

***OSCE commitments on freedom of movement and challenges to their
implementation***

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- Freedom of movement is a **fundamental human right**, which forms part of the core values of the EU both in terms of internal movement and in its relations with third countries.
- Overall, a lot of progress has been made to facilitate freedom of movement since the signature of the Helsinki Final Act and the 1990 Copenhagen Document in the OSCE area.
- The EU has substantially contributed to this considerable progress, notably through the appropriate bilateral channels between the EU and respective participating States.

The Schengen success story

- We have achieved an area of free movement of citizens within the EU. In 1985, five Member States met in the small town of Schengen, in Luxembourg, to sign an agreement on the gradual abolition of checks at common borders, followed by the signing in 1990 of the Convention implementing that agreement. Born as an intergovernmental initiative, the developments brought about by the Schengen Agreements have now been incorporated into the Treaties.
- Today, the Schengen Area encompasses most of the EU's Member States and a number of 'associated' non-EU States, and we hope that the Council will soon decide that internal border controls with Bulgaria and Romania can finally be lifted.
- The creation of the Schengen area allowing travellers to move within the area without being submitted to border checks at internal borders is undoubtedly one of the most tangible, popular and successful achievements of the EU. Indeed, some 420 million people are now residing in the area and enjoying the freedom of movement which it entails, making some 1.25 billion journeys within the EU every year. **That concerns not just EU citizens but also numerous third-country nationals with the legal right to travel within the Schengen area.**

- And we have also much advanced on facilitating freedom of movement in the EU's relations with other OSCE participating States. For instance today, most countries of the Western Balkans can travel to the EU without visa.
- Enhancing mobility of citizens in a security and well-managed environment is one of the important elements of the 'Eastern Partnership' policy.
- We have made considerable progress in the visa facilitation in the Eastern Neighbourhood and through concluding 'Mobility Partnerships'. We have well advanced with several of our partners during a short framework of time, once they have taken the necessary steps to enhance document security, improve their border management and data protection.

Respect for core OSCE commitments

- To come back to the core of the OSCE commitments on freedom of movement, the EU continues to firmly believe that everyone has the **right to freedom of movement and residence within the borders of their own country and that everyone has the right to leave any country**, including their own, and return to his or her country.
- The EU **opposes unnecessary denial or restriction of these rights of free movement**. However, today we are still in a situation where some participating States continue to enforce restrictions on freedom of movement from, to and even within the state for their own citizens. We are convinced that practices, such as systems of residency registration should be abolished to ensure that the rights of all citizens to freedom of movement are respected.
- From this point of view the EU has made historic progress through establishing the **free movement principle** as one of the fundamental freedoms for its citizens. EU citizens are fully entitled to travel and reside across the whole EU territory. For the great majority of the EU it takes place without any controls on the EU internal borders.
- At the same time, the EU is strongly committed to the **dialogue with the third countries** concerned and in particular with its closest partners who are also present in the room today. The development of people-to-people contacts between the EU and its partners is an inherent part of that dialogue.

The GAMM

- For this purpose the EU has developed its 'Global Approach to Migration and Mobility' –**GAMM**– as an overarching dimension of the EU external migration policy which allows the EU to speak with **one voice** on issues related to migration and mobility.
- The Global Approach is an example of international cooperation at its best – taking account of the interests and objectives of all involved: EU, partner countries and migrants themselves. The agenda is balanced and comprehensive, aimed at **four equally important objectives**: (a) better organising legal migration and mobility, (b) preventing and curbing irregular migration, (c) maximising the development impact of migration and mobility, and (d) promoting international protection.
- The GAMM is, more than anything else, a **methodology** of how to enter into dialogues with third countries. We are discussing **all four areas** of potential cooperation with **all relevant third countries**.

- Offering the same basic agenda to all does not imply that our policies towards third countries are identical. The **intensity** of the dialogue still differs (the neighbourhood comes first); GAMM does allow for **differentiation**.
- At the moment the EU is engaged in structured **bilateral dialogues** and cooperation on migration and mobility with more than **25 countries, including in the OSCE area**.

The Union's short term visa policy

- While bearing in mind that there is no OSCE commitment on visa-free travel and the issue of **visa regimes** is and will be dealt outside the OSCE framework, let me briefly present to you the EU short term visa policy and cooperation with third countries in this area.
- Mobility enshrined in the GAMM means obviously also strengthening cooperation on visas. The Schengen short stay visa gives a unique opportunity to travel across the whole Schengen territory (i.e. 26 States).
- The EU does aim **at enhancing** in the people-to-people contacts while ensuring that those contacts are organised in a **secure environment**.
- Issues like documents security including the issuance of biometric passports or the border management are crucial to setting correctly such a secure environment.
- Any facilitation in the visa regimes brings inevitable increase of the flow of persons crossing the borders. E.g. only with Russia between 2009 and 2011 the number of visa applications rose from over 3 million up to over 5 million.
- Obviously great majority of those flows are constituted by the *bona fide* travellers. However our authorities need to be well equipped to detect anyone who would like to abuse these increased flows using a forged travel documents or while trying to traffic illicit materials over the border.

An example: LBT

- The best example of EU willingness “not to divide” is **Local Border Traffic** system allowing for inhabitants of border areas (which share common history and daily life). This system allows to those persons to move across the external EU border with a special document valid for several years without requirement to have a visa.
- This instrument proves to be very efficient and allows for keeping the ties between the communities while avoiding artificial separation.
- Most recently, the EU recognised special position of the **Kaliningrad** region while covering its all residents by the LBT regime as well as additional parts of Polish territory. This further enhanced contacts between two communities in that region.
- Another example of the EU commitment to facilitate contact of its citizens with the citizens of our partners are **visa facilitation agreements**.
- Until now **9 Visa facilitation agreements** with third countries have entered into force: Russia (1 June 2007), Ukraine, Moldova, FYROM, Serbia, BiH, Montenegro, Albania (1 January 2008) and Georgia (March 2011). All these countries are in the OSCE participating States.
- In 2012, the Commission and Presidency have signed Visa facilitation agreements with **Armenia** as well as the revised, **upgraded** Visa facilitation agreements with

Moldova and Ukraine. The negotiations with Azerbaijan in view of the conclusion of a Visa facilitation agreement are still ongoing (since March 2012) and since February 2011 the Commission is ready to engage in similar negotiations with Belarus. The Commission is also currently negotiating with **Russia** the revision of the existing Visa facilitation agreement.

- In order to ensure **coherence and a balanced approach** in addressing irregular migration risks, while facilitating legitimate travel into the EU of bona fide visa applicants, the Visa facilitation agreements have been concluded and implemented **in parallel** with European **Readmission agreements**.
- The VFAs provide different types of very concrete **procedural facilitations** for visa applicants, which are included in most or all Visa facilitation agreements:
 - simplification and harmonisation of **documentary evidence** regarding the purpose of travelling (e.g. participation in official meetings, consultations, etc.);
 - wider issuance of **multiple-entry** visas valid for a long period of validity to certain categories of frequent travellers (e.g. business people, journalists etc.);
 - a lowering of **visa fee** to 35€ and a fee waiver for certain categories of persons (e.g. disabled persons, participants in cultural, scientific activities etc.);
 - a **maximum processing time** for visa applications of 10 calendar days;
 - facilitating departure in case of stolen or lost documents;
 - extension of short stay visas in cases of force majeure;
 - exemption of holders of **diplomatic passports** from the visa obligation.
- The implementation of the Visa facilitation agreements has been shown to have an **overall positive impact**: for instance the VFA with **Russia** currently in place allowed for an important increase of visa applications from 4.2 million applications in 2010 to 6.1 million in 2012, i.e. a 44% increase. **Less than 1% of applications were refused in 2012 in Russia**. Also the number of multiple-entry visas (MEV) grows steadily.
- The statistics for other countries are also encouraging and satisfactory.

Visa liberalisation, monitoring, suspension

- Obviously the most advanced stage of our cooperation on visa issues with third countries are **visa dialogues with the ultimate objectives of visa-free regimes**.
- Those dialogues were and are carried out on the EU side **in accordance with the EU internal legislation** which requires that before granting visa free regime the rules are in place properly regulating document security, migration and border management, public order and security as well as external relations and human rights. Those rules are there in order to ensure that once the visa free regime is in place the abuses will be limited and possible to monitor.
- Some of those **dialogues have already successfully led to lifting visa regime** by the EU. This however was only possible following **substantial reforms** by those partners across all those areas.

- The visa dialogues that the Commission conducted with the governments of **Serbia, Montenegro, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Albania** between 2008 and 2010 compelled these countries to introduce a set of core reforms in the rule of law area. Such reforms ranged from document security to border, migration and asylum management, steps to combat organised crime and corruption and measures to enforce fundamental rights.
- Thanks to that, visa-free travel with those countries today functions in a secure environment. The overwhelming majority of Western Balkans travellers to the EU remain *bona fide* travellers. Meanwhile a small minority of travellers continues to **misuse the visa-free travel regime** to submit unfounded applications for asylum in certain Member States.
- The Commission has put in place a **monitoring mechanism** that draws upon an alert scheme operated by FRONTEX and additional information supplied by Europol and the European Asylum Support Office. The **post-visa liberalisation monitoring reports** for the Western Balkans are published and they have encouraged these countries to address the issue of unfounded asylum applications by implementing further reforms.
- The Commission has also proposed the adoption of a **suspension mechanism** to temporarily suspend visa-free travel for the citizens of third countries in certain emergency situations. The European Parliament, the Council and the Commission are currently negotiating the details of this proposal. Finally, the Commission has proposed amending the Asylum Procedures Directive to tighten the conditions under which applicants may submit multiple applications for asylum if their underlying situation has not changed.
- Following those visa liberalisation dialogues, similar ones are currently under way with **Russia, Ukraine, Moldova, Kosovo and Georgia**, and will hopefully start soon with **Turkey**. Those **dialogues are on various stages** according to the country and are carried out in accordance with their action plans (common steps) listing the requirements to be in place before the visa free regime may be considered.
- The Commission is determined to **carry those dialogues promptly** but with due account to the requirements laid down in Action Plans (Common Steps).

Mobility partnerships

- Last but not least, the most elaborated bilateral cooperation framework under the Global Approach is the **Mobility Partnership**, which are considered the '**prime bilateral framework**' to address relevant migration and mobility issues of mutual concern, primarily with **EU neighbourhood countries**.
- MPs offer a **political framework** for an enhanced and **tailor-made** dialogue and cooperation with third countries in a wide range of fields related to migration and mobility, with **concrete actions** covering the **four pillars** of cooperation.
- Among the OSCE participating states, so far MPs have been established with **Moldova** (2008, 15 MS), **Georgia** (2009, 16 MS) and **Armenia** (2011, 10 MS). Discussions on a MP with **Azerbaijan** are about to start.
- A MP is first and foremost a Partnership that aims at **enhancing and promoting mobility of people**.

- In addition to this key objective of promoting mobility, a MP also tries to achieve other objectives such as:
 - Preventing and combating irregular migration; enhance border management capacities, border surveillance, improve document security and better cooperation on return, readmission and reintegration of returning migrants. In this context the negotiation **of readmission agreements** is key.
 - Maximizing the development impact of migration; reaching out to diasporas, and facilitating their investments in country of origin, including through remittances; facilitating return of highly skilled nationals.
 - Enhancing asylum systems, promote international protection

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- I trust that the above overview demonstrates clearly the EU commitment to foster the people to people contacts across the borders. While significant progress has been made over the past years, a lot of work is still ahead of us.
- The bulk of EU work on freedom of movement takes place outside the OSCE framework, in the agreed fora of detailed dialogue. We will continue to work with our partners through these channels.
- I would like to thank the Chairmanship for organising this meeting. We remain ready to work with all participating States on issues related to the OSCE commitments in the area of freedom of movement.