

Building Bridges: EU-Russia Visa Liberalisation and Visa Facilitation Dialogue

Background Note

October 2020

Foreword

The topic of visa facilitation and visa liberalisation between the European Union and the Russian Federation has been high on the agenda of the EU-Russia Civil Society Forum ever since its inception. In the first report on the topic, which was published on the Forum's behalf in September 2013, the authors stated that 'the use of clearly defined benchmarks, essentially focusing on the management of migration flows and security, can make the introduction of a visa-free regime for short-term travel a realistic perspective'¹ and proposed a set of recommendations for accelerating the process – ranging from amendments to the EU-Russia Visa Facilitation Agreement and the use of multiple-entry visas to incentives for the introduction of visa liberalisation in the future².

The dramatic events which followed in 2014 and later, including the annexation of Crimea and Russian involvement in the conflict in Eastern Ukraine, led to an expected slowing of the visa liberalisation process. The current background note is published in the context of yet another backslide in the relations between the European Union and the Russian Federation, which is connected with the interference of Russia in Belarusian domestic affairs and the poisoning of the Russian oppositional politician Alexei Navalny.

That being said, we at the EU-Russia Civil Society Forum strongly believe that freedom of movement, as one of the highest values of the European Union and best manifested in the 1985 Schengen Agreement, is also paramount for political, economic and cultural ties beyond EU borders. Therefore, expanding and developing the tools and mechanisms that would ease and enhance travel and the co-operation between the people, civil society, culture representatives and academics is in the mutual interest of Europeans and Russians. In times of tense mutual relations, these ties could help to prevent further isolation, foster trust and promote mutual understanding between these citizens. People-to-people contacts and a two-way exchange of ideas, opinions and experiences are at the core of the work of the EU-Russia Civil Society Forum. This also applies to promoting outreach and common European values.

We consider it important that the current background note brings the topic of visa facilitation and liberalisation back onto the EU-Russia agenda, especially when it comes to easing the procedures for EU and Russian civil society representatives, human rights defenders, independent journalists, scholars and artists.

We welcome the current background note as a substantial contribution to the debate on the EU-Russia visa facilitation and liberalisation process and remain open for further negotiations and discussions on the topic.

The Board of the EU-Russia Civil Society Forum

¹ EU-Russia Civil Society Forum. 2013. 'EU-Russia Visa Facilitation and Liberalization. State of Play and Prospects for the Future', 8. Accessed 20 September 2020. https://eu-russia-csf.org/wp-content/uploads/2019/04/Visa_Report_eng.pdf.

² Ibid., 45-48.

Context and purpose of the background note

In recent years, EU-Russia cooperation on migration, visa liberalisation and facilitation dialogue has been seriously limited due to fundamental differences in values between elites in the EU and the Russian Federation. Any proposals to expand cooperation, including in visa facilitation and migration, have been invariably met with mistrust, mutual suspicion and active opposition from all parties involved. As far as the facilitation and liberalisation of visa regimes are concerned, the European Union, EU member states and Russia move along different paths, limiting opportunities for dialogue between Russia and the EU on these matters.

The need to maintain and, if possible, expand humanitarian, educational, academic and cultural contacts is obvious for the authors of this document. Indeed, this dimension of Russian-European relations has grown in importance since 2014, when many official communication channels between Russia, the European Union and EU member states were blocked, while all inter-governmental engagement (“first track” policy) on political, economic, military and other issues was drastically curtailed. Amid crumbling hopes for a “common space” between the EU and Russia in politics, security, law and economy for the foreseeable future, the need to build and maintain a mutual engagement on humanitarian and visa issues has grown in importance.

This background note provides a political and legal assessment of past and present visa facilitation and liberalisation processes between Russia and the EU and EU member states.

The evolution of visa-related aspects of EU-Russia relations

The history of efforts to simplify and liberalise the visa regime between the EU, EU member states and Russia falls roughly into three periods:

- 1) a period of mutual interest, marked by one-off, unilateral actions and initiatives on behalf of Russia, the EU and EU member states, and by an ongoing dialogue on visa issues, reflecting a political will and understanding of common interests (up to 2013);
- 2) a period of mutual alienation between the EU and the Russian Federation, marked by the adoption of sanctions lists and entry bans in Russia and the EU (2014-2016);
- 3) a period best described as a ‘fork in the road’ (2017 to present).

Each period has distinct characteristics determined by (geo)political conflicts and divergent legal frameworks in the European Union and Russia.

Phase one: Mutual interest in the EU and Russia in a facilitation and liberalisation of visa regimes (2002-2013).

In 2002, Russian President Putin addressed heads of EU member states with a “new integration initiative” designed to ‘eventually shift to a visa-free procedure for Russian and EU citizens.’³ The same year, the Russian Ministry of Foreign Affairs started working on a liberalisation of Russia-EU visa procedures. In 2003, the European Union and Russia agreed to consider visa-free travel ‘as a long-term perspective.’⁴

³ ‘President Vladimir Putin sent messages to the President of the Commission of the European Communities and to the heads of the member states of the European Union on problems relating to the Kaliningrad Region in the light of the EU enlargement’ (27 August 2002). Kremlin.Ru. Accessed 20 September 2020. <http://en.kremlin.ru/events/president/news/27336>.

⁴ European Council, Council of the European Union. ‘Joint Statement of the Heads of State of Russia and the EU on Russia—EU summit of 31 May 2003.’ Accessed 20 September 2020. www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/75969.pdf.

In 2007, the “Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation”⁵ was adopted. The parties agreed on a simplified procedure of visa issuance to 11 categories of EU and Russian citizens, including business people, journalists and persons participating in scientific, cultural and artistic activities – such as university and other exchange programmes, pupils, students and post-graduate students, participants in international sports events – as well as to close relatives visiting citizens of the European Union or the Russian Federation legally residing in Russia or EU member states.

At the Russia-EU summit in June 2010, Russia presented a draft agreement on visa-free travel between Russia and the EU. In particular, it would allow Russians visa-free entry to EU countries for 90 days in any 180-day period. This proposal was not supported by certain EU representatives, including the President of the European Council, Herman van Rompuy, Deputy Chair of the CDU/CSU Bundestag faction and Coordinator for German-Russian inter-societal cooperation, Andreas Schockenhof⁶ and other European stakeholders⁷.

In 2013, after lengthy negotiations with Russia, the EU for the first time announced a series

of common steps which both parties agreed to take to liberalise their respective visa requirements⁸. The “Common Steps” document emphasised that the EU and Russia acted on an equal footing and shared an interest in visa-free travel for their citizens⁹. Amid disagreements over the inclusion of Russian service passport holders, negotiations came to an abrupt end in 2014. The Russian-Ukrainian conflict, military operations in Eastern Ukraine and conflicting perspectives on events in Crimea and its legal status led to a profound crisis in EU-Russia relations, freezing discussions of a new agreement on visa liberalisation¹⁰.

Phase two: Mutual alienation of the EU, EU member states and the Russian Federation (2014-2016).

In 2014, the EU-Russia summit was cancelled, and EU member states decided to stop holding regular summits. Bilateral talks with Russia on visa matters and on a new visa liberalisation agreement between the EU and Russia were suspended¹¹, although negotiations continued with Georgia and Ukraine.

Since then, both the EU and Russia have introduced sanctions lists: as of December 2019, 170 Russian individuals and 44 entities have

5 ‘Agreement between the European Community and the Russian Federation on the Facilitation of the Issuance of Visas to the Citizens of the European Union and the Russian Federation’ (25 May 2006). EUR-Lex. Accessed 20 September 2020. [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22007A0517\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22007A0517(01)&from=EN).

6 Foundation Robert Schumann. 2014. ‘Germany must have greater involvement in overcoming crises and conflicts.’ Interview with Andreas Schockenhoff (18 February 2014). Accessed 21 September 2020. www.robert-schuman.eu/en/doc/entretiens-d-europe/ee-79-en.pdf.

7 Mäkinen, Sirke, Smith, Hanna & Forsberg, Tuomas. 2016. “With a Little Help from my Friends’: Russia’s Modernisation and the Visa Regime with the European Union.” *Europe-Asia Studies*, vol. 68, no.1: Russian Modernisation—Structures and Agencies: 164-181. <https://doi.org/10.1080/09668136.2015.1123223>.

8 European Commission. ‘Common Steps towards Visa Free Short-Term Travel of Russian and EU Citizens (Russia-EU Visa Dialogue)’ (2013). Accessed 20 September 2020. <https://ec.europa.eu/home-affairs/sites/homeaf>

[fairs/files/what-we-do/policies/international-affairs/russia/docs/common_steps_towards_visa_free_short_term_travel_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/international-affairs/russia/docs/common_steps_towards_visa_free_short_term_travel_en.pdf).

9 МИД РФ. «Совместные шаги по переходу к безвизовому режиму краткосрочных поездок граждан России и ЕС (Безвизовый диалог Россия-ЕС).» [MFA RF. ‘Joint steps towards the transition to a visa-free regime for short-term travel of citizens of Russia and the EU (Russia-EU visa-free dialogue).’] (13 March 2013). Accessed 20 September 2020. www.mid.ru/foreign_policy/rso/-/asset_publisher/0vP3hQoCPRg5/content/id/118822.

10 EU-Russia Civil Society Forum. 2013. ‘EU-Russia Visa Facilitation and Liberalization. State of Play and Prospects for the Future.’ Accessed 20 September 2020. https://eu-russia-csf.org/wp-content/uploads/2019/04/Visa_Report_eng.pdf.

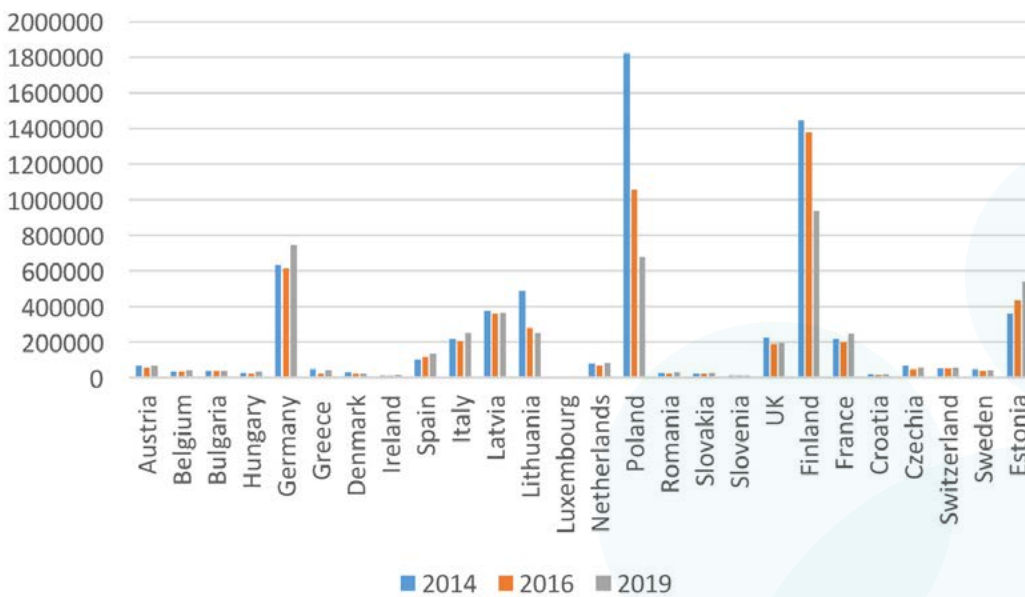
11 Council of the European Union. ‘Factsheet: EU Restrictive Measures.’ (29 April 2014). Accessed 20 September 2020 https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/135804.pdf.

been subject to EU sanctions. In return, Russia banned 89 European political and military representatives from entering the country¹². Overall, however, the number of people entering Russia has remained relatively stable, as the slump in business and tourist travel by EU nationals has been compensated for by increased travel from China, Korea and Japan¹³.

It is important to mention that only 28% of Russian nationals hold a foreign travel passport allowing them to travel abroad. Of these people, 60% are managers or self-employed persons, and 37% are employees. At the present time, Russia's holders of a foreign travel passport

remain residents of cities with over 100,000 inhabitants, including 62% of Muscovites¹⁴.

International migration and its management are among the few remaining areas in which mutual engagement has continued since 2014 as part of the Russia-EU Migration Dialogue. Moreover, some EU institutions have shown interest in expanding cooperation in this area, in particular via the Prague¹⁵ and Budapest Processes¹⁶ (regional advisory forums on migration). At the same time, the EU and the Russian Federation have continued to issue visas under the simplified procedure stipulated by the 2007 agreement.



Graph 1

Entry of EU citizens into the Russian Federation in 2014, 2016 and 2019

Source: Unified Interdepartmental Statistical Information System (UISIS) of the Russian Federation. Data on the number of foreigners entering Russia and the grounds for entry, 2014–2019

¹² Deutschlandfunk. 'Russische "Visasperrliste": vom RAM am 27.5. an EU-Delegation Moskau übergeben.' Accessed 20 September 2020. www.deutschlandfunk.de/index.media.845b8e42cf92996ec8611d2bd07f520f.pdf.

¹³ Gulina, Olga. 2019. "Russia and Europe, Visa-Free: A Pipe Dream or a Real Possibility?" RIDDLE Russia. Accessed 29 September 2020. www.ridl.io/en/russia-and-europe-visa-free-a-pipe-dream-or-a-real-possibility.

¹⁴ '28% of Russians are holders of a foreign travel passport' ["Владельцами загранпаспортов оказались 28%

россиян"] (26 April 2016). RBC. Accessed 25 September 2020. www.rbc.ru/rbcfreenews/571f1ca79a794729b-cbe8b88.

¹⁵ 'Prague Process.' International Centre for Migration Policy Development. Accessed 29 September 2020. www.icmpd.org/our-work/migration-dialogues/prague-process.

¹⁶ 'Home - Budapest Process.' Budapest Process. Accessed 29 September 2020. www.budapestprocess.org.

Phase three: “A fork in the road” (2017 to present).

This period is characterised by a simplification of Russian visa procedures for the majority of foreign applicants. A review of the 2017-2019 visa application requirements for travelling to the EU and the Russian Federation shows interesting results. It reveals that although most visa procedures are similar, they tend to be more liberal in certain aspects for EU citizens travelling to Russia than the other way around. Generally, Russian visa centres abroad allow applicants to send visa application documents by regular mail and to add documents to the application package after it has been submitted.

Since 2017, the Russian Federation has unilaterally pursued a policy of visa liberalisation, formally reflected in the Presidential Order No. Pr-1069 of 12 June 2019 on the issuance of electronic visas (e-visas)¹⁷. In the run-up to the Football World Cup 2018, Russia experimented with visa-free entry for the first time, allowing

foreigners and stateless persons to travel to Russian cities hosting international sports events with just a valid passport and a FAN ID¹⁸. As a progression from this experiment, Russia will introduce free electronic visas (e-visas) starting from 1 January 2021 to facilitate visits to most destinations in the country. The State Duma amended the law regulating travel in and out of the Russian Federation to that effect in late July 2020¹⁹. When it is implemented, Russia will become a country with a very liberal entry regime.

Despite this trend, the Ministry of Foreign Affairs of Russia confirmed in early October 2020 that the country would be applying the Belarusian visa sanctions list to the EU officials²⁰.

Subsequently, only a few voices have emerged backing the idea that visa liberalisation or at least a simplification of visa procedures facilitating travel between Russia and the EU can help to stabilise or even improve the generally tense relations²¹.

17 ‘Resolution of the Russian Government No. 2129-р “On Approval of the Strategy for the Development of Tourism in the Russian Federation for the Period until 2035” of 20 September 2019 [Распоряжение Правительства РФ от 20.09.2019 N 2129-р «Об утверждении Стратегии развития туризма в Российской Федерации на период до 2035 года »]. Accessed 25 September 2020.

www.consultant.ru/document/cons_doc_LAW_333756/1f170664311456af691528806b67f5c39afa18a4.

18 ‘Федеральный закон № 108-ФЗ «О подготовке и проведении в Российской Федерации чемпионата мира по футболу FIFA 2018 года, Кубка конфедераций FIFA 2017 года и внесении изменений в отдельные законодательные акты Российской Федерации» от 7 июня 2013 г.’ [‘Federal Law No 108-FZ “On the Preparation and Holding of the 2018 FIFA World Cup in the Russian Federation, the 2017 FIFA Confederations Cup and Amendments to Certain Legislative Acts of the Russian Federation” of 7 June 2013’]. Accessed 29 September 2020. www.consultant.ru/document/cons_doc_LAW_147218.

19 Правительство РФ. Законопроект № 945923 «О внесении изменений в Федеральный закон «О порядке выезда из Российской Федерации и въезда в Российскую Федерацию» и признании утратившими силу отдельных положений законодательных актов Российской Федерации (об оформлении единой

электронной визы и въезда в Российскую Федерацию иностранных граждан на основании единой электронной визы)» [Government of the Russian Federation. Draft Law No. 945923 “On Amendments to the Federal Law “On the Procedure for Exiting the Russian Federation and Entry into the Russian Federation” and Invalidating Certain Provisions of Legislative Acts of the Russian Federation (on the Issuance of a Unified Electronic Visa and Entry into the Russian Federation of Foreign Citizens on the Basis of a Unified Electronic Visas)] [20 April 2020]. Accessed 29 September 2020. <https://sozd.duma.gov.ru/bill/945923-7>.

20 МИД РФ: ‘Комментарий официального представителя МИД России М.В.Захаровой в связи с принятием Евросоюзом ограничительных мер в отношении Белоруссии’ [MFA RF: ‘Official statement by spokeswoman Ms. Zakharova on the adoption of restrictive measures against Belarus by the European Union’] [2 October 2020]. Accessed 5 October 2020. www.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4366068.

21 Fedotow, Michail, Wiese, Dirk. 2019. „Weniger Visumpflicht, Mehr Freundschaft | Meinung.“ Frankfurter Rundschau. Accessed 29 September 2020. www.fr.de/meinung/weniger-visumpflicht-mehr-freundschaft-13233018.html.

Freedom of movement and visa cooperation in the COVID-19 situation

Both the EU and the Russian Federation introduced travel restrictions in response to the emergency situation caused by the spread of COVID-19. On 16 March 2020, European Commission President Ursula von der Leyen announced a temporary ban on non-essential travel of non-EU nationals to the EU region, with the exemption of diplomats and family members, third-country nationals with long-term residence permits or family members of EU nationals, as well as a number of other persons²².

Simultaneously, the Russian government introduced temporary restrictions on the entry for foreigners and stateless persons, including foreigners entering from Belarus as well as Belarusian nationals²³. On 25 March 2020, a new Government Order defined the categories of foreigners (including EU member state citizens) exempt from restrictions²⁴. These include family members and legal guardians of Russian citizens, certain categories of citizens from countries having visa-free agreements with Russia, as well as some others.

The emergency situation caused by the spread of COVID-19 is likely to affect the geography and scale of cross-border migration flows, freedom of movement and visa-free travel²⁵. While the full scale of long-term political and socio-economic costs of the pandemic is yet to unfold, there is no

doubt that it will have a marked impact on the EU-Russia dialogue on visa liberalisation and facilitation.

Legal framework for visa facilitation and liberalisation in the EU and EU member states

At the moment, the common policy of the EU and EU member states regarding visas and other permits of short-term stay in the Schengen area is governed by the following documents (in accordance with Article 77(2) of the Treaty on the Functioning of the European Union):

- a) EU Regulation 1683/95²⁶ lays down a uniform format for all types of visas issued by the EU member states in the Schengen area;
- b) Regulation No 1931/2006, as amended by Regulation No 1342/2011²⁷, provides for trans-border cooperation between EU member states and neighbouring countries via bilateral agreements. The Regulation allows member states to relax the rules on small border traffic at their external borders, thereby amending the general provisions of the Schengen Convention. In 2004, such changes were applied to small border traffic between Russia (specifically, the border area in the Kaliningrad Region) and Poland on the Russian-Polish border²⁸. The bilateral Polish-Russian agreement on small border traffic was suspended on 4 July 2016;

22 The Sun. "European Commission Bans Non-Essential Travel to EU for 30 days to Combat Coronavirus." 16 March 2020. Video, 02:02. <https://youtu.be/WjwyatHndSo>.

23 'Resolution of the Russian Government No. 635-r of 16 March 2020.' Accessed 29 September 2020. <http://government.ru/docs/39179>.

24 'Resolution of the Russian Government No. 730-r of 25 March 2020.' Accessed 29 September 2020. <http://government.ru/docs/39278>.

25 Kortunov, Andrey. 2020. "Coronavirus: a New Bug or Feature of World Politics?" RIAC. Accessed 29 September 2020. <https://russiancouncil.ru/en/analytics-and-comments/analytics/coronavirus-a-new-bug-or-feature-of-world-politics/>.

26 'Council Regulation (EC) No. 1683/95 of 29 May 1995 Laying Down A Uniform Format For Visas.' EUR-Lex. Accessed 28 September 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31995R1683>.

27 'Regulation (EU) No 1342/2011 of the European Parliament and of the Council of 13 December 2011 amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad oblast and certain Polish administrative districts in the eligible border area' (30 December 2011). EUR-Lex. Accessed 28 September 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011R1342>.

28 Ministry of Foreign Affairs of the Republic of Poland. 'Odpowiedź sekretarza stanu w Ministerstwie Spraw Zagranicznych na interpelację nr 21819 w sprawie skutków objęcia całego terytorium obwodu królewieckiego porozumieniem o małym ruchu granicznym' ['Response of the Secretary of State in the Ministry of Foreign Affairs to the interpellation no. 21819 on the consequences of including the entire territory of the Kaliningrad Region with the small border traffic agreement'] (28 April 2011). Accessed 28 September 2020. <http://orka2.sejm.gov.pl/IZ6.nsf/main/4D8F5EF0>.

c) Regulation No 2018/1806²⁹ lists third countries whose nationals must be in possession of visas when entering the Schengen area for a short-term stay (up to 90 days) and those whose nationals do not need visas. According to Article 3 (1) of the Regulation, Russian citizens must have a visa when crossing the external borders of the member states;

d) Regulation No 2019/1155³⁰ updates the rules and procedures for obtaining a Schengen visa for third-country applicants. The updated rules, which entered into force in February 2020, include increased visa fees and longer processing times, but do not apply to Russian citizens³¹.

To resolve the inherent contradictions between Regulation No 2019/1155 and the 2007 EU–Russia Agreement on visa facilitation, it has been established that if the Agreement contains more favourable provisions for Russian citizens than the Regulation, the Agreement applies. In cases not covered by the Agreement or in which the Regulation contains more favourable provisions than the Agreement, the Regulation applies (para 26 of the Preamble to Regulation No 810/2009 as amended by Regulation No 2019/1155).

In January 2020, the EU Institute for Security Studies (EUISS) projected an imaginary scenario for visa-free travel by Russian citizens to EU countries starting in 2024. According to this scenario:

a) the EU would launch a “testing phase” of visa freedom for ordinary Russian citizens to last for two years, starting in 2024;

b) the EU and EU member states would unilaterally allow ordinary Russian citizens visa-free entry to the Schengen area for up to seven days;

c) Russian passports issued in regions with a non-recognised status – such as Abkhazia, Crimea, Donbas, South Ossetia and Transnistria – would not be valid for visa-free travel in the EU³².

According to the study, this scenario would enable the EU to balance two interests: to adhere to its policies in response to Russia’s violations of international law and uphold sanctions introduced in 2014, while bringing Russian citizens closer to EU values of democracy and human rights and making EU countries more accessible to Russians.

Visa cooperation and visa facilitation for civil society actors in Russia and the EU

Over the years, EU countries have frequently ranked among the top ten countries in terms of the numbers of citizens applying for humanitarian visas to travel to Russia to establish or maintain academic, cultural and socio-political contacts, to engage in sporting, religious or charitable activities, or to deliver humanitarian aid. Since 2014, however, the issuance of Russian humanitarian visas has dropped drastically.

Recent years (2014–2019) have shown that in many cases it is a challenge to strictly distinguish civil society initiatives, as well as humanitarian and academic contacts from official encounters. Many factors continue to influence

²⁹ ‘Regulation (EU) No 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries, whose nationals must be in possession of visas when crossing the external borders, and those, whose nationals are exempt from that requirement’ (14 November 2018). EUR-Lex. Accessed 28 September 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1806&from=en>.

³⁰ ‘Regulation (EU) No 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)’ (20 June 2019). EUR-Lex.

Accessed 28 September 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1155>.

³¹ European Commission. ‘New EU visa rules – Questions and Answers’ (updated 3 February 2020). Accessed 28 September 2020. https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_149.

³² Saari, Sinikukka. 2020. “What if... Russian Citizens Could Travel Visa-Free in Europe?” In the What If...? 14 Futures for 2024, Chaillot Paper Series, edited by Florence Gaub, 42–47. European Union Institute for Security Studies (EUISS), January 2020. https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_157.pdf.

international travel between Russia and the EU, including sanctions and anti-sanctions, dwindling trade between Russia and EU countries, shrinking EU investment activity in Russia and others. The decline in real incomes in Russia, the continuing devaluation of the rouble and the Russian government's isolationist and anti-Western policies have all negatively impacted the number of Russian tourists travelling to EU countries and of Russian students enrolling in European universities.

A number of obstacles stand in the way of cooperation between non-governmental and non-profit organisations in Russia and EU countries:

- a) bureaucratic barriers in EU member states. The EU and member states lack legal procedures and mechanisms to facilitate ad hoc visa issuance to Russian civil society actors, human rights defenders at risk in Russia;
- b) bureaucratic barriers in Russia. Russian law and law enforcement practice do not provide clear guidance as to what types of Russian visas are required for EU civil society actors wishing to engage in activities as part of their cooperation with Russian partners, often causing involuntary violations of the visa regime. Also, Russian authorities do not always accept visa invitation letters sent by Russian NGOs to their EU partners, and the matter of issuing visas to EU participants in exchange programmes with Russia for the entire duration of the programme remains unresolved.

The practice of administrative checks based on Russia's "foreign agents" law³³, – which targets

Russian NGOs and often results in fines and other penalties, and sometimes even the enforced dissolution of organisations – has further complicated the cooperation between EU and Russian civil society organisations. Although the Russian law on so-called "undesirable organisations" has mainly affected U.S.-based groups, a few European NGOs have also been put into this category, effectively barring them from working in Russia or cooperating with Russian NGOs.

In January 2020, the European Parliament discussed EU visa policies regarding Russian human rights defenders, civil society actors (in particular NGOs working in EU countries) and EU and Council of Europe institutions mandated with defending public interests and human rights³⁴. The debate ended with a proposal to create a system of mutual invitations for EU and Russian human rights representatives while consistently monitoring and documenting violations or refusals by EU member states to issue visas to human rights defenders, along with some other measures.

Legal and policy frameworks for visa facilitation and liberalisation in Russia

E-visa to Russia

Since 2017 Russia has pursued a policy of visa liberalisation. During major sports events, foreigners and stateless persons have been able to apply for a so-called FAN ID and enter Russia visa-free with only a valid passport and tickets for the sports event³⁵. FAN IDs are identity documents issued once and free of charge. A special website in Russian, English, French and German³⁶ explains the rules for obtaining and using FAN IDs.

33 Федеральный закон «О внесении изменений в отдельные законодательные акты Российской Федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента» от 20.07.2012 N 121-ФЗ [‘Federal Law “On Amending Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of Non-Commercial Organizations Performing the Functions of a Foreign Agent” of 20 July 2012 No 121-FZ’]. Consultant.Ru. Accessed 28 September 2020. http://www.consultant.ru/document/cons_doc_LAW_132900.

34 NGO TV. “European Parliament – Jennifer Gaspar.” 23 January 2020. Video, 59:23. Accessed 28 September 2020. <https://www.youtube.com/watch?v=mIXSJ0Jewk0>.

35 Федеральный закон № 108-ФЗ «О подготовке и проведении в Российской Федерации чемпионата мира по футболу FIFA 2018 года, Кубка конфедераций FIFA 2017 года и внесении изменений в отдельные законодательные акты Российской Федерации» от 7 июня 2013 года [Federal Law No 108-FZ of 7 June 2013]. Consultant.Ru. Accessed 29 September 2020. http://www.consultant.ru/document/cons_doc_LAW_147218.

36 ‘Fan ID’. Accessed 29 September 2020. www.fan-id.ru.

According to the Russian Ministry of Digital Development, Communications and Mass Media, during the 2018 FIFA World Cup, apart from Russians, citizens of the following countries obtained the highest numbers of FAN IDs: China (68,000 FAN IDs), the U.S. (52,000), Mexico (44,000), Argentina (37,000), Brazil (35,000), U.K. (31,000), Colombia (31,000), Germany (30,000) and Peru (27,000)³⁷. Most FAN ID applicants were aged between 25 and 34; some 25% were women³⁸.

So far foreigners and stateless persons were able to file applications at FAN ID distribution centres in Russia, in “Rossotrudnichestvo” offices abroad, in 165 VFS Global visa centres worldwide or by regular mail (80% of all requested FAN IDs were delivered by mail).

Since 2017, Russia has embarked on a unilateral visa liberalisation by introducing e-visas for visiting certain parts of the country. Applying for an e-visa to enter Russia is easy, free of charge and can be done by filling out a form on the Russian MFA website³⁹. It is also possible to check the status of one’s visa application by entering a number and a password.

Russian law provides for the following types of e-visas:

- ordinary business visa;
- ordinary tourist visa;
- ordinary humanitarian visa (purpose can include sports, cultural, academic or humanitarian activities).

Foreigners travelling to Russia for other purposes, such as education, training, visiting relatives, transit, medical treatment, etc., cannot apply for an e-visa. And as of this writing, e-visas can only be issued for visiting three locations in Russia: Vladivostok⁴⁰, Kaliningrad and surrounding region⁴¹, as well as St. Petersburg and surrounding Leningrad region⁴².

As of end-October 2019⁴³, the three destinations covered by the e-visa regime – varied in terms of popularity and countries of origin of applicants. The difference was largely due to the fact that until January 2020, only citizens from 18 countries⁴⁴ were allowed to apply for an e-visa for entering the Russian Federation via border crossing checkpoints in the port of Vladivostok. This was changed by a Government Order of 24 January 2020⁴⁵, and the practice has since

37 Министерство цифрового развития, связи и массовых коммуникаций РФ: ‘Минкомсвязь России подвела итоги проекта FAN ID для ЧМ-2018’ [Ministry of Digital Development, Communications and Mass Communications of the RF: ‘Taking Stock of World Cup 2018 FAN ID Project’] (18 July 2018). Accessed 29 September 2020. <https://digital.gov.ru/ru/events/38378>.

38 Министерство цифрового развития, связи и массовых коммуникаций РФ: ‘Половину паспортов болельщика Чемпионата мира по футболу заказали иностранные граждане’ [Ministry of Digital Development, Communications and Mass Communications of the RF: ‘Half of FAN IDs requested by foreigners’] (21 March 2018). Accessed 29 September 2020. <https://digital.gov.ru/ru/events/38054>.

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40 ‘Resolution of the Russian Government No 667 of 5 June 2017.’ Accessed 28 September 2020. <http://government.ru/docs/27959>.

41 ‘Resolution of the Russian Government No 595 of 15 May 2019.’ Accessed 28 September 2020. <http://docs.cntd.ru/document/554645448>.

42 ‘Resolution of the Russian Government No 1252 of 26 September 2019.’ Accessed 28 September 2020. <http://government.ru/docs/3795>.

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44 Algeria, Bahrain, Brunei, India, Iran, Qatar, China (including Taiwan), Democratic People’s Republic of Korea, Kuwait, Morocco, Mexico, United Arab Emirates, Oman, Saudi Arabia, Singapore, Tunisia, Turkey, and Japan. The list is available on the official webpage of the Ministry of Foreign Affairs of the Russian Federation. Accessed 29 September 2020. https://www.mid.ru/en/main_en.

45 ‘Resolution of the Russian Government No 92-r of 24 January 2020.’ Accessed 28 September 2020. <http://static.government.ru/media/files/ZZYc6neYl00hXe3y7lCxRejnWLETfdZi.pdf>.

become uniform across the three locations. The latest amendment to the list so far has been introduced on 6 October 2020⁴⁶.

In addition, the rates of e-visa refusals in the three destinations have been considerably higher than ordinary visa refusals in areas not covered by e-visas: 7% versus 2.1%⁴⁷. According to Russian authorities, this is mainly due to errors made by applicants in filling out electronic forms, especially in spelling their names and surnames.

Outlook

Over the past years, the European Union, EU member states and Russia all move along different paths limiting opportunities for dialogue between Russia and the EU on many issues, including migration management and visa liberalisation. As a result, several years have been lost in reducing communication and giving attention to improving the current *status quo*.

Any discussion of a future visa regime between the EU and Russia cannot be separated from the extremely complex current situation in mutual relations. No doubt, fundamental differences between Russia and the European Union regarding social, economic and political institutions and attitudes towards international law are a complicating factor.

However, the existing divergences do not need to be an insurmountable obstacle to mutual visa facilitation. Indeed, in times of an ever-growing estrangement between the Russian government and the EU and EU member states, it is more important than ever to facilitate inter-societal contacts.

⁴⁶ 'Resolution of the Russian Government No 2571-r of 6 October 2020.' Accessed 8 October 2020. <http://static.government.ru/media/files/c0ZDX0WaURdyvOidgFY-SU5oDg61UC7QB.pdf>.

⁴⁷ «Электронное выдворение. Обладатели электронных виз уже столкнулись с проблемами при въезде и выезде из Петербурга.» Фонтанка.Ру ["Electronic Expulsion. Holders of Electronic Visas Have Already Faced Problems When Entering and Leaving St. Petersburg." Fontanka.Ru] (29 October 2019). Accessed 29 September 2020. <https://www.fontanka.ru/2019/10/29/084>.

Annex 1

Year	Total	Business	Private	Tourism	Others
2019	3,090,538	651,830	750,101	7,381,280	1,974,691
2018	2,758,893	670,543	152,741	1,527,288	408,321
2017	2,687,146	642,230	161,527	1,495,043	388,346
2016	2,505,457	617,651	153,101	1,360,743	373,962
2015	2,283,850	637,558	130,319	1,145,970	370,003
2014	2,550,000	704,700	136,800	1,183,000	no data

Statistics on the visas issued by the Consular Offices and other authorised bodies of the Russian Federation abroad¹

Annex 2

Year	Total	Total uniform visas issued (including MEVs)	MEVs issued	Total LTVs issued	Uniform visas not issued	Not issued rate for uniform visas	Share of MEVs
2019	4,133,100	4,054,685	3,350,160	1,013	61,863	1.5	82.6
2018	3,695,670	3,631,318	2,973,868	1,172	57,425	2	82
2017	3,885,899	3,826,151	3,205,829	1,040	52,770	1	84
2016	3,177,621	3,134,413	2,526,192	1,080	38,566	1	81
2015	3,467,317	3,415,432	2,326,454	1,505	45,367	1	68
2014	5,768,182	5,702,624	3,420,557	no data	54,088	1	60

Statistics on short-stay Schengen visas issued by the EU in 2014-2020²

¹ 'Statistics on the Visas issued by the Consular Offices of the Russian Federation Abroad.' Data.gov.ru: Open Data Russia. Accessed 28 September 2020. <https://data.gov.ru/node/5057#2/0.0/0.0>.

² 'Statistics on short-stay visas issued by the Schengen States.' Schengen Visa Info. Accessed 28 September 2020. <https://statistics.schengenvisa.info.com/2014-schengen-visa-statistics-by-third-country/>

List of abbreviations

- LTV** Limited territorial validity visas
MEV Multiple-entry visas
OECD Organisation for Economic Cooperation and Development

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