Movement of persons: local border traffic, free movement at the temporary external land borders between Member States

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PURPOSE : to establish a local border traffic regime at the temporary external land borders of the Member States. 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 CNS030193), 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 (see CNS030193); -a second Regulation applying the rules laid down in the above instrument to the "temporary external land borders" between Member States. The two-step Schengen implementation procedure implies that "temporary external borders" will remain in place after accession between the new Member States and current Schengen States, as well as between the new Member States themselves. At such borders, the full Schengen external borders regime will have to apply. For this reason, it seemed appropriate to present a Regulation which extends the applicability of the envisaged rules on criteria and conditions for establishing a local border traffic regime to the "temporary external land borders". The application of such rules has been extended, as a matter of principle, only to third country nationals (both those who require a visa and those who do not) lawfully resident in the border area of a Member State. This is because citizens of the EU already enjoy, under Community law, specific rights related to free movement which, generally speaking, go beyond what is foreseen in the present proposals.