

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

2011/0199(COD) - 13/12/2011 - Final act

PURPOSE: to amend [Regulation \(EC\) No 1931/2006](#) in order to include the Kaliningrad oblast and certain Polish administrative districts in the eligible border area.

LEGISLATIVE ACT: [Regulation \(EU\) No 1342/2011 of the European Parliament and of the Council amending Regulation \(EC\) No 1931/2006 as regards the inclusion of the Kaliningrad oblast and certain Polish administrative districts in the eligible border area.](#)

BACKGROUND: Union rules on local border traffic, established by Regulation (EC) No 1931/2006 in force since 2007, have avoided creating barriers to trade, to social and cultural interchange or to regional cooperation with neighbouring countries, while preserving the security of the entire Schengen area.

In particular, the Kaliningrad oblast has an exceptional geographic situation: as a relatively small area completely surrounded by two Member States, it constitutes the only enclave in the European Union. Its shape and the distribution of its population are such that applying the standard rules on the definition of the border area would artificially divide the enclave, whereby some inhabitants would enjoy facilitations for local border traffic while the majority, including the inhabitants of the city of Kaliningrad, would not. In the light of the homogeneous nature of the Kaliningrad oblast, for trade, social and cultural interchange and regional cooperation to be enhanced, a specific exception to Regulation (EC) No 1931/2006 needed to be introduced that would allow the entire Kaliningrad oblast to be considered as a border area.

In addition, a specific border area on the Polish side should also be recognised as an eligible border area, in order for the application of Regulation (EC) No 1931/2006 in that region to have real effect through increased opportunities for trade, social and cultural interchange and regional cooperation between the Kaliningrad oblast on the one hand and major centres in the North of Poland on the other.

CONTENT: following an agreement in first reading, the European Parliament and Council adopted this Regulation which aims to amend Regulation (EC) 1931/2006 so that the following areas are considered as border areas within the meaning of the Regulation :

- Kaliningrad oblast;
- Polish administrative districts (powiaty) of województwo pomorskie: pucki, m. Gdynia, m. Sopot, m. Gdask, gdaski, nowodworski, malborski;
- Polish administrative districts (powiaty) of województwo warmisko-mazurskie: m. Elblg, elblski, braniewski, lidzbarski, bartoszycki, m. Olsztyn, olsztyski, ktrzyski, mrgowski, wgorzewski, giycki, godapski, olecki.

The Regulation states that it contributes to further promoting the strategic partnership between the European Union and the Russian Federation.

**Territorial provisions:** in accordance with the relevant provisions of the Treaty, this Regulation applies to Iceland and Norway since it constitutes a development of the provisions of the Schengen acquis, as well as to Switzerland and Liechtenstein.

Denmark is not taking part in the adoption of this Regulation and shall, in accordance with the Protocol on the position of Denmark, annexed to the Treaty, decide within a period of 6 months whether it will implement it in its national law.

The United Kingdom and Ireland are not taking part in its adoption and are not bound by it or subject to its application.

ENTRY INTO FORCE: 20/01/2012.