

# Free movement of persons: local border traffic at external borders of the Member States and establishment of a special "L" visa, amending the Schengen Conventions and the Common Consular Instructions

2005/0006(COD) - 09/02/2011 - Follow-up document

This is the second report on the implementation and functioning of the local border traffic (LBT) regime introduced by Regulation (EC) No 1931/2006 of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States.

The 2006 Regulation laying down rules on local border traffic at the external land borders of the Member States allows derogating, for persons living in a border area, from the general rules on border checks set out in the Schengen Borders Code. The aim is to avoid creating barriers to trade, social and cultural interchange or regional cooperation with neighbouring countries. The Regulation authorises Member States to conclude bilateral agreements with neighbouring non-EU countries, provided these agreements fully comply with the parameters set by the Regulation.

In its first report on the functioning of the local border traffic (LBT) regime (see the follow-up document dated 24/07/2009), the Commission stated that more comprehensive information will gradually become available as more and more agreements are implemented in practice. The Commission is ready to submit a new report on the implementation and functioning of the local border traffic regime to the European Parliament and the Council in the second half of 2010.

The Commission asked Member States for information on the application and effects of the local border traffic regime. This second report has been drawn up on the basis of the answers provided by eighteen Member States. Six Member States (NL, IT, CZ, EL, CY and BG) did not reply. However, Member States which do not have external land borders, or which do not intend concluding LBT agreements, made no general comments on the implementation and functioning of the LBT regime.

**Main conclusions:** the Local Border Traffic regime has been in existence for four years, and there are still only four LBT agreements in force that were negotiated under the Regulation. However, three more agreements – between Poland and Belarus, Lithuania and Belarus and Norway and Russia – are expected to enter into force over the next few months. **This shows that the countries concerned consider the regime useful for increasing cross-border trade, social and cultural interchange and regional cooperation.**

From the relatively limited information available, the Commission concludes that the **LBT regime is working well in practice**, since it makes life significantly easier for people living near the external land borders and there is little evidence that the regime is being abused.

The Commission therefore believes that the LBT Regulation strikes the right balance between facilitations and the security concerns of the Schengen area as a whole. **Consequently, the Commission is not considering amending the LBT Regulation either in order to redefine the border area or to require travel medical insurance.** The Commission therefore requests Member States with agreements that do not conform to the Regulation to amend these, in line with the procedure laid down in Article 13 of the

Regulation. If these agreements are not amended, the Commission will be obliged to make use of its powers under the Treaty to ensure consistent and correct implementation of EU law.

**In the specific case of Kaliningrad**, the Commission is in favour of **amending the Local Border Regulation** so that it **covers the entire Kaliningrad district**, subject to a favourable outcome of the discussion between Member States and the European Parliament.