



What to do with visas for the Eastern Europeans?

Recommendations from the perspective of Visegrád countries

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1. Introduction

Citizens of Visegrad states – the Czech Republic, Poland, Slovakia and Hungary – have many common experiences related to the history of the region. One of these experiences is the limited freedom of travel to the countries of Western Europe before 1989. Czechs, Poles, Slovaks and Hungarians know well what it means to struggle with numerous formalities and lengthy procedures in order to travel to a selected destination.

The situation of the inhabitants of the region changed significantly when, following political changes at the beginning of 1990s, they were offered the opportunity of travelling to Western Europe without the need to obtain visas. This development can be assumed to have had a great influence on the course of later changes in the region. The possibility to travel to Western Europe brought about the chance to acquaint oneself with the rules of democracy and free market economy and the way of functioning of these countries, which was particularly important in the period of political and economic transformation and future integration with the EU. The entry of Visegrad countries to the Schengen area in December 2007 meant for their citizens the freedom to travel as never experienced before, and was one of the last stages of removing the divisions between “old” and “new” Europe. Meeting all the Schengen requirements had constituted a significant challenge to the region; a particular amount of effort was put on the preparation of external borders.

However, facilitations for the citizens of Visegrad countries have turned into obstacles in relationships with Eastern Europe. Attention should be devoted to this very aspect. **The more freedom the inhabitants of “new” Member States received in travelling, the more limited the opportunities became for our eastern neighbours: from Belarus, Moldova, Russia or Ukraine.** In 1990s, citizens of the latter could easily travel to the Czech Republic, Hungary, Poland or Slovakia; with the planned entry into the EU these states introduced visa systems (albeit not particularly strict in some cases), and then, with Schengen accession, tighter ones.

Why does that constitute a problem to deal with? Because the issue of openness to inhabitants of neighbouring states is of key importance, and not merely a technical matter. Visa procedure is the basis for the assessment of the attitude of the EU to these states. Numerous declarations of the EU on special relationships with its Eastern neighbours will not be taken seriously in the context of a restrictive visa system. Moreover, as was the case of the Czech Republic, Hungary, Poland and Slovakia in 1990s, greater travel opportunities for citizens of Eastern neighbours may influence in a positive way the attitude to the European Union and values it tries to represent.

Openness towards travellers from Belarus, Moldova, Russia or Ukraine is of particular importance especially in the case of Visegrad states: three of them border with some of the Eastern European countries directly, all Visegrad countries have numerous social and economic links with them, and moreover, good neighbourly relationships are among top priorities of the external policies of the whole V4. Confined mobility results in the less number of social and economic contacts between those countries.

The discussion on visa policy has in the last few months, due to economic crisis, often come down to the need to protect labour markets from illegal immigrants. It needs to be stressed that liberal visa policy cannot be seen as equal to the influx of immigrants. Numerous researchers dealing with migration point out that restrictive procedures limit legal migration, but contribute to illegal migration and related crimes (human trafficking, corruption, etc).

2. Basic information. Past and present

Visegrad states as compared to other EU countries

It should be stressed above all that visas issued by Visegrad countries in their diplomatic posts in Eastern neighbourhood (for this analysis: Belarus, Moldova, Russia and Ukraine) constitute a significant part of visas issued by all EU Member States¹. This share is the highest for Ukraine and Belarus: in 2007, before the entry into the Schengen area, 67% of EU short-term visas in Ukraine were issued in diplomatic posts of Visegrad countries, and of those in Belarus – 45%. In the case of Russia and Moldova the shares are lower: 13% and 11% respectively. It should be added, however, that before Bulgaria’s and Romania’s entry into the EU and the creation of Common Visa Application Centre in Chisinau, the share was also high in Moldova (75% of visas in 2006). At the same time, before the entry of Visegrad states into the Schengen area, the share of their visa refusals in Belarus, Ukraine, Moldova and Russia was lower the average of “old” Member States.

¹ Quoted data: own materials based on documents of the Council of the European Union “Exchange of statistical information on uniform visas issued by Member States”

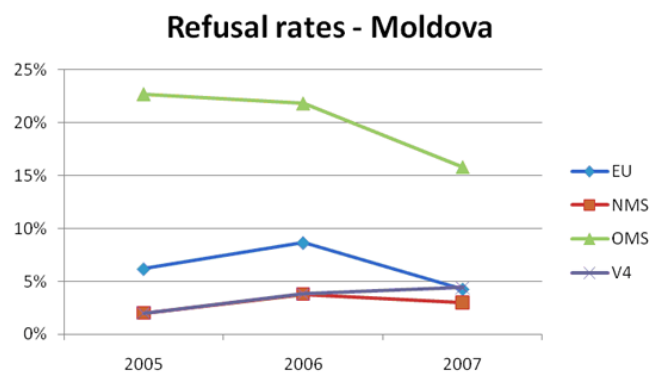
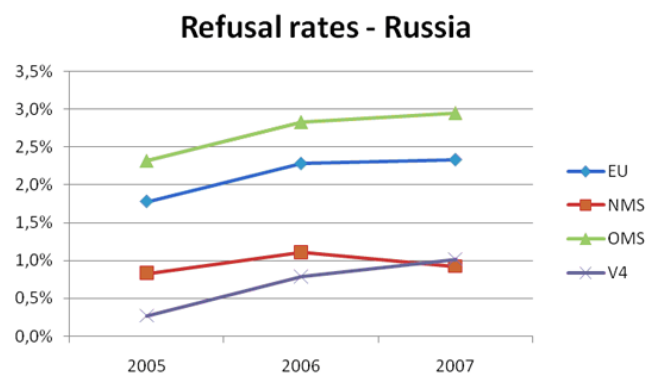
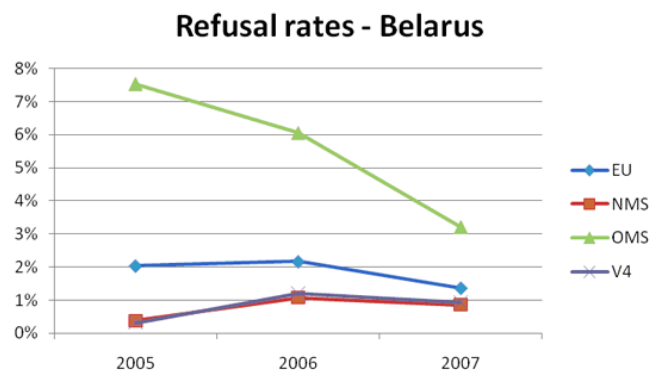
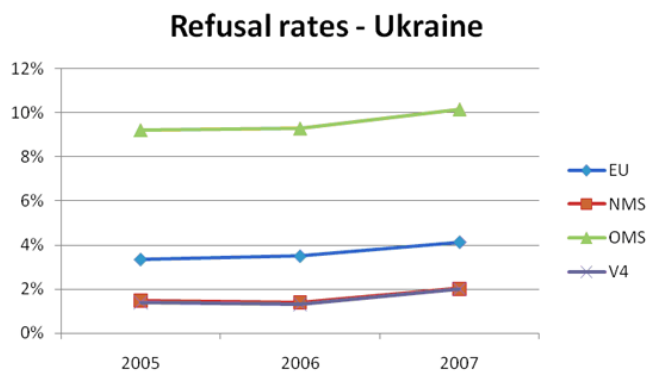


Chart 1. Average refusal rates in Belarus, Moldova, Russia and Ukraine

Own materials based on documents of the Council of the European Union “Exchange of statistical information on uniform visas issued by Member States”

EU – EU Member States (excluding UK)

NMS – “New” Member States

OMS – “Old” Member States

V4 – Visegrad countries

As can be seen from the charts above, the highest refusal rate was in Moldova: EU average varied between 4% in 2007 to 8.5% in 2006, but for Visegrad countries between 2% in 2005 and 4.5% in 2007. Ukraine takes the next position: EU average varies between 3.5% in 2006 and 4% in 2007, with the rate in the case of Visegrad countries again lower: between 1.5% in 2005 and 2% in 2007. A lower share of refusals was in the case of Belarus: 1.5%–2% for the EU as a whole and 0.5%–1% for Visegrad countries; the same was true for Russia: 2%–2.5% for the EU and 1.5%–2% for Visegrad countries. Interestingly, when analysing the years 2005–2007 it can be noticed that in general, the share of visa refusals increased for Ukrainians and Russians (more clearly visible for Russia) and decreased for Belarusians and Moldovans.

It could also be added that, when compared to other EU countries, the Visegrad states led by Poland can take pride in a wide network of diplomatic posts issuing visas in these states. Poland issues visas in 3 posts in Belarus (Minsk, Brest, Grodno), 5 in Ukraine (Kyiv, Kharkiv, Lutsk, Lviv, Odessa), 4 in Russia (Moscow, Irkutsk, Kaliningrad, St Petersburg) and one in Moldova (Chisinau). In Belarus and Ukraine, the Polish consular networks are the best developed ones among all EU Member States. Moreover, further consular posts are planned in Ukraine (Vinnitsa, Sevastopol and Ivano-Frankivsk). Slovakia has two posts in Ukraine: in Kyiv and Uzhgorod; the latter, in Transcarpathia, is an important point for travellers from border areas. In Russia, Slovakia issues visas in two consulates: in Moscow and St Petersburg. The Czech Republic issues

visas in Minsk and Chisinau, as well as three Russian cities (Moscow, St Petersburg and Yekaterinburg) and three Ukrainian (Kyiv, Lviv and Donetsk). In the Eastern neighbourhood states significant for this publication, Hungary issues visas in Kyiv, Beregovo and Uzhgorod in Ukraine, in Moscow, St Petersburg and Yekaterinburg, as well as in Chisinau. The latter consulate has also been the seat of Common Visa Application Centre since 2007. In mid-2008, Hungarian consulate in Minsk also started issuing visas.

Consular networks of Visegrad countries reflect clearly some of priorities of these states in visa policy, resulting from their different individual attitudes.

Differences in attitudes between V4 countries before the entry into the Schengen area

Visa policies of individual Visegrad countries vary in many respects. **Among the V4, Hungary and Poland have adopted in recent years rather liberal visa policies; a more restrictive attitude was applied by Slovakia, and an even stricter one by the Czech Republic.**

From the beginning of 1990s, citizens of Belarus, Moldova, Russia and Ukraine could travel to all Visegrad countries without any difficulties. The situation started to change before the entry of these states into the EU, due to different periods and various modes of JHA acquis implementation. The first to introduce visas was the Czech Republic: for Belarusians and Russians from May, for Ukrainians from June and for Moldovans from October 2000. Slovakia followed the Czech Republic: visas for Ukrainians and Moldovans were introduced in June 2000, and for Belarusians and Russians in January 2001. The visa systems (procedures, application assessment criteria, requirements

towards applicants) of both the states were rather restrictive.

In the case of the Czech Republic and partly of Slovakia, this situation was connected above all with the lack of any strategy towards Eastern Europe: visa policy was perceived in these states above all in the context of security rather than as an instrument of foreign policy. Moreover, swift accession to the EU and the Schengen area was deemed a priority, so a fast adaptation of consular laws and practices seemed important. In the case of Slovakia, an important factor was the need to integrate its system with the Czech Republic, as the latter decided to introduce visas earlier; another one was a relatively negative attitude towards potential immigrants from the East. However, due to a significant decrease in the cross-border traffic on the border with Ukraine, Slovakia decided to gradually liberalise the system (inhabitants of 83 towns and villages on both sides of the border were granted the right to multiple-entry visas valid for 6 months, the need to present invitations was abolished, children were exempted from visa payments, and selected groups of applicants received the right to multiple-entry visas and lower fees). Starting from May 2005 Slovaks (and other citizens of the EU countries) would no longer need visas to enter Ukraine, while Ukrainians would not pay for visas.

The situation in Hungary and Poland was different. In the case of Poland, bordering on as many as three Eastern neighbourhood countries and paying a lot of attention to Eastern policy, it was important to maintain good relationships and develop social and economic contacts. Priority states in Polish visa policy were Belarus and Ukraine, then Russia, but also Moldovans enjoyed favourable treatment. Poland introduced visas later than the Czech Republic or Slovakia: for Poland's neighbours (Belarus, Russia, Ukraine) in October 2003, and

for Moldovans in February 2001. Short-term visas were issued either free of charge (Moldovans, Ukrainians and inhabitants of Kalininograd Oblast) or for a small fee (for Belarusians the fee was ca. 5 EUR, for inhabitants of the rest of Russia ca. 10 EUR), and large groups of applicants were exempted from fees. The procedures themselves were very simple, few documents were required and the applicants had the opportunity to obtain visas even on the same day. Moreover, the consular network in the East was developed, and Schengen visas were treated like transit visas (to go through Poland). Poland introduced also several facilitations after the accession to the Schengen area: the prices of national visas for Belarusians and Ukrainians were lowered (to 20 EUR and 35 EUR, respectively), and consuls were authorised to exempt from fees in certain cases. Next consulates are planned to be opened.

A key factor in Hungarian visa policy is the issue of Hungarian minorities living abroad, so it is one of Hungary's priorities to create friendly possibilities of entry to Hungary for Ukrainians of Hungarian origin. Therefore, Hungary introduced visas for Belarusians, Moldovans and Russians in 2001, and for Ukrainians only at the end of 2003. At the same time, numerous facilitations were introduced for persons of Hungarian origin. Holders of the so called Hungarian Card can have their visa fees reimbursed by the Hungarian state by agency of social organisations (currently, 35 EUR for the visa and 15 EUR of travel costs). In Ukraine, two main Hungarian minority organisations can issue recommendation letters accepted by consulates. Moreover, new consulates have been created in areas inhabited by Hungarians (in Beregovo in 2007, and as early as 1991 in Uzhgorod) to alleviate the inconveniences of a long travel to the embassy. Consulates located near Hungarian borders have longer office hours, thus avoiding queues. A

widespread opinion is that it is easier to obtain a visa in consulates located near the Hungarian border, as requirements of applicants are lower than, e.g., in Kyiv.

Agreements concerning local border traffic should also be mentioned: among the three states, Hungary was the first to sign such an agreement with Ukraine – it entered into force in January 2008. Until the first quarter of 2009, over 35 thousand permits were issued to inhabitants of border regions, and the functioning of the local border traffic is evaluated very positively. Next, the Ukrainian-Slovak agreement came into force (September 2008). Even though the Slovak agreement is in many aspects similar to the Hungarian one, visa-free permits are not as popular. One of the reasons is believed to be too high a number of requested documents and the gradual approach: persons applying for the first permit receive the permits with the shortest validity possible. In Poland, the first local border traffic agreement (with Ukraine) came into force in June 2009, so it is still impossible to evaluate its functioning. The agreement was first signed already in March 2008, but had to be amended following reservations of the European Commission. Agreements between Poland and Belarus and Poland and Russia are still being negotiated.

Agreements signed so far by Hungary, Slovakia and Poland contain a lot of similar solutions, and in all of them the problematic stages of negotiations were definitions of the areas they should cover. **It is therefore surprising that Poland, Slovakia and Hungary failed to coordinate their actions in this respect. Moreover, Poland and Slovakia did not make full use of the experiences of Hungary which signed the agreement first.**

Situation after the Schengen's accession

Differences in attitudes are reflected also in the situation after the entry into the Schengen area. **The less restrictive the visa policy and the more facilitations for citizens of a given state in the period before, the larger the changes. This is so because then Schengen means, *inter alia*, longer and more complicated procedures, more documents needed, checking additional information on the applicants, and the always important aspect of the higher visa prices. Moreover, it seems that the situation worsened to a bigger extent in countries directly neighbouring on the given third country.**

The influence of Schengen² can be very clearly seen from the analysis of the drop in the number of issued visas: comparison between 2007 and 2008. It is visible that the entry into the Schengen area influenced the Czech Republic to the smallest extent firstly because that state carried out earlier a more restrictive policy, so the changes were not that significant; secondly, the Czech Republic is not a direct neighbour of any of the European neighbourhood states, so the phenomenon of local cross-border traffic is absent.

Nevertheless, in the case of the Czech Republic a decrease in the number of visas issued in Belarus and Ukraine can be seen (by 13% and 6%, respectively). Bigger decreases can be seen in Slovakia, in particular in the case of the direct neighbour and key element in the relationships – Ukraine; the drop in the case of Belarus is smaller. Larger decreases are characteristic for a more liberal Hungary (Belarus 40%, Ukraine 48%) and Poland (Belarus 74%, Ukraine 59%, Moldova 38% and Russia

19%). In the case of Hungary it can be clearly seen that it was Ukrainians, enjoying many facilitations earlier, that suffered the most. In the case of Poland, on the other hand, Schengen influenced to the largest extent the number of visas issued to citizens of Belarus and Ukraine.

In general, the situation seems the best in Russia's case: the number of visas issued for Russians dropped by 19% for Poland (which can be connected with the fact that Poland is the only state neighbouring on the Russian Federation), but grew in Czech and Slovak consular posts. In Moldova, the number of visas issued in Czech and Hungarian posts grew; for Hungary, this was related to the development of the consular services in Moldova. The worst is the situation in Belarus: the number of issued visas dropped with regard to all Visegrad countries, from 11% in the case of Slovakia to as much as 74% in the case of Poland. It is among others connected with the fact that – due to the lack of Visa Facilitation Agreement – Belarusians pay 60 EUR per visa, and not 35 EUR like Moldovans, Ukrainians or Russians.

It should also be noted that the refusal rate did not change much in the period in question, which means that the reason for the drop in the number of issued visas is mainly the smaller number of applicants. It needs to be indicated here that the simple explanation that these persons moved to other Schengen states does not work in the majority of cases: if a person travels, e.g., to Poland or Hungary, as is often the case, he or she cannot apply for a visa in another consulate. The reason is rather a significant increase in the level of payments, number of formalities and work input that needs to be spent on applying for a visa, without the guarantee of obtaining it. Moreover, the functioning of the gradual approach became questionable: in many con-

² As well as Visa Facilitation Agreements that were signed around that time. In the case of Visegrad countries, these two issues are difficult to separate.

ulates of the Visegrad Group the strategy was first adopted of issuing only single-entry visas and short-term multiple-entry visas, without regard to the visa history. A signifi-

cant example is the Slovak consulate in Uzhgorod, in which the first multiple-entry visas with two-year validity were issued in March 2009.

Table 1. Visas issued in 2007 and 2008

	2007		2008		Change
	Number of visas issued (ABC type)	Refusal rate	Number of visas issued (ABC type)	Refusal rate	
Czech Republic, posts in:					
Belarus	22561	1.7%	19615	1.5%	-13.1%
Moldova	2631	11.0%	3402	14.5%	+29.3%
Russia	273837	1.1%	293093	0.6%	+7.0%
Ukraine	104744	5.7%	98110	4.3%	-6.3%
Hungary* visas issued to the citizens of					
Belarus	6933	0.6%	4141	0.3%	-40.3%
Moldova	1535	10.5%	7482	6.6%	+387.4%
Russia	59404	0.2%	57138	0.2%	-3.8%
Ukraine	167582	1.7%	86363	2.3%	-48.5%
Poland** posts in:					
Belarus	269887	0.9%	68979	2.6%	-74.4%
Moldova	8283	3.8%	5171	6.6%	-37.6%
Russia	144568	1.0%	117164	1.0%	-19.0%
Ukraine	564728	1.6%	232642	2.8%	-58.8%
Slovakia posts in:					
Belarus	5618	0.9%	4983	0.8%	-11.3%
Moldova	–	–	–	–	–
Russia	18307	0.1%	19165	0.6%	+4.7%
Ukraine***	45078	2.5%	32199	4.6%	-28.6%

Sources: Ministries of Foreign Affairs of the states in question

* In the case of Hungary, the data concern the number of visas issued to citizens of the listed states, and not the number of visas issued in the posts of the states in question, as in other cases

** The refusal rate in Poland concerns also D visas not listed here (long-term visas)

*** Data for Slovak consulates in Ukraine include D visas (long-term visas)

3. Recommendations

Visa policies of Visegrad countries should be more coherent with their foreign policies. As all four countries declare that relationships with the Eastern neighbourhood states are very important to them, the consular practice should reflect that. The activities that should be taken in this respect can be divided into three groups:

I. Activities in individual countries of Visegrad Group

V4 countries can implement within the framework of the Schengen system such solutions

that would facilitate the work of their consulates and make the procedure less burdensome for applicants. The Schengen system regulates the basic rules of visa procedure, but many issues are left at the discretion of the Member States. The Community Code on Visas adopted by the Council in June 2009 harmonises to a significant extent the activities of the Member States in the field of visa policy, but some areas remain outside its scope. The Community Code on Visas is to come into force in 2010, so its influence on the consular practice will be assessed in some time to come. Regardless, however, of the character of changes in the

Code, Visegrad countries should deal with the issues below:

- **Issuing long-term, multiple-entry visas for people with positive visa history**

Issuing multiple-entry long-term visas is very convenient for citizens of third countries who often cross the border, which is particularly important in the case of Visegrad countries located at the external border of the European Union. In the longer perspective it will allow for the shortening of queues in consular posts of individual countries.

- **Good information system in consulates**

The basis should be the creation of an appropriate and coherent system of information concerning the visa procedure adapted to the needs of applicants. At the present moment, stress should be placed on information provided not only in the consulate (information boards, leaflets, information presented by employees), but also through websites and electronic mail, as well as over the phone. Research carried out in consulates showed that a good information system contributes significantly to the shortening of the procedure³ and, consequently, influences its assessment by third countries' citizens.

- **Shorter list of required documents**

Community Code on Visas theoretically diminishes the number of requested documents, but it also introduces a non-exhaustive list of documents. So the list of documents to be provided by an applicant will depend on decisions taken in individual posts. From the perspective of such states as Belarus, Moldova, Russia or Ukraine, making the list of documents shorter and more precise is of utmost importance. Consulates should also use the opportunity to waive the need to provide cer-

tain documents⁴ if the applicant has the so-called positive visa history.

- **Good practices**

The priority among the good practice should be to provide the reasons of refusing to issue a visa, as well as to create opportunities to appeal against the negative decision. Regardless of the changes in regulations concerning the whole Schengen system⁵, consulates of the Visegrad Group should already now provide this information. This would make the visa issuance procedures clear, and visa systems transparent. Moreover, applicants would be able to better prepare themselves to the following applications.

- **The application of modern technologies in the visa application process**

Appropriate use made of modern technologies can contribute to decreasing the number of visits to the consulate necessary to apply for a visa. According to the results of research carried out in consulates in the countries of the Eastern neighbourhood, almost 42% of applicants received their application forms on-line⁶; thus, it can be assumed that those persons would also make use of other opportunities, such as the provision of documents on-line.

- **Appropriate approach to visa applicants**

As results from numerous studies⁷, the way consulate employees treat visa applicants is one of key factors influencing the perception of difficulty of the procedure and assessment

³ *Changes in Visa Policies of the EU Member States. New Monitoring Report*, Stefan Batory Foundation 2009, pages 27–42.

⁴ Article 14 (6) of the Regulation of the European Parliament and of the Council establishing a Community code on Visas (Visa Code).

⁵ Article 32 (2) and (3) of the Regulation of the European Parliament and of the Council establishing a Community code on Visas (Visa Code).

⁶ *Changes in Visa Policies of the EU Member States. New Monitoring Report*, Stefan Batory Foundation 2009, pages 27–42

⁷ *See, inter alia, Changes in Visa Policies of the EU Member States. New Monitoring Report*, Stefan Batory Foundation 2009, pages 13–26.

of posts of individual states. Consular posts of Visegrad countries should therefore pay utmost attention to suitable preparation of employees, carry out trainings on the specifics of the region and pay more attention to a respectful and understanding approach to applicants.

II. Cooperation of the countries of Visegrad Group in visa policy

Visegrad countries have in recent years undergone similar changes and experienced similar processes related, among others, to the entry into the Schengen area. Moreover, three out of four countries are located at the external border of the European Union, so they have to deal with similar problems. It seems therefore crucial to share and exchange experiences.

• Local border traffic agreements

Making use of knowledge and experiences of others is particularly important in the case of the so-called local border traffic. Visegrad countries signed local border traffic agreements in various moments: first Hungary, then Slovakia, and Poland the last. Additionally, the agreements vary. Coordinating the actions for example in the case of Ukraine, neighbouring on Hungary, Slovakia and Poland, could have contributed to an earlier introduction of the rules of local border traffic and its more efficient implementation.

• Ways of managing negative consequences of Schengen area enlargement

Some Visegrad countries undertook actions aimed at alleviating the negative consequences of Schengen enlargement to Eastern neighbourhood states. Examples of such activities are: lowering visa fees for Belarusians and Ukrainians by Poland, or extending office hours of Hungarian consulates. It should be jointly discussed what consequences of such activities are and whether some of them could be introduced in the whole Visegrad Group.

• Exchange of experiences concerning immigrants in labour markets

Visa policy needs to be analysed with regard to labour market issues, in particular the access to it for Belarusians, Moldovans, Ukrainians or Russians. Regulations of Visegrad countries concerning labour market are very varied. It seems now of utmost importance to compare the functioning of mechanisms in individual countries and their connections with visa policies, as well as to carry out a cost/benefit analysis concerning the presence of Eastern Europe citizens.

• Closer cooperation of consular posts

The consular posts of Visegrad group cooperate now under the Schengen scheme, but this cooperation can obviously be made closer. On one hand, the creation of co-locations can be considered, on the other hand, positive solutions also need to be promoted (among others, those described in the point one above). It is important inasmuch as Visegrad countries have the best developed system of consular posts in the countries of Eastern neighbourhood. It will also help to reduce travel distances which increase not only the travel costs but visa application costs as well.

III. Promotion and advocacy of the visa policy liberalisation towards Eastern neighbours at the EU forum

Visegrad countries should take joint positions and common initiatives aimed at the liberalisation of visa system and, finally, the abolishment of visas for citizens of Eastern neighbourhood states. A positive example was a common stand of Poland, Hungary and Slovakia on the changes in the Regulations on the local border traffic agreement (in June 2008), as well as joint Statement of the Visegrad Group Prime Ministers (in November 2008)

on lowering the fees for Schengen visas for Belarusians from 60 EUR to 35 EUR⁸.

The issues to be brought up and supported by Visegrad Group at EU forum in the nearest time include, above all, systemic changes:

- **Support for the creation of roadmaps for visa-free movement**

Roadmaps would contain transparent criteria for individual states to meet for the visa-free movement.

- **Evaluation of Visa Facilitation Agreements**

From the beginning, agreements better corresponded with the situation of the “old” Member States. For Visegrad countries which had less restrictive visa policies, the Visa Facilitation Agreement did not satisfactorily fulfil its aims.

- **Abolishment of visa fees for citizens of selected states**

As results from the analysis of the European Commission, a potential cost of this decision is not so high⁹. At the first place in the short-term perspective lowering visa fees for Belarusians should take place. Visegrad countries declared already their support for lowering visa fees for Belarusians from 60 EUR to 35 EUR. At present, however, concrete actions should be taken in this respect, so that this aim could be achieved.

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⁸ *The Prime Ministers believe that Belarusian society should not be a hostage of Belarusian authority's policy of repression and isolation. Bearing this in mind the Prime Ministers support all efforts to simplify the EU visa regime for Belarus citizens and reduce the Schengen visa fee from EUR 60 to EUR 35. Joint Statement of the Visegrad Group Prime Ministers, Warsaw, 5 November 2008.*

⁹ *Extrapolating from statistics for 2007, assuming that the number of applications does not change, the annual cost of a visa fee waiver for all six partners would amount to some € 75 million in total for all Member States belonging to the Schengen zone. Eastern Partnership, Communication from the commission to the European Parliament and the council, December 2008.*