviewee emphasised the importance and magnitude of the investment and training that must be in place before smooth border crossing could be ensured. A completely different view was expressed by a Polish border guard who declared that Poland would be ready for a visa-free regime with Russia any day. Poland actually enjoyed such a regime with Russia until the end of 2003 and positive memories of that period are still fresh.

A realistic and rather pragmatic view on the status of the EU external border was expressed by FRONTEX Director Ilkka Laitinen. He stated in the interview that the readiness of the EU’s external border hinges on the political will in the European Union. He explained that investment in the equipment required at the border crossing points can be made if the EU allocates the necessary funds for this. As he put it, “The visa relations between Russia and the EU mirror the political relations between them.” The implication here is that visa freedom will only be possible when the political climate between the two parties is conducive to these types of major changes.

### *3.4 What works in the current system?*

#### *Visa issuance*

When examining the practices that work within the Russia–EU visa framework, one has to admit that at the practical level, visa issuance functions, albeit imperfectly. This is an undeniable fact based on the

---

<sup>23</sup> Kuznetsov (2005)

increasing number of travellers crossing the border and receiving a visa each year, year on year. In this regard, it must be noted that as Russian living standards are rising, Russians have more money to travel, stepping up the pressure at the consular departments of embassies and consulates. The number of applications increases, the queues outside embassies grow and more staff and resources are needed to process the applications. Thus, in the long term, this makes the regime unfeasible and inadequate.

### *The visa dialogue*

The visa dialogue also seems to be flowing smoothly under the current system. It was launched after the EU–Russia Summit in Samara in May 2007 and the process is on-going. The visa dialogue got underway in Moscow in September 2007, while work at the expert level was commenced in mid-December 2007.<sup>24</sup> The dialogue process is divided into four separate blocks: document security, illegal migration, public order and security and external relations. So far, talks have centred on document security, illegal immigration and public order and security. It is anticipated that the fourth block, dealing with the minimum requirements for democracy and human rights also emphasised by the EU in visa relations, will be very difficult to push forward due to existing political problems.

However, questions remain about the tangible outcome of the visa dialogue. After one year, it is hard to report any results. The goal of the dialogue should be clear for everyone – to arrive at and agree on the conditions under which visa freedom could be commenced. Thus far, however, even the most fundamental parameters are missing. There are not even any tentative timeframes for potential visa freedom and this makes the discussion rather vague. Furthermore, as mentioned above, a distinct and definite set of criteria must be defined to elaborate what Russia has to achieve in order to make progress towards visa freedom.

Nevertheless, the visa dialogue is undoubtedly a step in the right direction in terms of opening a forum for discussion in a more institutionalised format. The mere existence of the dialogue raises hopes that the parameters and criteria could be defined at some point.

---

<sup>24</sup> The European Commission's Delegation to Russia: Press release, December 13, 2007: [http://www.delrus.ec.europa.eu/en/news\\_974.htm](http://www.delrus.ec.europa.eu/en/news_974.htm)

The EU evidently wants the dialogue to continue and a clear indication of this is that there was no hint of suspending the visa dialogue in the aftermath of the Georgian crisis. Despite the discontent expressed by some EU states, it continues to be operational.<sup>25</sup>

### *Visa facilitation*

The third issue that works and which has improved the visa relations between Russia and the EU is the introduction and implementation of the visa facilitation agreement. During the interviews conducted for this research, we learned that the visa facilitation has resulted in positive experiences on both sides. For Russia, the agreement has improved the travel conditions. The reduction in the documents required to verify the reason for travel, the reduced price of visas and the shorter processing time have greatly facilitated the process of obtaining a visa. For Europe's part, the same conclusions apply, but in addition, the European side has gained the renegotiated readmission agreement. A European Union official admitted that the readmission between the EC and Russia had been a very crucial component in the agreement and that it was working. The current agreement covers citizens of the Russian Federation only, but in 2010 the readmission will be extended to third-country nationals for a three-year interim period, after which it will be evaluated. It has been widely considered that the readmission agreement for third country nationals could be a key issue on the road to visa freedom.

### *Border cooperation*

Border cooperation is the fourth issue which currently works well. Trouble-free border cooperation is a crucial factor when it comes to assessing the favourable conditions for potential visa freedom between Russia and the EU. As visa freedom by no means implies freedom of movement, the critical role of border cooperation cannot be emphasized enough in this context. Having spoken with representatives of the Border Guard, the cooperation between EU and Russian officials at the grass-roots level is already of a good standard.

---

<sup>25</sup> That said, there is a risk that the visa dialogue will suffer the same fate as other talks, which seem to be conducted for the sake of promoting bureaucratic interaction and not really for propelling the relationship forward.

Nevertheless, there is still room for improvement. It can easily be sensed that the chain of communication at higher levels still has a series of deficiencies.

### *Kaliningrad transit*

In 2002, the debate on the so-called Kaliningrad issue was sparked off in Russia and became a highly politicised issue. All Russian politicians advocated visa-free access to the oblast through Lithuania, even if the question was, in effect, one of transit. In 2003, an agreement was reached at the Russia-EU Summit in St. Petersburg whereby transit between Kaliningrad and Russia would be exempt from the Schengen requirements, and in addition to this the Russian-Lithuanian bilateral agreement on readmission was signed. In the summer of 2003, facilitated travel documents (FTD) were established for non-railway travel and facilitated railway travel documents (FRTD) for transit by train. Despite fears to the contrary, the surrogate visa system has been running smoothly from the outset, and the Lithuanian transit has been operating without any problems.

## **3.5 What does not work?**

The previous chapter outlined the issues which still work with regard to visa relations. This chapter will point out those issues that are not working under the current system or at least indicate where the prevailing inertial conceptual premises can be challenged.

### *Tarnishing the image of a meaningful partnership*

Russia and the EU have claimed to be strategic partners. However, such a claim belies severe credibility problems when the entities are assessing the security risks that they might feasibly pose for each other.

True, it can still be easily argued that the current system, *de facto*, is close to a visa-free regime. If a person applies for a visa, s/he is very likely to obtain one. But *de jure*, of course, this is not the case. When the interviewees were asked what they considered the benefits of the visa regime to be, some could not come up with any suggestions. For

instance, one Italian official could only think of ways in which the regime hinders the development of relations. Tourism is a particular casualty in this regard, with Russians opting to travel to Turkey and Egypt instead, where they can travel visa-free. Europeans, for their part, also vote with their feet and travel elsewhere due to the visa regime. Despite the fact that consular sections raise some revenue for the MFA budget, maintaining the visa regime is costly for the embassies and consulates in Russia. New investments and the training of staff are regularly required.

### *Sovereignty*

It is often claimed that a visa exemplifies the right of a sovereign state to control and check the background of people travelling to a particular state. If state officials suspect something of a threatening nature, a refusal can be made, thereby exercising the right of a sovereign state to determine who will cross the border, and who will not. However, in the case of the European Union, many states and even non-EU members have established the Schengen area, in which they have yielded the sovereign power they had in visa issues. It is the Schengen Community where the decisions are taken – from Greece to Iceland, from the Czech Republic to Portugal.

### *Visas and crime prevention*

It became evident during the interviews that the Schengen states believe that the maintenance of the visa regime is a means of ensuring national security. Yet, it is a fact of life that pre-checks on travellers do not put a stop to cross-border crime, drug-trafficking and human trafficking. Criminal records will show that human trafficking and drug smuggling do happen and a visa regime alone is not capable of eradicating such practices or preventing criminal gangs from travelling. Different kinds of measures are needed to tackle criminal issues; the question of visas should not enter this discussion as no traveller would be allowed to cross the border unchecked even in a visa-free regime. As stated above, visa freedom does not equal freedom of movement, so travellers with criminal records could therefore be rooted out by the border control. A step in the right direction is the agreement between Finland and Russia signed to facilitate

cooperation in combating drug-trafficking.<sup>26</sup> Concrete measures were taken to ease the work at the border. Finnish Border Guards can now request executive assistance directly without submitting the request via Moscow. Pragmatic cooperation in fighting crime can be effective without necessarily maintaining the visa regime.

### *Authenticity of documents*

The EU member states often cite corruption and the likelihood of purchasing falsified documents as one of the main factors preventing visa freedom. The concern voiced by European officials is further heightened by the absence of a centralised population register. In order to ensure that one person is in possession of only one passport, a centralised register must be in place. Currently, one person can be in possession of six foreign passports, all with valid visas.<sup>27</sup>

At the time of writing, 12–15 million Russian citizens, in a state of 142 million, hold a valid passport. This fact alone should disprove the assumption presented at the beginning of this report that in the event of visa freedom; “all Russians will come to the European Union”. The small number of passports demonstrates the conditionality that exists where eligibility to Russian foreign passports is concerned. Furthermore, under the visa regime, Russians are discouraged from applying for a passport knowing the restrictiveness of the European visa regimes. This adds insult to injury for Russians. In the event of visa freedom within Schengen space, Russians would be encouraged to apply for passports, knowing that possession of one could facilitate travel. Moreover, this could be seen as a sign of civic action on the part of the citizens. The Russian passport system is undergoing fundamental changes as the

<sup>26</sup> Suomi ja Venäjä yhteistyöhön huumeiden torjunnassa (Finland and Russia start cooperation in fight against drugs), October 29, 2008: <http://www.hs.fi/kotimaa/artikkeli/Suomi+ja+Ven%C3%A4j%C3%A4+yhteisty%C3%B6h%C3%B6n+huumeikaupan+torjunnassa/1135240644653?ref=rss>

<sup>27</sup> The possession of multiple passports mainly concerns the professional drivers of international cargo companies. A driver can obtain a visa for one year, for instance, but as he is forced to cross the border frequently, the pages in the passport quickly fill up and he must obtain a new passport. However, the visa is still valid for travel with the new passport. Thus, a situation can arise where a person has numerous valid passports that he has to carry with him in order to prove the amount of travel. The border guards then calculate that the 90/180-day limit is not exceeded.

Russian Federation has been issuing biometric passports since 2006, and from 2010 onwards all passports issued will be biometric.

Some interviewees expressed their concern about Russian civic rights and the limitations placed on obtaining Russian travel documents. According to some speculations, under the new passport system only five to ten million passports could be issued. These rumours were quashed, however, during the interview with Mr Alexandr Aksenov from the Russian Federal Migration Service, as he stated that Russia would issue six million passports per year, meaning that over the five-year validity period, there could be as many as thirty million passports in circulation, doubling the current amount. In the process of issuing biometric passports, identity verification becomes crucial, also for the European officials. The EU seeks an assurance that it can have full confidence in the authenticity of Russian passports. The question of document security has been high on the EU's agenda with Russia. The fact that it is also on the visa dialogue agenda only serves to confirm this.

#### *Russian registration requirement*

The fifth issue that is inadequate in EU-Russian visa relations is the question of registration. As elaborated above, Russia and the EU states have different practices. Despite EU Commissioner Frattini's call in late 2007 for Russia to abandon the registration practice, and the efforts of the visa dialogue group, it still remains in place. This practice goes very much against the principle of reciprocity in the relations and does nothing to enhance the possibilities for travel.

#### *Consular premises*

The sixth issue concerns the consular shortcomings, and regardless of the attempts on the EU side to harmonise consular practices in Russia, plenty of work still needs to be done in this area. The procedures remain rigid, despite the clear guidelines provided by the visa facilitation agreement. As mentioned above, this kind of situation leads to visa shopping, further exacerbating the already overcrowded conditions in embassies. The attitude displayed by a state also plays a crucial role in visa issue. There are understandable differences between the Schengen states, but when the states in the framework of the EU have set visa freedom as their aim, they should

duly aspire to that aim. The Stefan Batory Foundation Report confirms that embassies are rated differently in terms of the friendliness of their staff. Almost all those interviewed for this project admitted that the practices differ from consulate to consulate. The LCC and CCI have not been enough to harmonise the practices.

The current system might prove too burdensome for Finland in particular in the near future. The Finnish embassy premises in Moscow are stretched to the limit when it comes to visa issuance matters. During the peak seasons, the staff have to work in two shifts in order to deliver passports in time. The General Consulate in St. Petersburg has morphed into the biggest consulate of Finland as a result of its consular department, which employs more than 150 people. To further exacerbate the problems, the Finnish Petrozavodsk consulate suffers from too small premises and this has forced it to seek alternative solutions to visa issuance. Some of the visas are processed locally, but others are sent to Kontiolahti in Eastern Finland for processing. This office will remain operational until September 2009 at least.<sup>28</sup>

#### *Shortcomings in cross-border cooperation?*

The cross-border cooperation has not been implemented fully. Above all, the needs of ordinary citizens residing near the borders have been neglected. Significantly, the citizens of the Kaliningrad enclave have suffered the most from the visa regime, landlocked and sandwiched between two Schengen states. Previously, finding tailored solutions for this problem has been difficult because Russia refused to single out Kaliningrad residents for special treatment. Poland and Lithuania introduced a visa regime with Russia as late as 2003, before joining the European Union – in order to comply with the *acquis*.

Fortunately, there is also a positive development in the close border cooperation between Russia and one of the Schengen states. Norway and Russia are trying to improve the close border cooperation which, thus far, has not worked on the EU's external border. Norway, which is not an EU member state and therefore not party to the visa

---

<sup>28</sup> Newsletter of the Ministry of Foreign Affairs of Finland: Suomen edustustot käsittelivät viime vuonna yli 800 000 viisumihakemusta (Finnish consular offices processed last year more than 800 000 visa applications) 09.01.2009 <http://www.vn.fi/ajankohtaista/tiedotteet/tiedote/fi.jsp?oid=250617>

What are the current conditions

facilitation agreement, but which is a Schengen member state, is working with Russia to set a precedent that other border states could learn from. In June 2008, the Foreign Ministers of Norway and Russia met in Murmansk and in Kirkenes and decided to establish a bilateral working group to elaborate the issue of a possible visa-free border zone between the two countries.<sup>29</sup> In this initiative, the Murmansk region would become a pilot region, where people living within a 30 km belt from the border on each side would have permission for visa-free travel. In October 2008, the Norwegian Foreign Ministry confirmed that the Russian Foreign Ministry had sent an official proposal to the Norwegian official, which is being reviewed. Norway has also made it possible for Russians living in the Murmansk and Arkhangelsk regions to apply for five-year multiple-entry visas.<sup>30</sup>

---

<sup>29</sup> Murmansk - a pilot region on visa-free travel: <http://www.barentsobserver.com/murmansk-a-pilot-region-on-visa-free-travel.4493862-99350.html>

<sup>30</sup> Visa-free travel in Norwegian-Russian borderlands: <http://www.barentsobserver.com/visa-free-travel-in-norwegian-russian-borderlands.4514461-16180.html>

## 4. What are the concerns regarding visa freedom?

The previous chapter has discussed the fact that the current system leaves a lot to be desired in terms of its functionality, a situation which millions of travellers witness on a continuous basis. Why, then, are we still exploring the possibility of visa freedom? Would visa freedom be a solution to all the problems listed above? The short answer to this is No, as will be argued below.

### 4.1 Political concerns

The Russian Foreign Minister Sergey Lavrov declared in a *Helsingin Sanomat* interview<sup>31</sup> on November 9, 2008 that Russia would be ready to remove the visa regime tomorrow. In the interview, Mr Lavrov asserted that whenever the EU is ready, Russia will be, too. He also stated that it is regrettable that visa issues cannot be dealt with at the bilateral level. This statement could be regarded as a sign of Russia's readiness to attempt to comply with the requirements that the EU has set for the country to achieve this goal, and an invitation for the EU states to seek political will and consensus regarding the possibility of visa freedom. However, the issue is very complex as not all the EU's concerns are related to Russia.

Some concerns are linked primarily with the internal factors. The first factor slowing down the visa freedom process is the sensitivity of the topic in the EU member states. This is not only a question of foreign policy, but is also closely linked with internal politics in the EU states. The visa issues have ignited numerous heated debates at a high political level in many EU member states. In Estonia we posed the question of whether visa freedom would be an important issue in domestic policy and it was confirmed that it would certainly have domestic significance. Furthermore, in certain states, advocating such a delicate issue or, moreover, proposing a vote on it in a national

---

<sup>31</sup> Venäjä valmis poistamaan viisumit vaikka huomenna, *Helsingin Sanomat*, (Russia ready to waive visas already tomorrow) November 9, 2008: <http://www.hs.fi/arkisto/artikkeli/Ven%C3%A4j%C3%A4+valmis+poistamaan++viisumit+vaikka+huomenna/HS20081109SI5ET01c01>

parliament would be so politically risky to the incumbent party that it might be hesitant to pursue it.

In this respect, it seems that Russia has had too many disputes with too many individual EU member states and the wider European political climate has been contaminated with their combined negative attitudes. Therefore, at present, passing a law which would ratify a potential agreement on reciprocal visa freedom between Russia and the EU, either in the national parliaments or in the European Parliament, would appear to be a virtual impossibility as long as most of the EU states do not share a positive stance towards visa freedom, as evidenced by the apparent lack of popular support.

The second concern of the EU states regarding visa freedom pertains to the EU itself and the perceptions and misperceptions of potential gains. There is a sentiment in the EU that Russian citizens will have more to gain from visa freedom than Europeans. This is akin to zero-sum thinking, with the Europeans feeling that they are on the negative side. What the European side does not seem to comprehend, however, is the huge contribution that Russia could potentially make to European tourist markets. Russia is already an important state when it comes to generating tourists, but this would be likely to increase significantly in the event of a visa-free regime. If the interviews are anything to go by, Italian officials seem to realise the potential for tourism and eagerly support a visa-free regime. Eurostat statistics show that in 2006, almost one million Russians spent one night or more in the Italian territory.<sup>32</sup> Somewhat surprisingly, Italy is still not amongst the most popular tourist destinations for Russians, whereas Germany is. According to Eurostat data, over seven million Russians stayed at least one night in Germany in 2007. It could be speculated that Germans themselves do not fully understand their country's potential in this respect, seeing it more as a magnet for potential illegal immigration than an attractive destination for tourism.

The third political matter that concerns some EU states is connected with Russian policies of distributing passports to their citizens outside the Russian Federation, namely in the Caucasus

---

<sup>32</sup> Eurostat, number of tourism nights - geographical breakdown - annual data: [http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,45323734&\\_dad=portal&\\_schema=PORTAL&screen=welcomeref&open=/tour/tour\\_dem/tour\\_dem\\_tn&language=en&product=EU\\_MASTER\\_tourism&root=EU\\_MASTER\\_tourism&scrollto=0](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,45323734&_dad=portal&_schema=PORTAL&screen=welcomeref&open=/tour/tour_dem/tour_dem_tn&language=en&product=EU_MASTER_tourism&root=EU_MASTER_tourism&scrollto=0)

region and, allegedly, in Crimea. This was known to be going on in the breakaway regions in the Caucasus for years before Russia recognized the independence of Abkhazia and South-Ossetia after the five-day war. Even if the practice was not against Russian Federation laws at the time, the prospect of giving the residents of South Ossetia and Abkhazia the right to travel visa-free to the EU, whereas the citizens of Georgia would be denied such an opportunity, would be politically unacceptable for the EU and would justifiably jeopardize any possible agreement.

#### *4.2 Security concerns*

On the question of security concerns, the case-study countries were rather unanimous. The first concern expressed by all of the countries related to losing control over cross-border migration. In all the European case-study countries, the Ministries of Foreign Affairs are responsible for visa issuance, whereas Ministries of the Interior are responsible for internal security. In some cases, the views of the officials in these ministries differ. For example, the Finnish Foreign Ministry openly supports visa freedom, whereas the official employed by the Ministry of the Interior considers the Finnish visa policy too lax. Despite the discrepancy, it was the Ministry of Foreign Affairs that decided the common policy line. In the Italian case, the official from the Ministry of the Interior declared that visa negotiation issues are within the remit of the Ministry of Foreign Affairs.

The second issue raised in the interviews with officials was the question of possible labour migration. Most of the case-study states were not concerned about the issue, despite the common border. Finnish, Estonian and Polish officials all confirmed that it was not regarded as a threat, whereas the German officials felt strongly that their state is a destination for labour migration, and that the possibility of exercising control over this issue would be lost in the consular departments if visa freedom materialised.

Thirdly, the case-study countries want to abide by the procedure of running pre-checks on visa applicants, thus filtering out undesirables. In this way, certain categories of people can be denied access with a

visa regime.<sup>33</sup> This stems from the wish to control the influx of people over the border, and enables the latter to prepare for the number of people expected to cross. Repeatedly, this was regarded as a national prerogative of a sovereign nation.

Fourthly, all the EU states mentioned security risks as one of the concerns arising from possible visa freedom. An issue often discussed in the context of a visa-free regime relates to the second block in the visa dialogue, namely the question of illegal immigration and, at the same time, to the future of the readmission agreement regarding third country nationals. As mentioned above, the bilateral readmission agreement results have been viewed positively thus far.

Finally, two states, Germany and Poland, mentioned a concrete example of terrorism as a security threat. In addition, the Polish officials expressed fears about the increasing number of asylum-

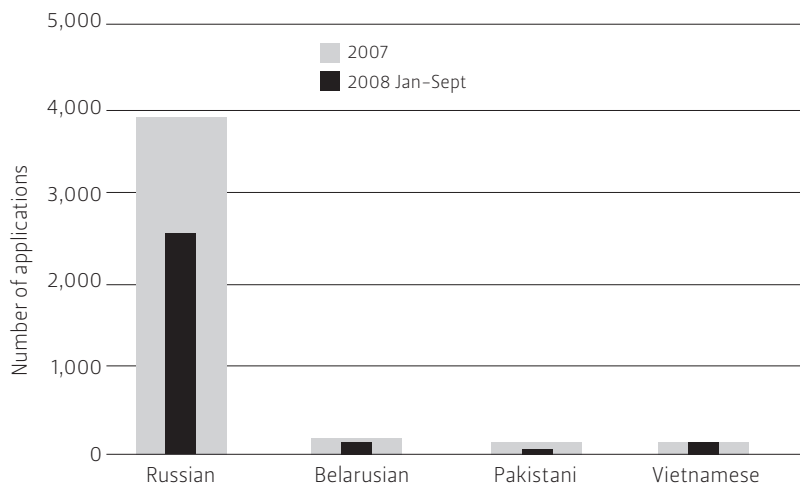


Figure 7. The top four nationalities seeking asylum in Poland

<sup>33</sup> The rejection percentage is very low in all the case-study countries. Finland is the most notable with its one per cent rejection rate, which is amongst the lowest of all the consulates. However, even if in relative terms one per cent is negligible, in absolute terms more than 5,000 applications are rejected annually by Finland alone. These figures provide sufficient grounds for the Schengen states to maintain the regime.

seekers at the Polish borders. In fact, the number of asylum-seekers with Russian passports is on the rise in Poland, as evidenced by the statistical data. Based on the information shared in the interviews in Poland, most of the Russian citizens are fleeing the troubled political and economic situation in Southern Russia and the Caucasus region. But whereas asylum-seekers undoubtedly pose a burden for the Polish state, this issue should not be confused with visa questions. Most of these people do not enter Poland through the Kaliningrad border-crossing points, but via those on the Belarusian border, as citizens holding a Russian passport are not required to have a visa to enter Belarus.

#### *4.3 Technical concerns*

Something that was emphasised in the interviews was that obstacles for removing the visa regime are not primarily of a political nature, or at least not recognised as such. On the contrary, technical issues feature strongly. Firstly, in its current state, the border is not ready for visa freedom with Russia. Visa freedom would mean that the pre-checking currently carried out in the embassies and consulates would be implemented at the border. A Finnish official stated that it would take at least ten years to get the border equipped accordingly. Technical refurbishments, and the recruitment and training of new personnel will be critical in order to ensure a smooth transition to visa freedom. The readiness of the external border for visa freedom is closely connected with the political will of the European Union states. FRONTEX Executive Director Ilkka Laitinen emphasised that technical readiness would not be an issue providing that the funds to modernise the whole external border came from the European decision-makers.

Secondly, the EU will need to have a fully operational common visa database. An EU Visa Information System (VIS) is being created to this end. The database will contain biometric and digital data, as well as the travel history of each individual – documentation which will make the issuance process easier. The VIS is due to be operational by the end of May 2009. It will firstly become operational in Northern Africa, then in South America, but not in Russia until 2011.

A third concern expressed during one of the case-study state interviews was the lack of a centralised population register in Russia. It is true that the country does not have such a register, but Russians are registered at the local level. In 2004, Russia agreed to start creating a centralised registration system in which people would be registered immediately after birth or when they have contact with government agencies. Interestingly, Germany, for example, does not have a centralised population register either, and such a system is even prohibited by data protection law. Germans are registered at the municipal level instead in more than 13,000 municipalities.<sup>34</sup> This should demonstrate to the EU that a missing system cannot be assumed to be a purely Russian problem, but may in fact constitute a practice in certain states.

The final issue, which is not only technical in nature, is nevertheless closely linked to the previous point; the EU states are worried about document security in Russia. The EU side is adamant about this point: there has to be certainty that travel documents cannot be falsified and that the identity of passport holders has been rigorously verified.<sup>35</sup> This issue, as mentioned above, is being discussed in the first block of the visa dialogue.

---

<sup>34</sup> Citizen Information Project: Final Report, Annexe 6: Population Registers Overseas : <http://www.gro.gov.uk/cip/Definition/FinalReportAnnexes/index.asp>

<sup>35</sup> Related to document security is the pervasive corruption in Russia, which is of major concern to the EU states. In the Transparency International 2008 ranking (Transparency International Corruption list by country: [http://www.transparency.org/news\\_room/in\\_focus/2008/cpi2008](http://www.transparency.org/news_room/in_focus/2008/cpi2008) ) Russia occupied 147th place out of 180. Corruption is widespread at all levels of society and in order to secure the authenticity of Russian travel documents, rapid measures are needed to combat it. The Finnish and Estonian representatives were particularly concerned about the subject. When everything is for sale in the bazaars and underground stations, special measures should be taken to tackle this.

## 5. Conclusion

The report has examined the visa relations between five EU states and Russia. It has argued that the current practices indicate that the system has shortcomings and will continue to deteriorate in the future. Visas, while being a useful tool for controlling the flow of people, are no guarantee of a nation's internal security nor a means of preventing crime. The concerns that were voiced suggest that the current system under which the EU-Russia visa relations are operating is inadequate and improvements are desperately needed. When it comes to political problems, solutions and initiatives must emanate from a high level, so that they can lead to a change in attitude in tackling the technical issues. In other words, technical problems have a political solution. For instance, the readiness of the border control is not simply a matter of technical investment as such; on the contrary, the investment and the will to prepare the border must proceed in a top-down manner.

It can be concluded at the end of the study that in the short to medium term, there are only three hypothetical scenarios for development, which can be summarized as follows.

### **1. Visa freedom – “always on the horizon”**

The first scenario would lead to the introduction of the visa-free regime between Russia and the European Union. In 2003, visa freedom was set as a long-term goal but in 2009, six years later, this goal remains long-term in the EU rhetoric. The interviewees were neither able to define what “long-term” might mean exactly, nor were they ready to consider when it could be classified as a “mid-term” goal in the rhetoric. Perhaps this should be interpreted as indicating that a visa-free regime is currently not regarded as possible. Russian, Finnish and Italian high-level ministers have publicly advocated visa freedom, but without the consensus on the EU side, the process cannot move forward. In the current situation, the political will is lacking on the European side.

Russia claims that it is ready for visa freedom “even tomorrow”, but in reality the claim is difficult to prove and the statements may be mere rhetoric. On the one hand, it is conceivable that there would be strong interest on the Russian side in a visa-free regime as this would

enable Russians to travel. On the other hand, the tightening of the registration procedures calls into question the real political will for visa freedom on the Russian side and leads to the assumption that the reciprocity principle is applied in a manner which complicates the life of European travellers “in response” to problems which Russian applicants face.

In the eyes of Europeans, Russia is not ready for visa freedom and it would have to comply with a long list of requirements, which is still growing. From the authors’ point of view, visa freedom would be a desirable solution, provided it is based on the principle of reciprocity, but in the short term it is not feasible, given the amount of work that would need to be done and the number of concerns that would have to be overcome.

## **2. “Fortress Europe” and “Fortress Russia”?**

In the public discourse in Russia, visas are sometimes used to illustrate the assertion that Europeans are building a “paper curtain” to replace the “iron curtain” that existed previously. So is the EU building a “fortress Europe”? Is it becoming a hostile club that excludes Russians? Apparently not. Hundreds of thousands of Russians are legally residing in the territory of the European Union and the flow of visitors is on the increase, fuelling the economic interests of European business owners. In the light of this, building a European “fortress” is not possible. What about Russia then? Are we witnessing the building of a “fortress Russia”? Indeed, Russia’s strict rules governing registration do make it appear unwelcoming. But even if Russia wanted to close itself off, it is not possible during this era of globalisation. Russia currently has close economic relations with the West and foreigners will continue to visit the country. What is more, Russia is set to integrate into the world economy more tightly and closing itself off from foreigners will not be an option.

## **3. Further liberalisation – the realistic way out**

In the current situation, both visa freedom and tightening the regime are impossible. At the same time, the current visa practices are inadequate and the situation will only deteriorate in the future. As an interim solution, this report advocates further liberalisation in Russia-EU visa relations.

First, based on our assessment, the status of *bona fide* travellers should be improved. It could be proposed that people with a reliable return record and reputation should be eligible not only for one- and two-year multiple-entry visas, but visas for the duration of the validity of their passports, up to five years. This can only be done on a reciprocal basis. It is enabled by the visa facilitation agreement, but is at the discretion of a visa official and is rarely implemented. More automatic application in this particular aspect of the agreement would improve the situation.

Second, the visa facilitation agreement omits tourists. This category should be of great interest to both entities and the next step towards further liberalisation should be taken to make tourist travel easier. Experiences of this already exist. Russia granted visa-free travel for seventy-two hours for travellers using the services of a certain shipping company. The European Union states could apply a similar practice by naming certain accredited travel agencies through which Russian travellers could stay short term and visa-free in the European Union states, thus following the precedent that Russia has already set for Europe.

The question of visas should be regarded seriously on both sides. Visas play an integral part in building the image of both an individual country and the whole Russia-EU relationship. Standing in long queues outside embassies or being overcharged by visa centres does nothing to facilitate travel or communication. Russia and the EU have set the goal of achieving visa freedom in the long run, and it is regrettable that no one can provide even tentative timeframes for this. The likelihood of further liberalisation on the road to visa freedom cannot be ignored; therefore it is crucial that technical preparations get underway immediately. The readiness of the European external border has been questioned; its external readiness seems to be a matter of pure political will. Provided the political will exists, the required finances will be allocated to start improving the infrastructure at the border crossing points; this would send out a clear signal that the issue is being taken seriously.

The EU needs to start practising what it preaches. It needs to harmonise its visa practices firstly among the Schengen states, while leaning on Russia to achieve openness. Similarly, Russia needs to make its consular sections more approachable and abandon the registration procedures in order to be on a par with the EU.

## Conclusion

In order to achieve visa freedom with the European Union, Russia should not lament the fact that it cannot negotiate bilateral treaties on visa freedom. Although bilateralism has become an increasingly common way to conduct relations between Russia and an individual EU member state, it is not a solution as far as visa issues are concerned. Rather, a solution should be reached by properly utilising the potential of current agreements and introducing further liberalisation, which would eventually lead to a visa-free regime. The visa question is an issue that concerns millions of Russians and Europeans on a daily basis and securing a mutually acceptable solution should be in the interests of both parties.

## 6. Bibliography

Kuznetsov, Nikolai: 'Russian-International Cooperation on Kaliningrad Borders' in *Russian Regional Perspectives Journal*, Vol.1 Issue 3, 2005

O'Connell, Kevin: "EU Visa Policy: Squaring the Circle of Neighbourhood and JHA Objectives" in *Europe's Near Abroad: Promises and Prospects of the EU Neighbourhood Policy*: Dieter Mahncke & Sieglinde Gstöhl (eds.), College of Europe Studies No. 4, P.I.E. Peter Lang, Brussels, 2008, pp. 115-134

The Finnish Border Guard: Schengen's External Borderline Traffic, June 27, 2008

Thierry Balzacq, Elspeth Guild, Szymborska Anita, WeinarAgnieszka: An Analysis of the Current Common Consular Instructions, Briefing Paper, December 4, 2006

Visa Policies of European Union Member States: Monitoring Report, Stefan Batory Foundation, Warsaw, June 2006 (<http://www.batory.org.pl/doc/monitoring-of-eu-visa-policies.pdf>)

Council Regulation (EC) No 539/2001 downloaded from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:081:0001:0007:EN:PDF>

Official Journal, C326, 22.12.2005 downloaded from: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1222\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1222(01):EN:HTML)

Agreement between the European Community and Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and Russian Federation: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:129:0027:0034:EN:PDF>

The European Commission's Delegation to Russia: Press Release, December 13, 2007 [http://www.delrus.ec.europa.eu/en/news\\_974.htm](http://www.delrus.ec.europa.eu/en/news_974.htm)

Russia, Israel sign visa-free agreement, RIA Novosti, March 30, 2008 <http://en.rian.ru/world/20080320/101840804.html>

## Bibliography

ES otmenit visy dlya ukrainitsev (The EU abandons visas for Ukrainians), October 30, 2008 [www.grani.ru/Politics/Word/Europe/Ukraine/p.143426.html](http://www.grani.ru/Politics/Word/Europe/Ukraine/p.143426.html)

The European Council on Foreign Relations: A power audit of EU-Russia relations: [http://ecfr.3cdn.net/456050fa3e8ce10341\\_9zm6i2293.pdf](http://ecfr.3cdn.net/456050fa3e8ce10341_9zm6i2293.pdf)

“Stubb kiirehtii viisumivapautta Venäjän kanssa” (Stubb wants to speed up the visa-free regime with Russia), STT, May 26, 2008

Murmansk – pilot region on visa-free travel, Barents Observer, June 20, 2008: <http://www.barentsobserver.com/murmansk-a-pilot-region-on-visa-free-travel.4493862-99350.html>

Visa-free travel in Norwegian-Russian borderlands, Barents Observer, October 1, 2008: <http://www.barentsobserver.com/visa-free-travel-in-norwegian-russian-borderlands.4514461-16180.html>

Suomi ja Venäjä yhteistyöhön huumeiden torjunnassa, (Finland and Russia start cooperation in fight against drugs) *Helsingin Sanomat*, October 29, 2008: <http://www.hs.fi/kotimaa/artikkeli/Suomi+ja+Ven%C3%A4j%C3%A4+yhteisty%C3%B6h%C3%B6n+huumeikaupan+torjunnassa/1135240644653?ref=rss>

Venäjä valmis poistamaan viisumit vaikka huomenna, (Russia ready to waive visa already tomorrow) *Helsingin Sanomat*, November 9, 2008: <http://www.hs.fi/arkisto/artikkeli/Ven%C3%A4j%C3%A4+valmis+poistamaan++viisumit+vaikka+huomenna/HS20081109SI5ET01c01>

Citizen Information Project: Final Report, Annexe 6: Population Registers Overseas: <http://www.gro.gov.uk/cip/Definition/FinalReportAnnexes/index.asp>

Transparency International Corruption list by country: [http://www.transparency.org/news\\_room/in\\_focus/2007/cpi2007/cpi\\_2007\\_table](http://www.transparency.org/news_room/in_focus/2007/cpi2007/cpi_2007_table)

Russian Federal Tourism Agency: <http://www.russiatourism.ru/files/Vezd-ino.xls>

Lavrov poprosil Estoniyu pustit' Yakimenko v Evropu (Lavrov asked Estonia to allow Yakimenko into Europe) <http://lenta.ru/news/2008/12/17/ban/>

## Bibliography

Eastern Partnership Memo 3.12.2008: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/762&format=HTML&aged=0&language=EN&guiLanguage=en>

Newsletter of the Ministry of Foreign Affairs of Finland: Suomen edustustot käsittelivät viime vuonna yli 800 000 viisumihakemusta (Finnish consular offices processed last year more than 800 000 visa applications) 09.01.2009  
<http://www.vn.fi/ajankohtaista/tiedotteet/tiedote/fi.jsp?oid=250617>

## 7. Annexes

### *7.1 List of interviewees*

Alexander Aksenov, the Federal Migration Service, Department for Visas and Registration

Ekaterina Bratchenko, Russian Ministry for Foreign Affairs

Jaroslaw Bratkiewicz, Polish Ministry for Foreign Affairs, Department of Eastern Policy

Vito Cunzolo, Italian Ministry of the Interior, Department of Internal Security

Veronika Kaska, the Estonian Ministry of the Interior, Migration and Border Policy Department

Martin Karro, Estonian Ministry of the Interior, Migration and Border Policy Department

Malgorzata Kutyla, Polish Ministry of the Interior, Department of European Union and International Cooperation

Ilkka Laitinen, FRONTEX, Executive Director

Signe Matteus, the Estonian Ministry of Foreign Affairs, Consular Department

Hilkka Nenonen, the Finnish Ministry of Foreign Affairs

Andrzej Pilaszkiwicz, Polish Border Guard, Department of Aliens Affairs

Alexander Shepelenko, Embassy of the Russian Federation in Finland, Head of Consular Section

Aimo Sinkkonen, The Finnish Border Guard

Anna Tiido, the Estonian Ministry of Foreign Affairs, Political Department

Antti Vänskä, the Finnish Ministry for Foreign Affairs

### **In addition, officials from the following agencies were interviewed, but they asked to have their names withheld:**

European Commission, Directorate-General for External Affairs

European Commission, Directorate-General for Justice, Freedom and Security

European Commission Delegation in Moscow

Polish Ministry for Foreign Affairs, Department for Consular Affairs

German Ministry for Foreign Affairs

German Federal Ministry of the Interior, Directorate for Migration

Italian Ministry for Foreign Affairs

Embassy of Finland in Moscow, Consular section

Embassy of Germany in Moscow, Consular section  
Embassy of the Republic of Estonia in Moscow  
Embassy of Italy in Moscow  
Embassy of Poland in Moscow, Consular Division

## 7.2 Questionnaire

1. Why does a visa regime still remain between Russia and the Schengen states?
2. What are the benefits of this visa regime?
3. What is your stance towards the possible visa freedom between Russia and the EU?
4. In your opinion, are there any political or technical obstacles in the way which prevent visa freedom? / What changes need to take place in order to achieve visa freedom between Russia and the EU?
5. Would you be ready to declare visa freedom for Russians unilaterally without Russian reciprocation?
6. In the event of visa freedom between Russia and the EU, would your country's border control be ready?
7. In your opinion, how well does the visa facilitation agreement work in practice? What have the most significant improvements been?
8. In your embassy and consulates, is it common to issue five-year multiple visas for frequent travellers?
9. In the case of refusal, is an explanation provided for the applicant to elaborate on the issues behind the refusal?
10. Why do the Schengen states apply the Schengen rules in such a different manner?
11. How has the crisis between Russia and Georgia affected the developments towards visa freedom?

## Previously published in the series:

Christer Pursiainen & Sinikukka Saari:  
*Et tu Brute! Suomen Nato-optio ja Venäjä.*  
UPI-raportti 1/2002.

Christer Pursiainen & Sinikukka Saari:  
*Et tu Brute! Finland's NATO Option and Russia.*  
FIIA Report 1/2002.

Hiski Haukkala:  
*Kohti ulottuvuuksien unionia.*  
*Itälaajentumisen vaikutukset pohjoiselle ulottuvuudelle.*  
UPI-raportti 2/2002.

Hiski Haukkala:  
*Towards a Union of Dimensions.*  
*The effects of eastern enlargement on the Northern Dimension.*  
FIIA Report 2/2002.

Hanna Ojanen:  
*EU:n puolustuspolitiikka ja suhteet Natoon: tervetullutta kilpailua.*  
UPI-raportti 3/2003.

Arkady Moshes:  
*Ukraine in tomorrow's Europe.*  
FIIA Report 4/2003.

Arkady Moshes (ed.):  
*Rethinking the Respective Strategies of Russia and the European Union.* Special FIIA - Carnegie Moscow Center Report 2003.

Soile Kauranen & Henri Vogt:  
*Piilopoliittisuudesta poliittisuuteen.*  
*Afrikan, Karibian ja Tyynenmeren valtioiden ja Euroopan unionin yhteistyön kehitys.*  
UPI-raportti 5/2003.

Hanna Ojanen (ed.):  
*Neutrality and non-alignment in Europe today.*  
FIIA Report 6/2003.

Toby Archer:  
*Kansainvälinen terrorismi ja Suomi.*  
UPI-raportti 7/2004.

Toby Archer:  
*International Terrorism and Finland.*  
FIIA Report 7/2004.

Linda Jakobson:  
*Taiwanin kiistanalainen asema.*  
*Tulevaisuudennäkymät ja niiden vaikutukset EU-Kiina-suhteisiin.*  
UPI-raportti 8/2004.

Linda Jakobson:  
*Taiwan's Unresolved Status: Visions for the Future and Implications for EU Foreign Policy.*  
FIIA report 8/2004.

Previously published in the series:

Hiski Haukkala & Arkady Moshes:  
*Beyond “Big Bang”: The Challenges  
of the EU’s Neighbourhood Policy in the  
East.*  
FIIA Report 9/2004.

Kristi Raik & Teemu Palosaari:  
*It’s the Taking Part that Counts:  
The new member states adapt to EU  
foreign and security policy.*  
FIIA Report 10/2004.

Hu Angang, Linda Jakobson & Shen  
Mingming:  
*China’s Transforming Society and  
Foreign Policy.*  
FIIA Report 11/2005.

Grzegorz Gromadzki, Raimundas  
Lopata & Kristi Raik:  
*Friends or Family? Finnish, Lithuanian  
and Polish perspectives on the EU’s  
policy towards Ukraine, Belarus and  
Moldova.*  
FIIA Report 12/2005.

Hanna Ojanen:  
*EU ja YK: Yhteinen tulevaisuus.*  
UPI-raportti 13/2005.

Hanna Ojanen:  
*The EU and the UN: A shared future.*  
FIIA Report 13/2006.

Hanna Ojanen (ed.):  
*Peacekeeping – Peacebuilding:  
Preparing for the future.*  
FIIA Report 14/2006.

Sergei Medvedev:  
*EU-Russian Relations –  
Alternative futures.*  
FIIA Report 15/2006.

Toby Archer & Tihomir Popovic:  
*The Trans-Saharan Counter –  
Terrorism Initiative: The US War on  
Terrorism in Northwest Africa.*  
FIIA Report 16/2007.

Charly Salenius-Pasternak (toim.):  
*Joidenkin puolustamisesta monen  
turvaamiseen: Naton tie puolustusliitosta  
turvallisuusmanageriksi.*

Charly Salenius-Pasternak (ed.):  
*From Protecting Some to Securing many:  
Nato’s Journey from a Military Alliance  
to a Security Manager.*  
FIIA report 17/2007