Movement of persons: local border traffic, trade interchange and crossing regime at external land borders of the Member States

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PURPOSE : to establish a local border traffic regime at the external land borders of the Member States, and to authorise them to conclude or maintain bilateral agreements with neighbouring third countries for that purpose. CONTENT : The development of the acquis on local border traffic and the need to set common minimum rules has been identified as one of the issues that need to be addressed in order to complete and clarify the Community legal framework on external borders. This issue assumes a particular importance in the perspective of the forthcoming enlargement, since cross-border movements between the future Member States, as well as between the future Member States, on the one side, and their neighbours, on the other side, are very important in number. Efficient rules for local border traffic will promote the development of border regions and facilitate the crossing of the border by border residents, while at the same time taking into account the need to prevent illegal immigration, as well as potential threats to security posed by criminal activities. The Commission has put forward two proposals laying down rules on criteria and conditions for establishing a regime of local border traffic (see CNS030194), and introducing a specific visa for that purpose. The reasons for two proposals are as follows: -unlike the present situation, most of the third countries neighbouring the new EU Member States are countries whose nationals must be in possession of a visa when entering the EU. This is obviously an element that has to be taken into account when envisaging a local border traffic regime at such borders and covering this category of persons. -as a consequence of the two-step implementation procedure of the Schengen acquis, the new Member States will have to apply the full Schengen external border controls regime at all their borders upon accession. This implies that border controls will also remain in place, for some time after accession, between the new Member States and current Schengen States, as well as between the new Member States themselves (so-called "temporary external borders"). This is the reason why the Commission considers it appropriate - until the full implementation of the Schengen acquis by the new Member States, when internal border controls will actually be lifted - to apply the facilitated border crossing regime envisaged for border residents also to such "temporary external borders". Consequently, two instruments are proposed: -a Regulation laying down general rules on the criteria and conditions applicable for establishing a regime of local border traffic at the external land borders of the Member States, and introducing a specific visa for that purpose; -a second Regulation applying the rules laid down in the above instrument to the "temporary external land borders" between Member States (see CNS030194). The main characteristics of the first instrument are as follows: -a definition of 'local border traffic' is given, i.e. the regular crossing of the external land border of a Member State by persons lawfully resident in the border area of a neighbouring third country, in order to stay in the border area of that Member State for a limited period (seven consecutive days maximum and, in any case, for no longer than three months within any half-year period). -for border residents not requiring a visa are concerned, the Regulation deals with the travel documents to cross the border, such as an identity card; -the visa obligation is not waived for border residents requiring a visa. However, a specific visa ("L", from "Local"), is introduced. Such visa would be issued to bona fide border residents who fulfil the prescribed conditions; Such special visa will have the following characteristics: -its territorial validity will be limited to the border area of the issuing Member State. The maximum duration of the stay in that area will be of 7 consecutive days and will not, in any case, exceed three months within any half-year period; -the holder will be entitled to multiple crossings of the border of the issuing Member State. The validity of such visa is between one and five years; -it will have the same security features as the normal short-term visa; -the visa fees could be reduced or waived. The document goes on to deal with the question of a local border traffic regime with neighbouring third countries. While this Regulation sets a Community regime on local border traffic, thus conferring on the Community external competence on this matter, it has been

considered appropriate to delegate to Member States the actual implementation of such regime via bilateral agreements. This Regulation therefore authorises Member States to negotiate bilaterally with their neighbours, the specific arrangements applicable to local border traffic at their common land border, provided that such arrangements comply with and do not affect the provisions established by this Regulation.