

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

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The Commission presented a report on implementation and functioning of 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 and on the bilateral agreement concluded thereof between Poland and the Russian Federation.

To recall, the European Parliament and the Council 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 its second report on the implementation and functioning of the local border traffic that this regime makes life significantly easier for people living near the external land borders, while ensuring at the same time the internal security of the Schengen area. The Commission also stated in the report that given the specific position of Kaliningrad, in order to avoid its isolation from immediate neighbours and facilitate travel for its inhabitants an **amendment of the Local Border Traffic Regulation was justified**. Kaliningrad is a region of the Russian Federation with a population of almost one million inhabitants that became the **only enclave within the EU**. Such amendment would allow the entire Kaliningrad area to be eligible as a border area in a bilateral agreement between a Member State and the Russian Federation.

A specific border area on the Polish side was included in the eligible border area as well, in order to facilitate and enhance cooperation between the Kaliningrad oblast on the one hand and major centres in the North of Poland on the other. This exceptional extension of the border zone in the Kaliningrad area did not affect the general definition of the eligible border area (the 30/50 km zone) or any other rules and conditions set in the Local Border Traffic Regulation to guarantee the security of the entire Schengen area.

Council Regulation 1342/2011/EU of 13 December 2011 amending Regulation 1931/2006/EC entered into force in January 2012. The bilateral agreement between Poland and the Russian Federation entered into force on 27 July 2012.

Main conclusions: given the short time since its entry into force, any assessment on the implementation and functioning of the Agreement can only be limited at this point.

In the absence of reports of abuse and from the available information, the LBT regime in the specific case of Kaliningrad appears to be functioning well, contributing to an increase in the border crossings of people living in the border area.

According to the regional and local authorities in Poland, implementation of the agreement has resulted in an increase in the number of people coming to Poland to shop, for tourism, or for medical and care services while it has had positive effects on the economy of these areas.

This positive assessment of the functioning of the agreement is shared by both parties, as confirmed at the Polish-Russian inter-ministerial review held in Gdansk on 29 November 2012 and stated by the joint mission in July 2013.

The Commission will continue to follow closely the implementation and functioning of the Agreement. To this end, it calls for the collaboration of the Member States and recalls the need to report any abuse promptly.

Meanwhile, the Commission encourages Poland and the Russian Federation to continue its efforts to reduce waiting times at the border while ensuring that all safeguards of the system are fully respected.