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## **A VISA LA VISA<sup>1</sup>:WHAT KIND OF ROMANIAN-MOLDOVAN AND EU-MOLDOVAN VISA REGIMES?LESSONS FROM POLISH-MOLDOVAN VISA REGIME**

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<sup>1</sup> „To dream about visa“ (Romanian)

## INTRODUCTION

*On the eve of the 2007 enlargement, Moldova faces a rather uncomfortable situation. From January 2007, for the first time in its short history there will be no country situated in the West to which the Moldovans could travel without a visa. The Romanian accession leads to a more tightened border regime with Moldova. In this respect, the Romanian and Moldovan authorities negotiated the introduction of a first-ever visa regime between the two countries. The process is hindered by uncertainties, and an everlasting question is in the air: "But what will the Union say?"*

*The process of negotiating a visa agreement with Romania is not singular on the external agenda of the Republic of Moldova. The Chisinau government called Brussels for opening talks on a visa facilitation agreement, but its invitation remained unanswered for a long period of time. The European Union is apparently not willing to open its border to the country that generated a record number of emigrants during the last decade. It will be very difficult for Moldovan authorities to convince the EU on the appropriateness of a more flexible visa regime.*

*However, Moldova cannot avoid pressuring the Union if it wants to keep at least the chance to have a lasting visa facilitation scheme with Romania. The fact is that Romania intends to become a fully-fledged member of the Schengen area by 2010, and after this date the movement of persons between this country and Moldova will be completely regulated by the Schengen framework.*

*While searching for solutions one can not avoid analyzing previous accession countries' experiences. The fact that Poland granted a facilitated visa regime to Moldova reassures that there will be a similar deal with Romania, if not even a better one. Indeed, Romania has already announced that visas for Moldovans will be free of charge. The challenge is now to concentrate the efforts on getting a relaxed treatment from all the Schengen states. In this purpose, Moldovan government has to complete a very difficult homework.*

Moldova has already opened negotiations on visa liberalization with the European Union, but this came a while after Ukraine started such talks with Brussels. The announced accession of Romania has boosted a sense of urgency in Chisinau and determined the government to act. However, on the part of the EU there are no clear signs on what kind of effect will these negotiations have.

Meanwhile, Romania is clearly showing that the implementation of the *Schengen acquis* is of a higher priority, which makes the new visa policy towards Moldova not an easy dish to swallow. Both Romanian citizens and Romanian politicians are concerned about preserving close ties with what they consider to be a "historical part of Romania". Bucharest authorities will have to observe

the experience of other new member states in dealing with their non-EU neighbours. The special treatment some EU new member states give to Russia, Ukraine or Serbia and Montenegro serves as the starting point in considering the future of the Romanian – Moldovan border regime.

Moldovans will surely negotiate the new border regime on the Prut river on a bilateral basis with Romanians. This will have important repercussions on the more general right of movement of the Moldovans in the European Union, as the barriers on the borders between the EU and Romania will be gradually lowered. As long as the EU is not ready to offer Moldova a more favourable treatment and regards this country as blacklisted<sup>2</sup>, the border regime with Romania, even if liberalized, will not automatically result into a facilitated EU – Moldova border regime. This is why Moldova has to conduct negotiations with both Romania and the EU on almost the same border policy.

### **WHAT KIND OF ROMANIAN – MOLDOVAN VISA REGIME?**

Considering strong historical and cultural ties with Moldova, Romania will be looking to preserve much of the current liberalized visa regime. After Moldova's independence in 1991, there was no period in which Romania requested visas from Moldovans. However, the EU accession seems to be a much stronger foreign policy option, and both Romanian authorities and Romanian citizens are ready to make some concessions to this rule and to introduce, for the first time, visas for Moldovans.

Until the introduction of the visa regime, Moldovans are only required to hold a valid passport while crossing the border, to show a certain amount of money (from 50 to 100 euros per day of stay) and to give a reason for their travel. Before July 1, 2002, they could travel to Romania on the basis of an ID card. The introduction of the passport requirement was seen at that time as a serious impediment for Moldovans' freedom of movement<sup>3</sup>, and Romania agreed to offer financial aid in order to overcome the situation - one million dollars was given by the Romanian government, and a similar amount by Brussels<sup>4</sup>.

Romania is now expected to impose a visa regime on Moldova, as the *Schengen acquis* is considered an integral part of the *acquis communautaire* that countries have to fulfil in order to become EU members. Unlike some old members, such as the United Kingdom or Ireland, there is no

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<sup>2</sup> European Council, Council Regulation (EC) No 539/2001.

<sup>3</sup> Moldovan average salary was around 30\$, while the costs of a passport were ranging from 20\$ to 100\$. Only 40% of the Moldovan population held passports in 2002, see Eugen Tomiuc, "Romania: Officials Introduce Passport Controls for Moldovans", RFE/RL, April, 25, 2001. Available at [http://www.b-info.com/tools/miva/newsview\\_mv?url=news/2001-04/text/apr25a.rfe](http://www.b-info.com/tools/miva/newsview_mv?url=news/2001-04/text/apr25a.rfe).

<sup>4</sup> Guy-Pierre Chomette, "What Country, Friend, Is This?", *Le Monde Diplomatique*, January, 2002. Available at <http://mondediplo.com/2002/01/14country> or <http://www.globalpolicy.org/nations/citizen/2002/0102moldova.htm>.

opt-out possibility for the new acceding countries. This is clearly stated in the Article 8 of the Protocol of the Treaty of Amsterdam incorporating *Schengen acquis* in the *acquis communautaire*: “For the purposes of the negotiations for the admission of new Member States into the European Union, the Schengen acquis and further measures taken by the institutions within its scope shall be regarded as an *acquis* which must be accepted in full by all States candidates for admission”<sup>5</sup>. Technically, the accession of one country to the Schengen area follows two stages. During the first stage, after the accession to the EU, the country has to implement the binding measures of the Schengen framework. The second stage implies the full accession to the Schengen area, and is expected to follow several years after one country’s accession to the EU. “Romania plans to become a Schengen country by 2010”, said the Romanian Interior Minister Vasile Braga in January 2006<sup>6</sup>. A Ministerial communication confirmed this objective of the Romanian government<sup>7</sup>.

Until the moment of the full accession to the Schengen Area, Romanian authorities will have to implement a flexible visa regime for Moldova, which will be later replaced by a general and probably facilitated EU-Moldova visa regime (this possibility is discussed further in this paper). Moldova has not negotiated its visa regime with the EU so far, but it is expected that the Romanian-Moldovan regime will be much more flexible than the future EU-Moldova visa regime.

Romanian Minister of External Affairs Mihai Razvan Ungureanu announced that the Moldovan – Romanian visa regime will be a *flexible and relaxed* one. He also stated that this measure is being taken under the obligations imposed by the European Union, and that the flexibility of this regime will be much of a surprise<sup>8</sup>. Moreover, the Romanian Minister emphasized the fact that Romania is very concerned about the future of Moldova and that “the chance of the Republic of Moldova is called Romania”<sup>9</sup>.

Thus, the introduction of a visa regime, even if officially announced, remains an open debate, and Romanian authorities will still have to define exactly *what kind* of regime they envisage. The

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<sup>5</sup> Protocol integrating the Schengen *acquis* into the framework of the European Union. Available at: <http://europa.eu.int/eur-lex/en/treaties/selected/livre313.html>.

<sup>6</sup> Alecs Iancu, “Romania to be part of Schengen area by 2010 says Braga”, in: *Bucarest Daily News*, January, 12, 2006. Available at: <http://crib.mae.ro/index.php?lang=en&id=31&s=5572&arhiva=true>.

<sup>7</sup> Ministry of Administration and Interior, “Romania isi propune sa devina stat Schengen pana in 2010” [“Romania aims at becoming Schengen state by 2010”], in: *Buletin Informativ*, Bucarest, January, 11, 2006. Available at: [http://www.mai.gov.ro/Documente/Arhiva%20comunicate/BI%20web\\_9-15%20ian.pdf](http://www.mai.gov.ro/Documente/Arhiva%20comunicate/BI%20web_9-15%20ian.pdf).

<sup>8</sup> Basa Press, “Romania va aplica de la 31 decembrie 2006 un regim de vize flexibil pentru cetatenii R. Moldova”, [“Romania will apply from December, 31, 2006, a flexible visa regime for the citizens of the Republic of Moldova”], Chisinau, January, 24, 2006. Available at: <http://www.conflict.md/stiri.php?ID=223>.

<sup>9</sup> Idem.

general opinion is that the future regime will be similar to that in force between Moldova and Poland<sup>10</sup>, which is still in some aspects restrictive for Moldovan citizens.

Poland introduced a flexible visa regime for its Eastern neighbours Ukraine, Russia, Belarus and later with Moldova in conformity with the requirements of the Schengen acquis prior to the accession to the EU in 2004. The full Schengen procedures will be applied for entry on the Polish territory by late 2007. Poland kept a more liberal border regime as a means of avoiding a radical rupture in relations with the neighbors and especially with some border regions, with which Poland has close historical, cultural and economic ties. Romania finds itself in a pretty similar position concerning Moldova, the difference being that Moldova can be considered a region in itself due to its small size.

The Polish regime is certainly more flexible than the Schengen one. After May 2004 Moldovans can obtain free of charge visas at the Polish Embassy in Chisinau. Before that date one was charged only 10 dollars for a Polish visa, which was considerably less than the 35 euros asked for a Schengen short-term visa. The Polish-Moldovan regime was modelled on the Polish-Ukrainian visa regime, which is considered a success story by the Polish officials. It is reported that in 2004 over 575,000 visa applications for Poland were granted in Ukraine, with only about 0,5% of refusals. The percentage of granted applications is roughly similar in Moldova<sup>11</sup>.

The Polish visa regime for Moldova has in fact some restrictive components. Namely, a Moldovan citizen applying for a Polish visa should have a national passport valid for a period of at least 30 days after the expiry of the visa. The application for a visa is normally proceeded in a period of one week. The visas are available only at the Polish Consulate in Chisinau and are not given at the Polish border<sup>12</sup>. There were also cases when Moldovans could not cross the Polish border, even if they held a valid visa.

Considering certain aspects of the Polish-Moldovan visa regime, it becomes doubtful that Romanian authorities will implement exactly the same regime as their Polish counterparts. This visa policy will hardly reflect the close ties between the Moldovan and Romanian societies. Much of the bureaucratic burden will have to be removed in the Romanian-Moldovan border regime, and more user friendly visa procedures will have to be envisaged.

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<sup>10</sup> ADEPT e-journal, "In Romania cu Vize", [„In Romania with Visas“], Chisinau, October, 26 – November, 7, 2005. Available at: <http://www.e-democracy.md/e-journal/20051109/>.

<sup>11</sup> Polish Ministry of Foreign Affairs, Department of Consular and Polonia Affairs, „Raport Konsularny 2004“. Available at: [http://www.msz.gov.pl/files/docs/raport\\_2004.doc](http://www.msz.gov.pl/files/docs/raport_2004.doc)

<sup>12</sup> World Council of Romanians, "CMR considera ca autoritatile romane ii umilesc pe romanii basarabeni" ["The WCR considers that Romanian authorities humiliate Bassarabian Romanians"], Atlanta, November, 22, 2005. Available at: <http://www.gid-romania.info/IndexSectionst.asp?SectionID=49&SID=245>.

It is a fact that the visa regime between Romania and Moldova will especially affect students, businesspeople, border area inhabitants, civil activists, journalists and freelancers that often travel to Romania. The procedure of obtaining a long term visa must be envisaged by the Romanian authorities in order to keep the people-to-people contacts at the same level as they were prior to the EU accession. Another, a more radical solution that Romania can envisage is to enhance the process of issuing Romanian citizenships to these categories of people, a solution that would inevitably generate some reactions in Brussels.

We can draw a list of recommendations for the new visa regime between Romania and Moldova, which should be lobbied by Moldovan authorities and implemented by Romania, in order to better reflect the strong cultural and economic ties between the two countries:

- *make available visas without an invitation from Romania*
- *create an on-line application form in order to ease the procedure for bona fide persons*
- *enable bona fide persons to get visas on the spot, for instance sticker visas*
- *provide visas at the border crossings to facilitate local border traffic*
- *set up a general fast-track procedure lasting for no more than several days*
- *allow frequent travelers to obtain long-term multiple entry visas*

### **THE IMPACT OF THE CITIZENSHIP ISSUE**

One aspect that has to be addressed with a special attention while considering EU-Moldova border regime is the fact that after 2007 visas will not represent the only instrument to be used by the Moldovans in order to get into Romania and subsequently into the EU. The fact is that there is a huge number of Moldovans already holding Romanian citizenship. The process of issuing passports to the Moldovan citizens started in early 1991, and was interpreted by the Romanian authorities as a historical obligation to re-establish Moldovans as a part of the Romanian nation. This process has also embraced Romanian minorities from Bucovina, presently part of Ukraine. Discussions on the Romanian-Moldova visa regime cannot avoid tackling the citizenship issue, as it is obvious that a Romanian passport is of much more interest to the applicant than a Romanian visa, and this for an obvious reason – a Romanian passport gives access to the whole Schengen area.

The process was not a smooth one. The Law on the Romanian Citizenship nb. 21/1991 allowed Romanian citizenship to be offered to persons that previously possessed it and asked for the retrieval. This also referred to the descendants of Romanians deprived of citizenship<sup>13</sup>. It was the

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<sup>13</sup> Victor Roncea, George Damian, “Romania Baga Vize pentru Sase Milioane de Romani” [“Romania Introduces Visas for Six Million Romanians”], in *Ziua*, Eveniment, February, 1, 2006. Available at: <http://www.rgnpress.ro/content/view/11770>.

case of Romanians/Moldovans who suddenly found themselves citizens of the Soviet Union after World War II. The process was halted for half a year in 2002, and later restarted at a modest pace in 2003. Discussions over the total number of Romanian citizenships granted to Moldovans are still under way, because no official data is available. Usually numbers between 70,000 to 300,000 are circulated. In a recent article, the Romanian newspaper “Ziua” announced that it conducted a research collecting data from all the institutions concerned and found out that only 99,883 persons from the Republic of Moldova and Bucovina<sup>14</sup> regained Romanian citizenship before 2001, and only 1596 did so since then.

It has to be mentioned that until recently, the Moldovan government did not allow its citizens to have double citizenship. The modification of the Citizenship Law<sup>15</sup>, which allowed them to possess two citizenships, was seen by Moldovans as a sign that they could freely apply for Romanian passports. Sadly, it coincided with the growing reticence on the Romanian side, and queues in front of the Romanian Embassy in Chisinau became endless. The procedure is indeed very long, involving the compilation of a set of documents. It is often hindered by bureaucratic barriers and encourages corruption at many levels. Many Moldovans cannot afford this long lasting and very costly procedure, and it remains limited to a privileged group.

There are also several hundreds or even thousands of Moldovans, ethnically Bulgarians, living in the South of the country, around the town of Taraclia, holding Bulgarian passports. A Bulgarian News Agency reports that there were more than 6,000 applications coming from Moldovan citizens by 2004<sup>16</sup>. In 2003, 31% of the citizenship requests that were granted by the Bulgarian authorities (1,063 in numbers), were addressed to the Moldovans<sup>17</sup>.

The dual citizenship poses a range of problems going beyond the movement of people. Laws allowing double citizenship are not clear enough on such issues as revenue collection, military service or pensions. It may pose some problems during negotiations between countries that issue such citizenships and the European Union. However, Romanian President Traian Basescu already declared that his country would continue issuing passports for Moldovan citizens, and that a fast-track procedure would be also considered.

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<sup>14</sup> The double citizenship is forbidden in Ukraine.

<sup>15</sup> It is supposed that the modification of the Moldovan Citizenship Law came as a consequence of pressures from Russia, as Moscow is concerned about the protection of Russian minorities rights. Thousands of Moldovans possess Russian citizenship. Michael Jandl presents this number as reaching 140 000. See Michael Jandl, Michael Jandl, “Moldova Seeks Stability Amid Mass Emigration”, Country Profile, Migration Information Source, December 2003. Available at: <http://www.migrationinformation.org/feature/display.cfm?ID=184>.

<sup>16</sup> Sofia News Agency, “Foreigners Push for Bulgarian Citizenship”, June, 2, 2004. Available at: [http://www.novinite.com/view\\_news.php?id=35339](http://www.novinite.com/view_news.php?id=35339).

<sup>17</sup> Sofia News Agency, “Mostly Macedonians Push for Bulgarian Citizenship”, February, 13, 2004. Available at: [http://www.novinite.com/view\\_news.php?id=30994](http://www.novinite.com/view_news.php?id=30994).

In fact, what is important for our research is that Romania's accession to the EU will create the biggest amount of external EU citizens ever, even if the numbers amount only to 100,000 persons, as presented by "Ziua", and not around 200,000 or 300,000, as it is usually alleged. The issue could be addressed in the EU-Romania talks, and in case a tacit consent was articulated by the European Union, the numbers could grow even bigger.

### **WHAT KIND OF VISA REGIME BETWEEN THE EUROPEAN UNION AND MOLDOVA?**

Presently, Moldovans have a lot of difficulties in obtaining Schengen visas. These difficulties will only grow following the introduction of Romanian visas. Out of the 76 Embassies accredited for Moldova, only 11 are located in Chisinau, and not all of them are issuing visas<sup>18</sup>. Currently, only two Consulates of the Schengen States are functioning in Chisinau, the French and the German, but only the latter actually issues Schengen visas, and only for France and Germany. The French Consulate transfers applications to the German Consulate, which ultimately makes decisions concerning the issue of French visas.

In order to obtain a Schengen visa for Italy or Belgium, a Moldovan citizen have to go to the Consulates of these countries in Bucharest. From 2007 on, Moldovans will have to apply first for a Romanian visa in order to get a Schengen visa, and this will represent a serious impediment to their ability of movement. This procedure, visa to obtain a visa, is already a common thing for Moldovans. In order to go to Slovenia, for instance, a Moldovan citizen has to queue at the Hungarian Embassy in Chisinau, to pay 60 euros for the visa, then to go to Budapest and to ask for a Slovene visa. Consequently, for the Slovene visa that costs \$40, a Moldovan citizen will have to spend around \$550, taking into account the expenses involved in the trip. After Romania's accession to EU, a Moldovan will have to apply for two visas in order to get the third one. In this situation, several firms offer "visa assistance". The prices for a Schengen visa are exorbitant (compared to 35 Euros, the price for a legitimate visa): for a visa obtained during 2 or 3 months: \$650-\$800, in one month: \$1600-\$1700, in two weeks: \$1700-\$1800, in one week: \$1850-\$1900, in two days: \$2150<sup>19</sup>.

Several new EU Member States, such as Hungary, Lithuania, the Czech Republic and Poland have embassies operating in Chisinau. Once these countries will enter the Schengen zone, the situation may improve, but such destinations as Italy, Spain or Portugal are still unreachable directly from Moldova.

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<sup>18</sup> Valeriu Gheorghiu, *Noile Frontiere Schengen si Implicatiile Lor asupra Relatiilor dintre Romania si Republica Moldova* [New Schengen Borders and Their Implication on the Relations between Romania and the Republic of Moldova], Institute for Public Policy, Chisinau. Available at : <http://www.ipp.md/files/Publicatii/2002/frontiere/10~VizaPViza.doc>.

<sup>19</sup> Idem.

The opening of a Common Office for Schengen visas in Chisinau was already announced, as it seemed unfair to close the border with Romania without ensuring an efficient mechanism of issuing Schengen visas. However, there are no clear signs that queuing at the Shengen Common Office will be less of a burden than under the present circumstances.

However, the problem is that the European Union does not have an integrated visa policy towards the Western CIS. This stems from the different bilateral relations established between the Union and these countries. For the moment, only Moldova and Ukraine have agreed Action Plans with EU, and their relations with the EU are subject of the new Neighbourhood Policy. However, this does not seem to be the only framework for obtaining a visa facilitation agreement, as Russia was first to get such a deal<sup>20</sup>.

It is of a particular interest for other countries seeking visa facilitations to look at the provisions of the EU-Russia agreement. Generally, this agreement will make short-term visas easier to obtain. The processing time of applications will be reduced to 10 days, instead of several weeks or even months, as it used to be before. The demands for documentation will be reduced accordingly. Special facilitated procedures will be available for the issuing of multiple-entry visas, addressed to certain categories of people, such as students, journalists, businessmen and lorry drivers. The costs of visas will be reduced from 60 to 35 euros, while students, close relatives and disabled people will receive visas free of charge<sup>21</sup>.

Ukraine is also currently negotiating a visa facilitation regime with the European Union. In November 2005 the first round of negotiations took place in Brussels, after Ukraine had unilaterally abolished visas for the citizens of the EU. Ukrainians hope to get a deal on simplified visa procedures and possibly free of charge visas and even visa-free entries for certain categories of people, as well as long-term multiple-entry visas<sup>22</sup>. The negotiation on visa facilitation with Ukraine begun after several rounds of negotiations on a readmission agreement, and will directly depend on the positive conclusion of these talks<sup>23</sup>.

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<sup>20</sup> Lucia Kubosova, "Moscow Gets EU Visa Deal", in *EU Observer*, October, 5, 2005. Available at: <http://www.kaliningradexpert.org/node/1745>.

<sup>21</sup> Europa.eu.int, „EU-Russia Relations: Next Steps Towards Visa Facilitation and Readmission Agreement“, The EU Relations with Russia, 12 October 2005, Luxembourg. Available at: [http://europa.eu.int/comm/external\\_relations/russia/intro/ip05\\_1263.htm](http://europa.eu.int/comm/external_relations/russia/intro/ip05_1263.htm).

The Readmission Agreement refers to nationals of Russia and EU country, and will affect third-country nationals or stateless persons only after a transition period of 3 years.

<sup>22</sup> Ministry of Foreign Affairs of Ukraine, "Towards a Visa-free Regime Between Ukraine and EU". Available at <http://www.mfa.gov.ua/mfa/en/publication/content/4819.htm>.

<sup>23</sup> Mission of Ukraine to European Communities, "Another Round of Negotiations on Visa Facilitation and Readmission in Brussels Took Place on February 27, 2006", February, 27, 2006. Available at: <http://www.ukraine-eu.mfa.gov.ua/eu/en/news/detail/1680.htm>.

Moldova was the last of the three countries with whom the European Union started talks on visa facilitation. What were the reasons of the Union's reluctance to open such a dialogue? Three main causes may be given:

- Moldova is seen by the EU as a source of illegal migration, trafficking in human beings and as a transit country for migrants from Central Asia and other regions of origin;
- The country has a low level of economic development and faces high rates of unemployment and other social problems;
- The unsolved Transnistrian conflict is regarded as a source of organized crime, smuggling and trafficking.

The context is definitely not the most favourable for Moldova to seek a visa free regime with the EU, but some improvements to the current situation could definitely be brought. The reality is that the EU insists on ensuring the security of Moldovan borders before opening talks on a facilitated visa regime. The Border Assistance Mission set on the Moldovan-Ukrainian frontier proves this intention of the EU<sup>24</sup>. The ENP Action Plan for Moldova sets a number of provisions for the improvement of border management and fight against related negative phenomena such as illegal migration, trafficking in human beings and smuggling. Consequently, a general trend towards "preparing" Moldova for a more open border policy can be observed in the EU actions. In that context, the visa issue could be used as a "carrot" for promoting further alignment of Moldova to EU standards.

## RECOMMENDATIONS

What could Moldova do in order to overcome the current situation and eventually get a relaxed visa agreement?

- Firstly, *Moldova should initiate real reforms and excel in implementing the EU-Moldova Action Plan*. The last evaluation on the implementation of the Action Plans in the neighbourhood area, issued by the European Commission in November 2006, was definitely less positive for Moldova than for many other countries, for instance Ukraine or Morocco.
- *Moldova should unilaterally drop visa obligations for the citizens of the European Union*. This was a strong political signal that Ukraine sent to Brussels shortly after the Orange revolution. It took a while for Moldovan authorities to understand the advantages

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<sup>24</sup> For more information about the EU Border Assistance Mission visit <http://www.eubam.org>, the official site of the EUBAM.

of such a decision, which was taken by the Moldovan Parliament only recently. The visa-free regime for European citizens must come into force at the beginning of 2007.

- *Moldova must initiate negotiations on a readmission agreement with the EU as a whole.* It was on this quid pro quo basis that a facilitated visa regime was granted to Russia. Starting talks on readmission agreements, combined with a good-will proof entailed by the removal of visa requirement for EU citizens, could give a decisive impetus for further negotiations on a more relaxed EU border regime towards Moldova.
- *Moldova has to be very cooperative and proactive in the reform of the border management and the implementation of migration policies.* The cooperation between Moldovan authorities and the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) will be an important indicator for the level of willingness of Moldovan authorities to apply European standards in border management. Chisinau authorities must also be aware that the EUBAM provides Brussels with a very good insider's view of the situation in Moldova.
- *Moldova should also prove to be a stable democracy, and ensure that Transnistria is no longer seen as a stumbling block.* In other words, the Moldovan government has to overcome its "Transnistrian complex", and build on a more convincing and powerful discourse. Arguments such as "we are no longer a source of migration, because all our migrants are already in Europe" must be left behind, and replaced by credible signals of commitment.

The European Union must be aware that any regime it will impose at the Moldovan border will be perceived by Moldovan authorities as a response to their aspirations to integrate into the EU. A liberal regime is likely to boost Moldovan reforms concerning the application of the *acquis*, while a too restrictive border could generate euro-pessimistic reactions and hinder the alignment of Moldova to the EU standards. On the other hand, the fact that the EU border policy is designed by the EU but implemented by the member states leaves an important role to be played by Romania, which is likely to be cooperative enough with the Moldova. It is indeed expected that the Romanian authorities will emphasize on the Cohesion and Expansion paradigms, treating Moldova as a region in itself, which has high chances to integrate into the area of freedom and justice built by the Union.

What must be than the most important features for the future visa regime between Moldova and the European Union?

- *Opening of a Common Schengen Office in Chisinau.* The opening of such a consulate was already announced, but its functioning remains much of a mystery. It is a fact that there is a need for an office that could issue visas for more EU countries, but till now this kind of Euroconsulates were opened only in Turkey.
- *Upgrading consular services.* Considering the magnitude of the demand for visas, which could be easily deduced from the average length of the queues in front of the German Consulate in Chisinau, Schengen countries should consider hiring more consular staff or providing for new application procedures, such as on-line application forms, for instance.
- *Reducing the costs of visas.* The prices for Schengen visas start presently from \$35 and go up to \$2150 (in cases when special agencies are offering this service). In many cases the price of a visa exceeds the cost of the actual travel. This situation must be overcome, as it is harmful to many citizens and affects the image of the EU in Moldova. The Polish example of issuing free of charge visas could be considered. If not, a more rational price could be set around \$5-\$10 for a short term visa, or \$10-\$20 for a longer duration or a multiply enter visa. In other words, the visas must not be regarded as sources of income, and their price must reflect only the procedural costs. A low price visa will be also regarded by Moldova as a proof of good will on the part of the EU.
- *Lightening the bureaucratic burden.* The present application procedure required by the German Embassy for a short visit to Germany contains the requirement for a long list of different documents, including employment certificates, travel documents and health insurance. The process of collecting all these documents takes a long time, and a lot of applications are refused for being incomplete. This generates a big bureaucratic workload for the Consulate's officials and slows down the process of issuing visas. Certain categories of bona fide persons could be exempted from providing these thick folders of documents, and general fast track procedures must be envisaged.
- *Diversification of visas.* More long term multiply entry visas should be available for certain categories of people. Students, scholars, businesspeople, social activists, persons visiting their families, inhabitants of border region who travel often and respect visa requirements, should be considered *bona fide* persons and given the possibility to acquire annual multiple-entry visas. Short term national visas could also be provided by the Member States, with the requirement that the person receiving such a visa does not visit the territory of other states than the one which issued it.

- *New type of visas for neighbours.* In the light of the Moldovan-Romanian relation, it is relevant to consider the issue of a new type of Schengen visas for neighbouring countries, as Romania intends to enter the Schengen zone by 2010. A mixed type of visa could be used in this case, inspired from the visas of limited territorial validity (VLT) and long-term national visas (LTNV)<sup>25</sup>. The VLT are visas valid only for the state that issued them, and for other specifically named countries. This visa does not give the right to transit or visit other Schengen states. Until now, these visas were only rarely used. However, according to the *Schengen acquis*, the VLT can be used in the national interests<sup>26</sup>. The LTNV are multiple-entry visas with annual validity for the territory of a Member State. As Moldova is bordering Romania, a mixed type of VLT/LTNV visa could be envisaged in order to grant long term access to the Romanian territory only to bona fide persons<sup>27</sup>.
- *Possibility to obtain visas at the border as an element of flexibility.* An eventual agreement between Moldova and EU on the border regime must not be regarded only in the light of present procedures. Reducing visa prices and easing the application procedures will be undoubtedly very welcomed, but some more progressive solutions could be equally envisaged. Issuing sticker visas at the borders could be such a solution, especially for the Moldovan-Romanian duo after Romania's full accession to the Schengen area.
- *Modification of the black list as long term goal.* EU could show its good intentions by accepting negotiations on a facilitated visa regime. As the Russian example shows, a flexible regime does not put much migratory pressure on EU, as it specifically targets only a particular group of people. Thus, the facilitation of the visa regime must not be regarded as the ultimate achievement of the EU policy towards Moldova. A more progressive approach will be to aim at the complete removal of Moldova from the black list.

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<sup>25</sup> Joanna Apap, Angelina Tchorbadjiyska, *What about the Neighbours? The Impact of Schengen along the EU's External Borders*, CEPS Working Document, No. 210, October, 2004. Available at: <http://kms.isn.ch/serviceengine/FileContent?serviceID=PublishingHouse&fileid=ABE62D27-CB1F-694B-0FBF-7DF9639BF33C&lng=en>.

<sup>26</sup> European Commission, *The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders*. Available at: [http://europa.eu.int/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=42000A0922\(02\)&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=42000A0922(02)&model=guichett), May, 9, 2006.

<sup>27</sup> George Dura, "A Tale of Two Visa Regimes", in: *UNISCI Discussion Papers*, CEPS, January 2006. Available at: <http://www.ucm.es/info/unisci/UNISCI10Dura.pdf>, p. 9-10.

## CONCLUSIONS

It is a fact that Moldova is presently in a much more complicated situation than other countries. It was the source of a massive migration to the EU, which affected the country both internally and externally. The fact that Moldova does not have a coherent policy in dealing with this problem is only an aggravating effect.

Relations between Moldova and Romania and the visa regime between these countries will be decisive for the future Moldovan regime with the whole Schengen area. A maximally liberalized regime must be envisaged, and this is recognized by both parts. Moldovans should preserve their freedom of movement to Romania, as this is their main gate to the West. Moldovan European orientation could suffer if this condition is not fulfilled.

In the same time, if Moldova is really serious about its pro-European aspirations and if it really wants a liberalized visa regime from the EU, it will have to implement a lot of reforms internally. Attractive investment initiatives, efforts on increasing employment, educational and scientific projects, the improvement of infrastructure and the development of tourism are urgent measures to be undertaken by the Moldovan government. Moldova will have troubles in speaking to the EU as long as it is treated as “the poorest country in Europe”. Moreover, it has to debar from the “Transnistrian spectre” that marked all its foreign policy lately.

The final conclusion of our research is that if Moldova continues to promote a proactive and pro-European foreign policy, to keep in good terms with Romania, and to address its internal problems with the same seriousness, it has very good chances to get a more friendly visa regime, and even to be removed from the black list of the European Union. Moldova will be then not only a country in Europe, but also a country of Europe.