

Explanatory Note to the draft Agreement on visa-free travel for professional drivers along the TRACECA corridor

Simplification of visa procedures for professional drivers has long been a subject of discussion both in the professional environment and at the level of international platforms and organizations involved in integration processes and the development of international trade and transport. The full implementation of agreements on simplification of visa procedures for professional drivers will certainly significantly facilitate the process of carrying goods across the state borders, speed up international trade and make it less time-consuming and costly. However, on the other hand, countries, based on political or security considerations, are often not interested in weakening control over people moving across their borders and rarely take steps to remove or loosen visa restrictions.

The proposed draft Agreement on visa-free travel for professional drivers along the TRACECA corridor (hereinafter referred to as the Agreement) was developed by the PS IGC TRACECA taking into account the following considerations.

The existence of visa restrictions between some TRACECA countries creates conditions under which professional drivers - citizens of some TRACECA countries, when performing the carriage to certain countries, are in an advantageous position compared to drivers - citizens of other TRACECA countries, both in terms of financial costs and the time required to go through the visa formalities. So, for example, an entry visa to Iran for citizens of Romania, Uzbekistan and Ukraine costs 70 euros, while citizens of Türkiye, Georgia and Azerbaijan do not need a visa to Iran. The current situation is contrary to both the spirit and the letter of the 1998 Basic Multilateral Agreement on International Transport for the Development of the Europe-the Caucasus-Asia Corridor (MLA), the objectives of which, inter alia, are “to facilitate access to the international market of road transport”, as well as “to create equal conditions of competition” in the transport market within the TRACECA corridor (visa requirements between TRACECA countries are given below).

Simplification of visa procedures can be implemented in different forms. At the moment, there are two attempts to introduce a simplified procedure for obtaining visas for professional drivers involved in the international transport of goods or passengers.

Thus, within the framework of the Organization of the Black Sea Economic Cooperation (BSEC) in 2008, an "Agreement on the Simplification of Visa Procedures for Professional Lorry Drivers Nationals of the BSEC member States" was concluded. The simplified procedure for obtaining visas under this agreement is as follows. The parties to the agreement compile national lists of professional drivers, which are transmitted through diplomatic channels to the BSEC Permanent Secretariat, which in turn composes a consolidated list. The consolidated list is then forwarded to all countries participating in the agreement, who continue to follow their usual visa

issuance procedure with the exception that for persons who are on the consolidated list there is no need to provide documents confirming their professional activity. They are issued multiple-entry visas valid for up to 1 year. At the moment, the agreement concerned has not entered into force.

Mutual visa requirements of TRACECA countries¹

Citizens →	Azerbaijan	Armenia	Bulgaria	Georgia	Iran	Kazakhstan	Kyrgyzstan	Moldova	Romania	Tajikistan	Türkiye	Ukraine	Uzbekistan
Country of entry ↓													
Armenia	X	X									Visa required **, **		
Azerbaijan	X	X	Visa required *		Visa required *				Visa required a *				
Bulgaria	Visa required	Visa required	X		Visa required	Visa required	Visa required			Visa required	Visa required		Visa required
Georgia				X									
Iran	- up to 14 days		Visa required *		X	Visa required (* - 30 days)	Visa required (* - 30 days)	Visa required (* - 30 days)	Visa required *	Visa required (* - 30 days)		Visa required (* - 30 days)	Visa required *
Kazakhstan					Visa required	X							
Kyrgyzstan							X						
Moldova					Visa required			X					
Romania	Visa required	Visa required			Visa required	Visa required	Visa required		X	Visa required	Visa required		Visa required
Tajikistan			Visa required **, **		Visa required **, **				Visa required **, **	X			
Türkiye		Visa required *			Visa required						X		
Ukraine					Visa required							X	
Uzbekistan					Visa required *								X

* - *electronic visa*;

** - *issued at the border*.

Another attempt to simplify the procedure for issuing visas to professional drivers is the Additional Protocol to the "Agreement on Simplification of Visa Procedures for Businessmen", concluded within the framework of the Economic Cooperation Organization. The Additional Protocol extended the provisions of the agreement to professional drivers engaged in transit transportation of goods and passengers. According to the procedure established by these documents, the participating states undertake to issue visas to the specified groups of persons based on a letter from the "relevant competent national authorities in commercial affairs"

¹ Based on the information available at the link <https://www.passportindex.org/byRank.php>

approved by the Ministry of Foreign Affairs of the corresponding state. At the moment, the agreement under consideration has also not entered into force.

Simplification of visa procedures is also the subject of regulation at the bilateral level. Thus, the following mechanism for obtaining a visa for drivers carrying goods or passengers is provided for bilateral agreements on visa simplification concluded by Azerbaijan and Belarus: the national associations of carriers of the respective states provide their members - professional drivers - with a cover letter, which is attached to the package of documents required for obtaining a visa, which in the future relieves them of the need to specify the purpose of the trip. Also, according to these agreements, professional drivers involved in the cross-border transportation of goods or passengers belong to the categories of persons who, under certain conditions, can be issued a multiple-entry long-term visa for up to 5 years.

The proposed draft Agreement is a document combining the provisions of the various international agreements discussed above. The draft proposes the abolition of visa restrictions within TRACECA for professional drivers - citizens of the TRACECA states for purposes related to their professional activities. The narrow focus of the Agreement will make it possible to remove issues related to the national security of states that usually impede the promotion of agreements on visa-free regimes. Thus, professional drivers usually cross the border many times, do not belong to risk groups, and their movement across the border is regulated and limited by the system of bilateral and multilateral transport permits. The role of associations or unions of carriers remains, which will provide drivers with a letter certifying their status, which will increase the legitimacy of allowing drivers to enter the country and reduce possible security risks for states.

The Draft Agreement also provides for a mechanism that allows states to retain influence over the visa-free border crossing process in the form of the ability to suspend the Agreement, and also expressly states that the Agreement does not apply to matters falling under the exclusive competence of the national legislation of states, such as grounds for refusing to issue a visa or entry into the country, recognition of foreign travel documents, expulsion, deportation and more.

The PS IGC TRACECA expresses confidence that the proposed draft Agreement, if adopted, will increase the competitiveness of the TRACECA corridor, reduce the costs of drivers and transport companies, save interested parties from unnecessary and time-consuming administrative procedures for obtaining visas, equalize the working environment in the international road transport market for all participants, regardless of their citizenship, but at the same time will allow states to maintain mechanisms for controlling the movement of persons across their state borders and will not create additional risks for their security.