

Procedure file

Basic information			
CNS - Consultation procedure Regulation	2003/0026(CNS)	Procedure completed	
Enlargement, Kaliningrad: specific Facilitated Transit Document (FTD), Facilitated Rail Transit Document (FRTD), Common Consular Instructions and Common Manual			
<p>See also 2003/0027(CNS) Amended by 2022/0132A(COD) Amended by 2022/0132B(COD)</p>			
<p>Subject 3.20.02 Rail transport: passengers and freight 6.40.04.02 Relations with Russian Federation 7.10.04 External borders crossing and controls, visas 8.20 Enlargement of the Union</p>			
<p>Geographical area Russian Federation Lithuania</p>			

Key players			
European Parliament	Committee responsible LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	Rapporteur PPE-DE <u>OOSTLANDER Arie M.</u>	Appointed 19/03/2003
	Committee for opinion AFET Foreign Affairs, Human Rights, Common Security, Defense	Rapporteur for opinion The committee decided not to give an opinion.	Appointed The committee decided not to give an opinion.
Council of the European Union	Council configuration <u>General Affairs</u>	Meeting <u>2501</u>	Date 14/04/2003
European Commission	Commission DG <u>Justice and Consumers</u>	Commissioner	

Key events			
05/02/2003	Legislative proposal published	COM(2003)0060	Summary
10/03/2003	Committee referral announced in Parliament		
19/03/2003	Vote in committee		Summary
19/03/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0075/2003	
08/04/2003	Decision by Parliament	T5-0148/2003	Summary

14/04/2003	Act adopted by Council after consultation of Parliament	
14/04/2003	End of procedure in Parliament	
17/04/2003	Final act published in Official Journal	

Technical information

Procedure reference	2003/0026(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	<p>See also 2003/0027(CNS)</p> <p>Amended by 2022/0132A(COD)</p> <p>Amended by 2022/0132B(COD)</p>
Legal basis	EC Treaty (after Amsterdam) EC 062-p2
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal	COM(2003)0060	05/02/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A5-0075/2003	19/03/2003	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0148/2003 OJ C 064 12.03.2004, p. 0026-0194 E	08/04/2003	EP	Summary
Follow-up document	COM(2006)0840	22/12/2006	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

Regulation 2003/693 OJ L 099 17.04.2003, p. 0008-0014 Summary

Enlargement, Kaliningrad: specific Facilitated Transit Document (FTD), Facilitated Rail Transit Document (FRTD), Common Consular Instructions and Common Manual

PURPOSE : to establish a Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) and amend the Common consular Instructions and common Manual. CONTENT : while preparing for the accession of new Member States, the EU is confronted with new situations, especially related to external border crossings in a future enlarged EU. Legalisation is required to avoid problems occurring at the external borders, in particular as regards persons transiting by land between two parts of the same third country via the territory of one or more Member States. This situation will apply in the Russian region of Kalingrad. This kind of entry and return transit does not currently exist in the EU. This proposal establishes the FTD and FRTD and sets out the definition, validity, issuing procedures and conditions for obtaining such documents. - the FTD and FRTD are deemed to be equivalent to transit visas. Two specific travel authorisations for facilitated transit are drawn up in the form of uniform formats corresponding to that used for visas. This will ensure a high standard of protection against counterfeiting; - the FTD may be issued by Member States for facilitated transit by land transport for multiple entries. It will substitute for the normal multiple-entry transit visas for persons who travel frequently and can justify continued use. Member States may issue the FRTD. This will substitute for the normal single-entry visa; - a transit based on the FTD must not exceed 24 hours; - a transit based on the FRTD must not exceed six hours. As the proposed initiatives are developing the Schengen acquis, certain Member States are not taking part in the adoption of the Regulation.?

Enlargement, Kaliningrad: specific Facilitated Transit Document (FTD), Facilitated Rail Transit Document (FRTD), Common Consular Instructions and Common Manual

The European Parliament adopted a resolution drafted by Arie OOSTLANDER (EPP-ED, Netherlands), making a few amendments to the Commission's proposals. (Please refer to the summary dated 19/03/03).?

Enlargement, Kaliningrad: specific Facilitated Transit Document (FTD), Facilitated Rail Transit Document (FRTD), Common Consular Instructions and Common Manual

PURPOSE : to establish a Facilitated Transit document (FTD) and a Facilitated Rail Transit Document (FRTD) for the purpose of facilitated transit, and to amend the Common consular Instructions and the Common Manual. COMMUNITY MEASURE : Council Regulation 693/2003/EC. CONTENT : this Regulation defines facilitated transit as the direct transit by land of a third country national who has to cross the territory of one or more Member State in order to travel between two parts of his own country which are not geographically contiguous. It sets out the conditions, application procedure and issuing procedure for the FTD and the FRTD. Both documents must be issued in uniform formats in accordance with Regulation 694/2003/EC (refer to CNS/2003/0027). The FTD is a specific authorisation allowing for a facilitated transit, which may be issued by Member States for multiple entries by whatever means of land transport. In addition: - it is valid for a maximum of three years. A transit based on the FTD must not exceed 24 hours; - an applicant for an FTD must have valid reasons for frequent travelling between two parts of the country. - the application for an FTD will be presented to the consular authorities of a Member State. If more than one Member State has communicated its decision to use the FTD, the application must be submitted to the Member State of the first entry. When appropriate, the procedure must provide for the submission of documents showing the need for frequent travel, particularly family links or social economic or other motives; - the application is in standard form as set out in the Annex; - the fee for processing the application is EUR 5. The FRTD is a specific authorisation allowing for facilitated transit, which may be issued by Member States for a single entry and return by rail. In addition: - the FRTD is valid for a maximum period of three months. A transit based on the FRTD must not exceed six hours. - regarding the application procedure, a Member State may, as a rule, accept applications transmitted via other authorities or third parties; - the personal data for an FRTD must be supplied on the basis of the Personal Data Sheet set out in the Annex. This Data Sheet may be filled in on board the train before the FRTD is affixed. It must be filled in before entry into the Member State through which the train passes on condition that the basic personal data are sent electronically to the Member State when the railway ticket is bought. The decision on issuing the FRTD must be taken by the competent consular authorities at the latest 24 hours after the electronic transmission. - the FRTD will be issued free of charge. Finally, the Common consular Instructions and Manual are amended, since the FTD and the FRTD have the same value as transit visas.

ENTRY INTO FORCE : 18/04/03.

Enlargement, Kaliningrad: specific Facilitated Transit Document (FTD), Facilitated Rail Transit Document (FRTD), Common Consular Instructions and Common Manual

This document represents the Commission's report on the Facilitated Transit Document/Facilitated Rail Transit Document (FTD/FRTD) system, as required by Article 13 of Regulation 693/2003/EC. The report is based on replies from the Russian Federation and Lithuania to a questionnaire established by the Commission services, which also undertook an in-site examination of the FTD/FRTD scheme in March 2006.

Regulation 693/2003/EC sets out the basic principles for the functioning of the FTD/FRTD scheme and the practical details have been established by a bilateral agreement on the procedure of issuance of FRTDs between the Russian Federation and Lithuania and Regulation N361, adopted by the Russian Federation.

To recall, the FTD is issued to Russian citizens travelling frequently by land from Kaliningrad region to the mainland and vice versa. It allows for multiple-entry transit and can be valid for up to several years. The price of the FTD is fixed at 5 EUR. The FRTD has been created for rail passengers and is valid exclusively for direct transit between Kaliningrad and the Russian mainland for a single return transit (entry-return). The issuing procedure is facilitated and it is given for free. A Russian citizen wishing to travel by train with an international passport should receive an FRTD affixed in his passport. The bearer of Russian internal passports would however receive an FRTD affixed on a separate sheet as set out in Regulation 333/2002/EC. From 1.1.2005 Russian nationals are required to have an international passport to which the FRTD sticker can be affixed. Bearers of an FRTD would not alight in Lithuania and the duration for each transit would be limited in time to 6 hours per transit.

The most popular means of transport from Kaliningrad to mainland Russia and back is train (70%) followed by car (20%) and plane (10%). On average 1.5 million persons travel annually to/from Kaliningrad using all means of transport, a vast number considering that the population of the Oblast is around one million. The FTDs are mainly used by Russian nationals from mainland Russia. The majority of the Kaliningrad Russian citizens travel with FRTDs. However, it is more convenient for them to obtain a Lithuanian visa that grants the possibility not only to travel in transit but also to visit

Lithuania. The procedures to obtain these visas and the FTD are very similar but the FTD has a EUR 5 fee while the Lithuanian visas for the Kaliningrad residents are free of charge. This explains why the number of Lithuanian visas issued to the Kaliningrad residents is two-three times higher than the FTDs. On the other hand, the requirement introduced in April 2005 to have compulsory health insurance in order to receive a Lithuanian visa (this is not required for obtaining an FTD) will also contribute to an increase in the demand for FTDs.

The Commission feels that the system runs smoothly and that no major problems occurred. It was noticed that the FRTDs are not affixed in the Russian passport but always on a separate sheet. With this procedure the FRTD can be thrown away and requested again several times, without filling up the passport. However a disadvantage is that frequent travelling, where an FTD would be more appropriate, is less identifiable. This may happen frequently as the FRTD is easier to obtain (at the station) and it is free of charge whereas the FTD is for multiple trips and should be applied for at the consular office at a cost of 5 EUR. It also explains why the number of issued FTDs is so low.

The Lithuanian and Russian sides have acknowledged the good functioning of the facilitated transit regime. No major problems were noticed, and there were so no delays in delivering FRTDs and FTDs.

However, Russia has said that, since the coming into force of the facilitated transit regime, it has noticed a passenger drop of about 30 %, which leads to a loss of 122 million Roubles for the national train company. Neither Lithuanian nor Russian authorities have clearly defined the reasons for this reported decrease in the number of passengers travelling by trains.

Conclusions: the Commission is pleased that 3 years after its entry into force the facilitated transit system is running smoothly and both partners are satisfied with the implementation. Whilst minor issues could be improved, they mainly relate to bilateral arrangements between Lithuania and Russia. The FTD/FRTD system seems also to fulfil the requirements of the Schengen *acquis* as no illegal immigration under this scheme has been noted.

Therefore the Commission sees no need to change the system. In a long term perspective, the facilitated transit regime would depend on the future development of visa policy arrangements between EU and Russia. The Commission will continue to support the transit scheme financially by the External Borders Fund.

Two points remain to be further examined. However they do not affect the efficiency of the FTD/FRTD scheme as a tool to manage the Kaliningrad transit.

(1) the FRTD is affixed on a separate form and not as required by Regulation 693/2003/EC in the passport of the person travelling. As a consequence it cannot be identified whether the FRTD is used for a single return trips or frequent trips. The correct application would also enhance the requests for FTDs as they can be obtained for multiple trips at the costs of EUR 5.

(2) the question of shortening border control formalities could be discussed further on a bilateral basis if Lithuanian, Russian and Byelorussian authorities are interested. This would be possible without reopening the discussion on the transit scheme or changes to the Regulation. Two possibilities appear feasible:

- to have one stop rather than two stops (one on each side of the border). Border authorities of both countries would carry out their controls simultaneously, or
- to provide for an arrangement where both sides carry out their controls while the train is travelling.