

# **Local border traffic at external borders: inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area**

2011/0199(COD) - 27/07/2011 - Legislative proposal

**PURPOSE:** to amend Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** the Council and the European Parliament adopted in 2006 a Regulation laying down rules on local border traffic at the external land borders of the Member States ("Local Border Traffic Regulation") which allows derogating, for persons living in a border area, from the general rules on border checks set out in the Schengen Borders Code. 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 February 2011, the Commission concluded in a report that the local border traffic regime makes life significantly easier for people living near the external land borders, while at the same time there is little evidence that the regime is being abused. It also stated that given the specific position of Kaliningrad (the Kaliningrad region of Russia with a population of almost one million inhabitants became the only enclave within the EU as a consequence of the 2004 EU enlargement) an amendment of the Local Border Traffic Regulation may be justified.

In order to avoid Kaliningrad's isolation from its immediate neighbours, there is a need to facilitate travel for its inhabitants.

For the Regulation to have real effect in that region, a specific border area on the Polish side should be included in the eligible border area as well, in order to facilitate and enhance economic and cultural interchange between the Kaliningrad oblast on the one hand and major centres in the North of Poland on the other.

This proposal will contribute to further promoting the strategic partnership between the EU and Russia, in line with the priorities set out in the Roadmap of the Common Space on Freedom, Security and Justice regarding cross-border cooperation and shall be considered in the context of the overall EU- Russia relationship.

**IMPACT ASSESSMENT:** no impact assessment was carried out.

**LEGAL BASIS:** Article 77 (2) (b) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** this proposal aims to amend Regulation (EC) No 1931/2006 so that the following areas shall be considered as eligible border area, as defined in the Regulation:

1. Kaliningrad Oblast

2. Polish administrative districts (powiaty) of województwo pomorskie: pucki, m. Gdynia, m. Sopot, m. Gdask, gdaski, nowodworski, malborski

3. Polish administrative districts (powiaty) of województwo warmisko-mazurskie: m. Elblg, elblski, braniewski, lidzbarski, bartoszycki, m. Olsztyn, olsztyski, ktrzyski, mrgowski, wgorzewski, giycki, godapski, olecki. '

**BUDGETARYIMPLICATION:** the proposed amendment has no implications for the EU budget.