


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2011/0199(COD)	Procedure completed
Local border traffic at external borders: inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area Amending Regulation (EC) No 1931/2006 2005/0006(COD)	
Subject 6.40.04.02 Relations with Russian Federation 7.10.04 External borders crossing and controls, visas	
Geographical area Poland Russian Federation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	Shadow rapporteur	
		S&D SENYSZYN Joanna	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		05/10/2011
		PPE LISEK Krzysztof	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3134	12/12/2011
	Justice and Home Affairs (JHA)	3121	27/10/2011
	Justice and Home Affairs (JHA)	3111	22/09/2011
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	MALMSTRÖM Cecilia	

Key events			
27/07/2011	Legislative proposal published	COM(2011)0461	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading		
22/09/2011	Debate in Council	3111	Summary
27/10/2011	Debate in Council	3121	Summary
23/11/2011	Vote in committee, 1st reading		
24/11/2011	Committee report tabled for plenary, 1st reading	A7-0398/2011	
01/12/2011	Results of vote in Parliament		
01/12/2011	Decision by Parliament, 1st reading	T7-0537/2011	Summary
12/12/2011	Act adopted by Council after Parliament's		

	1st reading		
13/12/2011	Final act signed		
13/12/2011	End of procedure in Parliament		
30/12/2011	Final act published in Official Journal		

Technical information

Procedure reference	2011/0199(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1931/2006 2005/0006(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 077-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/06713

Documentation gateway

Legislative proposal		COM(2011)0461	27/07/2011	EC	Summary
Committee draft report		PE473.966	18/10/2011	EP	
Committee opinion	AFET	PE473.939	18/11/2011	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0398/2011	24/11/2011	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0537/2011	01/12/2011	EP	Summary
Draft final act		00063/2011/LEX	13/12/2011	CSL	
Follow-up document		COM(2014)0074	19/02/2014	EC	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2011/1342](#)
[OJ L 347 30.12.2011, p. 0041](#) Summary

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

PURPOSE: to amend Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the Council and the European Parliament 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 a report that the local border traffic regime makes life significantly easier for people living near the external land borders, while at the same time there is little evidence that the regime is being abused. It also stated that given the specific position of Kaliningrad (the Kaliningrad region of Russia with a population of almost one million inhabitants became the only enclave within the EU as a consequence of the 2004 EU enlargement) an amendment of the Local Border Traffic Regulation may be justified.

In order to avoid Kaliningrad's isolation from its immediate neighbours, there is a need to facilitate travel for its inhabitants.

For the Regulation to have real effect in that region, a specific border area on the Polish side should be included in the eligible border area as well, in order to facilitate and enhance economic and cultural interchange between the Kaliningrad oblast on the one hand and major centres in the North of Poland on the other.

This proposal will contribute to further promoting the strategic partnership between the EU and Russia, in line with the priorities set out in the Roadmap of the Common Space on Freedom, Security and Justice regarding cross-border cooperation and shall be considered in the context of the overall EU- Russia relationship.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 77 (2) (b) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal aims to amend Regulation (EC) No 1931/2006 so that the following areas shall be considered as eligible border area, as defined in the Regulation:

1. Kaliningrad Oblast
2. Polish administrative districts (powiaty) of województwo pomorskie: pucki, m. Gdynia, m. Sopot, m. Gdańsk, gdański, nowodworski, malborski
3. Polish administrative districts (powiaty) of województwo warmińsko-mazurskie: m. Elbląg, elbląski, braniewski, lidzbarski, bartoszycki, m. Olsztyn, olsztyński, kętrzyński, mrągowski, wągorzewski, giżycki, gołdapski, olecki. ?

BUDGETARY IMPLICATION: the proposed amendment has no implications for the EU budget.

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

The committee held a first exchange of views on a proposal to amend the EU rules on local border traffic (LBT). The proposal aims at facilitating border crossings in the Kaliningrad area through the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area. The presidency underlined that the proposed amendment was a specific solution responding to a unique situation which did not constitute a precedent.

The Kaliningrad region of the Russian Federation with a population of almost one million inhabitants became the only enclave within the EU as a consequence of the 2004 EU enlargement.

The original regulation was adopted in 2006 to ensure that the borders between EU Member States and their non-EU neighbours were not barriers to trade, social and cultural interchange or regional cooperation. It enables derogations, 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.

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

The Council adopted a general approach on a proposal to amend the EU rules on local border traffic (LBT). This will allow the start of contacts with the European Parliament.

The Council also adopted a joint declaration of the Council and the Commission which underlines that the solution proposed for the Kaliningrad area does not constitute a precedent for any other regions in relation to the EU local border traffic rules. Finally, the Council took note of a declaration of Poland outlining the measures Poland is taking to provide for a high level of security and transparency.

The proposed amendments aim at facilitating border crossings in the Kaliningrad area through the inclusion of the Kaliningrad area and specified and limited Polish administrative districts in the eligible border area. The Kaliningrad region of the Russian Federation with a population of almost one million inhabitants became the only enclave within the EU as a consequence of the 2004 EU enlargement.

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

The European Parliament adopted by 556 votes to 69, with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area.

Parliament adopted its position at first reading, under the ordinary legislative procedure, taking over the Commission proposal.

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

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. Gdańsk, gdański, nowodworski, malborski;
- Polish administrative districts (powiaty) of województwo warmińsko-mazurskie: m. Elbląg, elbląski, braniewski, lidzbarski, bartoszycki, m. Olsztyn, olsztyński, kętrzyński, mrągowski, wągorzewski, giżycki, gołdapski, 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.

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

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.