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## INTEGRATED BORDER MANAGEMENT ON THE RUSSIAN-EU BORDER: THE KALININGRAD PILOT

With the enlargement of the European Union (EU) in May 2004, the rise of terrorist incidents in the Russian Federation and the EU, and the growing pressure that globalisation has posed, new issues have been placed on the agenda of the Russian and EU authorities involved in areas of border management. The EU Integrated Border Management Strategy – which aims at open and secure borders – is seen in Russia as a potential model to facilitate legal cross-border activities and at the same time to minimise transfrontier criminality.

The economy of the Kaliningrad Oblast – a Russian exclave surrounded by EU member-states – is heavily dependant on unimpeded cross-border traffic. Regarded as a pilot region in EU-Russia co-operation and integration due to its unique geographic location, Kaliningrad could be an ideal site to test the principles of this EU strategy in practice.

This report authored by a professional border guard is an attempt to assess the current border regime on the Russian-Polish border in Kaliningrad and its impacts on the local border communities. Based on the analysis, the paper provides recommendations to relevant Russian and EU authorities and institutes on adjustments needed to bring the border controls closer to the EU Integrated Border Management

Strategy. It also highlights other important areas which need improvement such as combating corruption and promoting employment in the border areas where non-governmental actors and communities could substantially contribute to the efforts of authorities in order to increase their efficiency through an all-inclusive and ‘integrated’ approach.

As such, this report could become a first step towards consolidating the efforts to implement the integrated approach to managing the border Russia shares with the European Union (primarily) as well as with other neighbours and thus to enhance security in the region.

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## EXECUTIVE SUMMARY

The history of the border between Poland and the Russian exclave of Kaliningrad<sup>1</sup> is only 60 years old. However, during its short history, the border has changed in character several times.

Following World War II, the former German territory of “Ostpreussen” (East Prussia) was divided by treaty into a Northern Soviet part and a Polish Southern part with military borderline. The administrative centre of Königsberg was renamed Kaliningrad. Due to militarization of the Soviet region, no public crossing point existed along the border with Poland.

Following the dissolution of the Soviet Union the Kaliningrad Oblast became geographically separated from the rest of the newly independent Russian Federation, and border-crossing points subsequently opened. Since then, the **political, social, and economic conditions** in this **Russian-Polish** border area have developed in divergent ways with Poland following its strategic aims of becoming a member of NATO (March 12, 1999) and the EU (May 1, 2004), and the Kaliningrad Oblast undergoing a complex restructuring from a completely isolated military garrison of the Soviet Union into a free customs zone of the Russian Federation. According to Russia’s Medium-Term Strategy Towards the EU for 2000-2010, since 1999, Russia has regarded the Kaliningrad Oblast as a pilot region for EU-Russian co-operation.

When Poland joined the European Union on May 1, 2004 the border between Poland and Russia in the Kaliningrad Oblast became an EU external border. Poland’s accession to the Schengen Treaty presumably in October 2007 will change the status of the border with Kaliningrad Oblast to an external Schengen border governed by Schengen rules.

As part of Poland’s EU accession process, a **reciprocal visa regime** was established on October 1, 2003, but with a specific non-reciprocal element for Kalinin-

grad: Kaliningrad residents may receive Polish visas free of charge, whereas residents of mainland Russia are required to pay regular consular fees. Polish citizens are required to pay for their Russian visas with the exception of those travelling to the Kaliningrad Oblast.

The **impact of the current visa regime** mainly hits “shuttle-traders” from the Kaliningrad Oblast. Obtaining a Polish visa largely depends on the applicant’s holding a Russian external passport, which can be difficult to obtain. Polish citizens also face certain difficulties in procuring Russian visas: on several occasions the Polish Ministry of Foreign Affairs has voiced its concern about Russia’s tendency to issue express visas and to charge fees for these procedures.

The **impact that the future Schengen visa regime** will bring to the Polish border with Russia in the Kaliningrad Oblast is a much tighter regime. The conditions for issuing Schengen single and multiple entry visas with a maximum total duration of stay up to 90 days over a six-month period (Schengen visa type C) will be tighter than the current Polish visa of the same category.

**Crossing the Russian-Polish border** is currently possible at three road crossing points (with one additional point under construction), two railway crossing points, two river crossing points, five sea crossing points and one air crossing point. Although under active consideration, **joint border checkpoints** have not yet been installed on the Polish land border with Russia.

An attempt to introduce “**green lanes**” did not prove effective due to problems with smugglers.

Different border management strategies on each side of the border between Russia and Poland would make smooth direct cross-border co-operation and joint operations difficult. **The Polish side** implements an EU-orientated border manage-

<sup>1</sup> In this paper “Kaliningrad” refers to the entire Kaliningrad Oblast of the Russian Federation.

ment strategy (EU-IBMS), which integrates all agencies with competence at the border, while the Russian system **in Kaliningrad** is characterised by a low degree of integration and co-operation amongst a great number of different border authorities. These and other differences make the border between Poland and Russia's Kaliningrad Oblast neither open nor secure compared to EU standards.

With the **social and economic differences** between the Kaliningrad Oblast and the adjacent Polish border province growing deeper, some members of the local population aspire to base their livelihood on illegal activities derived from the smuggling of goods, the trafficking of humans, or prostitution.

Generally speaking the main source of border-related problems lies with the differences between the existing political, economic, and social systems in Poland and in Russia.

#### **SUMMARY OF RECOMMENDATIONS RUSSIA (KALININGRAD)**

- Russia should introduce a similar EU "Integrated Border Management Strategy" in the pilot region of the Kaliningrad Oblast.
- Urgent single entry visas should be issued in exceptional cases at all international border-crossing points to the Kaliningrad Oblast.
- Full legal competence to prevent the importation of any hazards to public order and security should be handled to the Rus-

sian Border Guards.

- Prostitution should be placed under strict auspices of the national health administration, and a national AIDS awareness and control program should be launched.

#### **EU (POLAND)**

- The reciprocal visa regime should continue to be implemented after Poland's accession to the Schengen Treaty, so that the people of Kaliningrad will not be left outside the "Fortress of Europe". Schengen visa regulations should exempt legally registered residents of Kaliningrad from the obligatory visa list and the European Commission should use Article 5.2 of the Schengen Implementation Convention as a general solution for all citizens of the Kaliningrad Oblast.

#### **EU (POLAND) AND RUSSIA (KALININGRAD)**

- Joint border checkpoints should be established in all road border-crossing points, following EU best practice and experience.
- Corruption should be eliminated by paying sufficient salaries to civil servants and by reducing opportunities for corruption.
- No payment transactions for border-related services should be made to civil servants in border checkpoints.
- Ombudsmen from Poland and Russia's Kaliningrad Oblast should be permanent members of the Regional Cross-Border Council. Overall, these members should play a more active role.

## BACKGROUND

### DESCRIPTION AND ANALYSIS OF THE BORDER REGION

In 1945 the former German territory of East Prussia was divided between Poland and the Soviet Union. The capital city of Königsberg was renamed Kaliningrad and became the centre of the Soviet border region, closed for foreign citizens for the reasons of security and historical sensitivities associated with this territory. The German inhabitants of East Prussia either escaped in 1945 or were expelled thereafter. Only a small portion of the Polish-speaking population from the southern districts of the territory remained. In the Southern Polish part, the territory was settled by Poles, while citizens from all over the Soviet Union settled in the Northern Soviet part.

Following the dissolution of the Soviet Union the political, social and economic conditions in this Russian-Polish border area have developed in divergent ways with Poland following its strategic aims of becoming a member of NATO (March 12, 1999) and the EU (May 1, 2004), and the Kaliningrad Oblast undergoing a complex restructuring from a completely isolated military garrison of the Soviet Union into a free customs zone of the Russian Federation.

**The Kaliningrad Oblast** is the westernmost region of the Russian Federation. After the dissolution of the Soviet Union in 1991, the Oblast became an exclave separated from Russia's mainland by overland borders ("green" borders) and international seawaters ("blue" borders). At the same time previous restrictions for foreign citizens visiting the region were lifted opening most of it (with the exception of Baltiysk, which hosts the Baltic Navy Commandant) to the rest of the world.

The Kaliningrad Oblast has a population of approximately 940,000 people and a territory of 15,100 km<sup>2</sup>. The land border with Poland is 230 km long. The main residential area is Kaliningrad City with a population of about 416,000. On the whole, 76.5% of the population in the Ka-

lidingrad Oblast lives in urban areas, making it the most densely populated region of Russia with an average of 60 inhabitants per km<sup>2</sup>.

The region is governed by a Regional Government with a Governor as the Head. The candidate is proposed by the Russian President and then approved by the regional legislature, known as the Kaliningrad Regional *Duma*, in line with the administrative reform launched in the Russian Federation in 2004. In 2001, in order to co-ordinate the activity of territorial bodies of the federal authorities, the institution of a "Deputy Plenipotentiary Representative of the President of the Russian Federation in the North-Western Federal District" was established.

In **Poland** the idea of territorial self-government has a long tradition. First the system of territorial self-government authorities ("voivodships") was created. A new administrative structure was established in 1999 to include 16 regions (NUTS II level – "voivodships"), 380 counties ("powiats") and nearly 2,500 communes ("gminas"). On the NUTS III level, there are 45 sub-regions in Poland, which, however, do not constitute administrative units in Poland.



The map shows **Kaliningradskaya Oblast** in the North and the adjacent border areas of **Warmińsko-Mazurskie** region ("voivodship") in the North-East of Poland with sub-regions ("powiats") **Braniewski, Bartoszyński, Kętrzyński, Węgorzewski and Goldapski**.

### VISA REGIME

Since the accession of Poland to the European Union on May 1, 2004 the border with Russia in Kaliningrad has been an EU external border. On October 1, 2003, as a first stage of preparations for the introduction of the Schengen regime – expected in October 2007 – Poland introduced national visas for Russian citizens, including those from Kaliningrad, but with the exceptions for holders of diplomatic passports. Poland originally intended to introduce visas as early as July 1, 2003 (as Lithuania did), but postponed this step for three months so as “not to disrupt the tourism season”. Indeed, Poland does not benefit economically from the introduction of the visa regime for Russian, Ukrainian and Belarusian citizens.

Initially the Polish side offered to the Russian Ministry of Foreign Affairs its “Ukrainian model” of non-reciprocal exchange. If this had been accepted, Polish citizens would have enjoyed visa-free travel to Russia, while Russian citizens would have been able to get Polish visas free of charge. However, the Russian side rejected the offer. As a result of negotiations, a reciprocal visa regime was established, but with a specific non-reciprocal element for Kaliningrad. According to the agreement, Kaliningrad residents may receive Polish visas free of charge, whereas residents of mainland Russia are required to pay regular consular fees. Polish citizens are required to pay for their Russian visas with the ex-

ception of visas issued to visit the Kaliningrad Oblast. However, Russians do not need transit visas to cross Poland on their way to a Schengen state as long as they have valid Schengen visas.

### IMPACT OF THE CURRENT VISA REGIME

**Poland** has been eager to adjust its visa regime with Russia to the Schengen regulations as closely as possible from the beginning of the visa regime in October 2003, even though the new visa regime on the Polish eastern border has a negative impact on the economic development of the relevant border areas as well as on the status of Polish minorities in neighbouring Belarus, Ukraine, and Russia.

Polish consulates issue visas on a regular basis on the day a visa application was submitted or the next day. There is an increasing number of visa refusals or annulations, especially for “shuttle-traders” from the Kaliningrad Oblast.

Although the Polish Consulate General in Kaliningrad upgraded its staff and facilities, the demand for Polish visas is overwhelming. The fact that most visas are issued for half a year, and not for a whole year, is also worrisome to Kaliningraders, especially to those who often require to travel to Poland for personal or business reasons (including “shuttle-traders”).

There are also problems on the **Russian** side. In accordance with the bilateral agreement between Poland and Russia, visas for Polish citizens who want to travel to the Kaliningrad Oblast and vice versa should be free of charge (if issued normally within approximately eight days – or, as Article 9.1 of the agreement reads ‘at least five working days’ for a single-entry visa). In cases of proven emergencies such visas can be issued free of charge within two working days (the so-called “express” visas). However, on several occasions the Polish Ministry of Foreign Affairs voiced its concern about Russia’s tendency to issue express visas and to charge fees for these procedures.



Russian visa for Polish citizens visiting Kaliningrad only.



*Russian visa for third-country citizens.*

This situation was high on the agenda of Polish-Russian consular consultations in July 2005, but it remains unresolved.

Internal Russian problems add to the complexity of the issue. Despite the fact that the visa regime requires applicants to be in the possession of an external passport, only about 55% of Kaliningrad residents currently possess one and the speed of their issuance is inadequate. Russian authorities pay more attention to this problem now than in the past, before the Kaliningrad issue was politicised. Thus, on December 6, 2005 Russian President Vladimir Putin signed the law, which exempts residents of the Kaliningrad Oblast from a state duty for external passports. But the issue is still far from being resolved.



*The current Russian external passport is not a very safe one. The holder's photo is not scanned but glued into the passport and can be exchanged although it is covered by a security foil and a hologram. Therefore the Russian authorities are planning to introduce a new external passport and to replace the internal passport by an ID card.*

In October 2005 President Putin signed a decree on the introduction of a new generation of external passports that shall contain information on the passport holder via electronic carriers. The new Russian external passport – to be introduced starting January 1, 2006 – will hardly differ from the passports currently in use. The only difference is that the front page will be made of plastic and will be slightly thicker. This page will bear passport data and a picture of the passport holder, while the electronic chip within this page will – at this stage – duplicate graphic passport data and contain a digital photo of the passport holder.

Even though the immediate visa problems have been solved, it is still too early to say that the new regime will provide a satisfactory basis for ensuring that a “Europe without borders” does not turn into a “Fortress Europe”.

#### **IMPACT OF THE EXPECTED INTRODUCTION OF SCHENGEN VISA REGIME**

By October 2007, Poland (and other new EU member-states) will most likely achieve Schengen maturity and subsequently join the Schengen Treaty. Thus, the current Polish visa regime will be replaced with the Schengen regulation as outlined in the “Schengen Implementation Convention” and the “Schengen Consular Instructions”.

The conditions for third-country citizens to enter the Schengen community are laid down in Article 5 of the “Schengen Implementation Convention”:

“For stays not exceeding three months per six-month period, the entry conditions for third-country nationals are the following:

- a) they are in possession of a valid travel document or documents authorising them to cross the border;
- b) they are in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001, except when they are holding a valid residence permit as defined in Article 2, point 15;
- c) they justify the purpose and condi-



Despite some reservations about joint border checkpoints, mainly at the Russian Border Guards working level, steps have been taken to streamline border-crossing procedures such as:

- introducing joint control procedures,
- differentiating between the operational processing and the paper work with the objective to reduce the responsibility of border-crossings to control procedures only and thus to ensure faster and more effective border crossing, and
- joining the European electronic customs network.

**The impact of the forms of border management is** on the communities in the adjacent border areas of the Kaliningrad Oblast and neighbouring Polish provinces: lawful “shuttle-traders” lose a lot of time with double border controls. Therefore, those time-consuming border-controls have a hampering effect on the socio-economic development of the border areas.

“**Green lanes**” were opened up on July 1, 2005 for facilitated border crossings in road border checkpoints both on the Polish and on the Russian sides for three days. Because of abuse by smugglers the “green lanes” were closed by the Russian authorities on July 3, 2005, right after the celebrations of Kaliningrad’s 750<sup>th</sup> anniversary

were finished. Travellers who have nothing to declare to customs could use those “green lanes”. Others had to use the clearly marked “red lanes”. However, on the Russian side those “green” and “red” control lanes were for pedestrians only and not for cars.

The Russian authorities reached an agreement with Poland to hold an additional “green lane” experiment from November 15, 2005 to January 1, 2006, after which a final decision will be taken as to the expediency of “green lanes” on the Russian-Polish border.

**Impact:** From the very beginning a set of problems has emerged:

- queues are not structured before the border checkpoint;
- smugglers use the “green lanes”;
- customs check more strictly than before;
- different regulations exist for “green” and “red” lanes in Russia and in Poland.

Judging from target inspections, about 15% of the travellers who used the “green lanes” were smugglers.

## **COMPLAINTS AND OMBUDSMEN ACTIVITIES**

**Complaints** about border controls are dealt with by an **Ombudsman** on the Polish side and an **Ombudswoman** in Kaliningrad. Most complaints are about the



*The largest border-crossing point is Bezledy on the Polish side and **Bagrationovsk** on the Russian side.*



*Example:* About 7 km before the Russian border checkpoint Bagrationovsk there is a “waiting place”, where drivers can buy tickets for shorter waiting times in the border checkpoint.

misbehaviour of customs and border guards officers or about bad infrastructure at the checkpoints. It should be noted that both Ombudspersons paid joint visits to the Russian-Polish border-crossing checkpoints.

**Forced parking and subsequent bribery** on the Kaliningrad side is another frequent subject of complaints.

Depending on the amount of payment waiting times are shorter or longer. The amount of payment also depends on the type of vehicle (motor car or truck). Direct access to the checkpoint costs 100 Euro.

It should also be noted, however, that similar bribes are also paid on the Polish side to reduce the waiting time on the way from Poland to Kaliningrad.

## CURRENT BORDER REGIME AND ITS IMPACT ON SECURITY

### BORDER MANAGEMENT

Different border management strategies are in place on each side of the 230 km long border between Russia and Poland, which would make joint operations, such as joint border checkpoints or joint patrols difficult.

**On the Polish side** an EU orientated integrated border management strategy is being implemented, which integrates all agencies with competence at the border. **Polish Border Guards** are already a fully-fledged EU style border police force, and will be able to meet Schengen standards after Poland's expected accession to the Schengen Treaty in October 2007.

Similar to the best European practice (e.g. German Federal Border Police) the Polish Border Guards have the **legal competence** and an organisational structure which integrated all border-related tasks in each border sector into one Border Guards operational unit. For example, the Warminko-Mazurski Branch (Unit) of the Polish Border Guards (*Warminko-Mazurski Oddzial Strazy Granicznej*), with its headquarters in Ketrzyn, is in charge of border control in the checkpoint Bezledy, surveillance of 18 km "green" border adjacent to the border-crossing point, and control of a cross-border cargo railway Bagrationovsk-Glomno. The personnel has been trained for multi-functional deployment, which makes it possible to shift the tactical main effort according to the actual needs that may arise in changing situations. This integrated implementation of border security provides the Polish Border Guards with a high degree of flexibility, efficiency and synergistic effects. Since the Polish Border Guards have full legal competence to prevent the import of any hazards to public safety, security and public order, they also perform technical car safety checks by spe-

cially trained border guard officers at the entrance to Poland. If a vehicle has deficiencies (e.g. no effective breaks, insufficient profile on tires, overloaded, etc.) it will be refused entry into Poland. Thus, 5,000 to 6,000 vehicles are returned in the border checkpoint Bezledy annually.

**Equipment** of the Polish Border Guards, strongly supported by EU funds<sup>2</sup>, meets the highest levels of technological innovation. Polish Border Guards use stationary radiation detectors in major border checkpoints and handheld detectors for mobile deployment. Carbon dioxide probes, x-ray gates, and heart beat detectors are used to search trucks and containers for hidden illegal migrants. The electronic data system is up to date and may be connected to the Schengen Information System whenever it is appropriate. For the surveillance of the "green" border the Polish Border Guards use the latest thermo vision devices, which are handheld or mounted on automobiles.

**Inter-agency co-operation** among the Polish Border Guards and Customs is very close. In border checkpoints these two agencies work hand-in-hand thus creating a one-stop control at least in their control sites. Sophisticated equipment – such as radiation detectors and x-ray devices – is commonly used by both border agencies.

When foreigners who are leaving Poland are found to have committed a non-capital crime or minor legal offence a Public Prosecutor will decide on a "security payment", which is an advance payment for a fine after the case has been dealt with in court.

**Cross-border co-operation** in border-crossing points is based upon daily meetings at the working level. On the governmental level there has been an ongoing dialogue on border issues between Poland

<sup>2</sup> In October 2005 Polish Border Guards Headquarters estimated average annual EU funding for this purpose in the period from 2003 to 2005 at 17.8% of the total respective budget.

and Russia/Kaliningrad for many years. The latest meeting on visa issues took place on July 20-21, 2005.

**Leadership management** of both Border Guards and Polish Customs is characterised by a delegation of tasks, decision-making competences and responsibilities. For example, upon justified suspicion that illegal migrants are hidden in a sealed truck or container any Border Guard shift leader may ask the Customs shift leader to break a customs seal. The Customs shift leader has the authority to break the seal and open the truck or container to allow the Border Guards to search the interior.

**Visas** may be issued by the Polish Border Guards in exceptional (emergency, humanitarian) cases at the border. Either the acting commandant (during regular working hours of the border checkpoint) or the shift leader (outside regular working hours) makes the decision.

**Payments** to civil servants are reduced to a minimum in Polish border checkpoints in order to curb the risk of corruption. All payments have to be made in a single pay-point under the authority of the Ministry of Finance. In the near future, when entering border checkpoints, truck drivers will receive smart cards instead of paper control slips to register all performed controls and due fees.

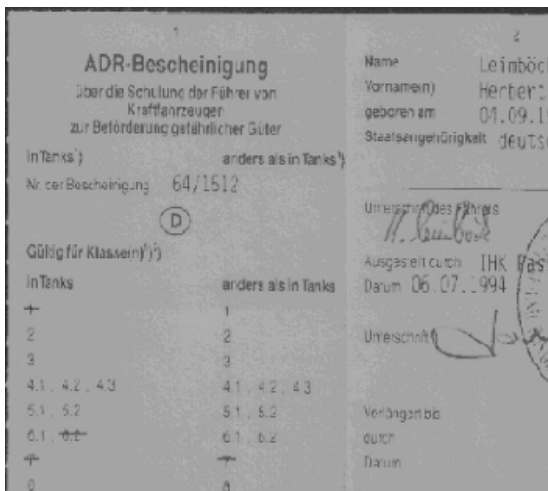
Local politicians and inhabitants report **positive impacts** on the border area. The presence of such a modern and democratic security force with its high reputation gives the local population in the border area a feeling of security. Cases of robberies and house-breakings have decreased considerably. The local population in the border area is increasingly co-operating with the Border Guards because its members have learned that if Border Guards are informed of all suspicious activity, most criminal acts against the local population can be prevented.

This successful co-operation with the Border Guards is also favourable for improving "Community Policing", a system, in which police and people in a community

co-operate in the field of public order and security. Community Policing aims at preventing and reducing criminality thereby increasing security among the local population, strengthening good relations between the police and the population, and ultimately improving the quality of life in the community.

**On the Russian side** of the border in **Kaliningrad** the border management system is very different from the Polish integrated border management system (EU-IBMS). The Russian system is characterised by a low degree of integration and co-operation amongst a great number of different border authorities. For various reasons border agencies are keen on not sharing too much information. Currently, road crossing points are administered by the Federal Customs Service, while sea and railway border checkpoints are administered by various other agencies. A reform, planned in Russia, will aim to establish a unique agency, which will be in charge of construction and administration of all border-crossing points. Additionally, a "Law on amending some legal regulations of the Russian Federation to improve state control at the border crossings on the Russian Federation state border" is being drafted to reduce the number of state control authorities involved directly at the Russian Federation border-crossing points down to two agencies: Border Guards and Customs.

**Russian Border Guards** are a "circumcised" border police force because they only have limited legal competences to prevent the import of hazards to public order and security. Therefore, as an example, they do not prevent unsafe vehicles (which may have non-functioning brakes, insufficient profile on tires, or which may be overloaded) or incapable drivers (tired or drunk) from entering the Kaliningrad Oblast. Furthermore, they do not check ADR documents for cross-border transport of hazardous goods. All this is supposed to be the task of the Customs or the Transport and Traffic Police.



**ADR Certificate for transport of hazardous goods**, which is an international document that is obligatory for all drivers of transports of hazardous goods, is not checked by the Russian Border Guards at the entrance of road border-crossing points. The Guards are of the opinion that this is the duty of the Transport and Traffic Police inside the country (Kaliningrad Oblast).

Only at the Bagrationovsk border checkpoint is there a technical control site, which is operated by the Russian Transport Police. However, not all trucks are checked there, even those that are clearly transporting hazardous materials.

**Co-operation** between Russian Border Guards and Customs does not take place directly at the basic operational level, because the Customs' control booth is separated from the Border Guards' control booth. Nor do they share sophisticated equipment (radiation detectors, x-ray devices and computer systems). Thus at this stage a one-stop control is not possible at Russian border checkpoints.

However, it should be noted that the Russian Border Guards are open to co-operation and can be flexible in their approach. For example, the German Consul in Kaliningrad is satisfied with the co-operation between the Russian Border Guards and the German Consulate. When German tourists crossed the border by mistake the Consul was summoned by the Russian Bor-

der Guards and all cases were solved in a flexible way.

**Language skills** of the Russian Customs and Border Guards personnel are improved by language courses in large groups. Language skills are rewarded by special allowances of up to 20% depending on the efficiency level of the foreign language.

**Registration of all persons crossing the border** by entering their personal data and photo from their passports into an electronic data system is time-consuming and distracts control officers from checking travel documents for signs of forgeries or falsifications. The benefit for crime prevention or prosecution is only small. The disadvantages of such procedures prevail because they weaken border security and extend control times, resulting in neither open nor secure borders.

**Short-term visas** may be issued for citizens of the Schengen states, the United



**Example:** the driver of this tank vehicle transporting liquid tar (stuff number 1999) forgot to remove the second UN number plate (stuff number 1203). Such a designation of hazardous goods is not only against international rules but also against Russian law. However, the border police neither recognised nor interfered when this vehicle entered the Kaliningrad Oblast.

Kingdom and Japan as exceptional urgent single entry-exit visas (with a duration of the stay of up to 14 days) at the price of the equivalent of 150 USD in Russian Roubles at the Russian-Polish border crossing points, Mamonovo and Bagrationovsk. No exceptional urgent single entry-exit visas are issued at the Kaliningrad airport, not even the Border Guard Commander of the Kaliningrad Oblast is entitled to make an exception.

**“Green” border surveillance** is very efficient because the “old” technical border security system with barbed wire fences, observation towers, electronic alarms, ploughed control stripes and dog patrols is still in place. The open and flat terrain in the border area is rather unfavourable for illegal border crossings. Only a few cases of illegal border crossings have been registered during the past years, in some cases they even occurred by mistake (e.g. lost hikers).

**Illegal migration** is not a subject of great concern for the Russian side as illegal migration from Poland into the Kaliningrad Oblast is very unlikely. However, a few cases show that the Russian exclave of Kaliningrad is a transit area for East-West migration. Russian citizens and third-country nationals who are visa-free in Russia can travel without a visa to Kaliningrad. As soon as they are registered as residents of the Oblast they are entitled to obtain facilitated travel documents to the neighbouring EU member-states.

In 2004 Russian Border Guards arrested 42 illegal migrants on the “green” border with Poland and three illegal migrants in the border checkpoint Bagrationovsk. In all cases the migrants used local facilitators.

**No re-admission agreement** has been signed between Russia and Poland/EU up to now, which partly accounts for the European Commission’s unwillingness to grant a more liberal visa regime to Russian citizens in general and residents of the Ka-

lningrad Oblast in particular. However, at the 16<sup>th</sup> EU-Russia Summit (held in London on October 4, 2005) the European Union and Russia decided that they would sign an agreement on the return of illegal migrants, which came to the EU from Russia. The EU in its turn promises to make visa application to 11 of its 25 member-states easier for Russian “students, scientists, politicians, diplomats and also business people.”<sup>3</sup> It is expected that both agreements will be ratified and will come into force before the end of 2006.

**Secessionist tendencies** in this border region, which are perceived as a threat to Russia’s sovereignty at the federal level and as such affect the border regime, seem to be non-existent in Kaliningrad. The campaign of re-naming Kaliningrad, which is popular among certain groups of the regional community, reflects rather their strive for restoring historical place names.



**Koenigsberg** stickers are frequently added to Russian car license plates. The car owner may just want to show that he comes from that old historic town, which was called Koenigsberg for almost 700 years.

**Terrorist activities** have not occurred in Kaliningrad. And because there are neither attractive nor profitable targets, cross-border terrorist activities are extremely unlikely<sup>4</sup>.

**Other threats to security** – namely, AIDS and prostitution – are dealt with in the section “Socio-Economic Impacts of the Current Border Regime”.

<sup>3</sup> Joint Press Conference with British Prime Minister Anthony Blair, President of the European Commission Jose Manuel Barroso and European Union High representative for the Common Foreign and Security Policy Javier Solana Following the Russian-EU Summit

([http://www.kremlin.ru/eng/text/speeches/2005/10/04/2211\\_type82914type82915\\_94933.shtml](http://www.kremlin.ru/eng/text/speeches/2005/10/04/2211_type82914type82915_94933.shtml))

<sup>4</sup> The definition of “terrorism” is much wider in Russia than in the EU.

## SOCIO-ECONOMIC IMPACTS OF THE CURRENT BORDER REGIME

**Socio-economic differences** between the Kaliningrad Oblast and the adjacent Polish border provinces are growing deeper. Although the gross regional product (GRP) in the Kaliningrad Oblast is growing faster than the gross national product (GNP) in Poland (compare data for 2004: 12% GRP growth estimated by Department of Statistics of the Kaliningrad Oblast as against 5.4% GNP growth in Poland reported by the Polish Main Department of Statistics, which is even lower for the border areas adjacent to Kaliningrad), Polish border areas are much better developed due to substantial investment, coming primarily from EU structural funds. Wages, social benefits, and prices are increasing faster in Poland than in the Kaliningrad Oblast. However, there are still high unemployment rates in the Polish border areas (the Main Department of Statistics of the Republic of Poland estimated average unemployment rate at 27.5% in Warminko-Mazurskie province and reaching up to 35% in border communities - *gminas*) and in Kaliningrad border municipalities. Although according to the official data of the Department of Statistics of the Kaliningrad Oblast the unemployment rate in Kaliningrad is quite low (as of September 2005 the average for the Kaliningrad Oblast was 2%, or 6.2% - if calculated in accordance with International Labour Organisation methodology - while the same rate in border municipalities ranged from 1% in Bagratinovsk Municipality to 9.4% in Ozersk Municipality), experts estimate unemployment rate in Kaliningrad areas that share a border with Lithuania and Poland at 40% to 80% of the economically active population.<sup>5</sup>

These **social and economic difficulties** in the border areas account for an “aspiration” of the local population to base their living on illegal activities, such as the smuggling of goods, the trafficking of humans, or prostitution.

**Smuggling** across the Russian-Polish border in Kaliningrad is not only an illegal phenomenon but also a social and economic issue. Many products, which are smuggled into Poland, have been produced in the Kaliningrad Oblast. Since prices for cigarettes, gasoline, and alcoholic beverages are approximately twice as high in Poland as in the Kaliningrad Oblast the profit rate of 100% makes smuggling these goods extremely attractive. Smuggling raw amber out of the Kaliningrad Oblast for further processing is even more profitable. Although it is strictly forbidden to take out more than 50 grams of raw amber, 80% of the whole raw amber production of the Kaliningrad Oblast vanishes on the “black” market.

Taking into account that the Polish Customs has the legal power not only to impose fines and confiscate the contraband, but also to confiscate the vehicle if smuggled goods are hidden in cars, smugglers minimise their financial risk by using cheap old cars.

### IMPACT OF THE VISA REGIME ON SMUGGLING

Since the introduction of the Polish visa regime with Russia on October 1, 2003 the number of Russian smugglers dropped tremendously, because they were afraid of being put on the Polish “visa blacklist”. Today it is estimated that 70-80% of the smugglers are of Polish nationality.

When Poland annulated or refused long-term visas for notorious Russian smugglers in July 2005 the local ‘shuttle trading community’ responded with a strong protest, while the Kaliningrad Regional Administration voiced its concern over the situation. However, the Polish Ministry of Foreign Affairs points out that the amount of annulated visas was only 0.14% out of all visas issued to Russian citizens from Kaliningrad, and only 400 visas were refused or

<sup>5</sup> Research Report “Border in the Life of Small Towns of the Kaliningrad Region”, Kaliningrad Sociology Centre, 2003.

annulled out of 77,000 applications and granted visas. Furthermore, in order to settle the growing concerns, to clarify the situation and to dismiss allegations of discrimination practiced by the Polish border agencies, in October 2005 the Consulate General of the Republic of Poland in Kaliningrad publicised border-crossing and penalty statistics for this section of the Polish border as well as information on lodging complaints against violations by the Polish Border Guards and Customs officers.<sup>6</sup>

For unemployed poor people on either side of the border, **smuggling** has a **“positive” impact**, as it is often the only means of income for their families to survive. With unemployment reaching up to 35% in Polish border communities adjacent to Kaliningrad<sup>7</sup>, Polish Customs seem to tolerate smuggling to a certain extent.

At the same time, **the negative impact of smuggling** is the loss of taxes and revenues for the Polish state budget, as well as thriving bribery, corruption and criminality in Russia. A social negative aspect of smuggling is of no less importance: smugglers often make a good living and soon realise that smuggling is easier than a legal work, which they are no longer interested in performing.

**Duty-free amounts** of merchandise for personal use to be imported into the Poland are defined by EU customs regulations. Among the local population there is a widespread habit to import at least duty free amounts of merchandise goods from “cheap” Kaliningrad into “expensive” Poland by “shuttle-traders” who sometimes shuttle several times a day. Both Polish and Kaliningrad “shuttle-traders” benefit from the visa regime with free visas for mostly half a year.

**Cigarettes** are very easy to smuggle, because they are not heavy and are easy to hide. Besides smuggling there are free amounts of 200 cigarettes, or 100 cigarillos,

or 50 cigars, or 250 grams of tobacco, which are exempted from import tax into Poland. “Shuttle-traders” at least import those legal amounts during their daily tours, but mostly carry additional amounts hidden in their cars, their clothes, or other hiding places.



*This Polish female “shuttle-trader” is preparing her car while queuing up shortly before the Russian checkpoint of Bagrationovsk by hiding cigarette boxes in hollows and cavities of her car, e.g. behind the dashboard, inside the panelling of the doors, under the hood of the gear box, inside the backrest and the seats or even in her underwear.*

Although Polish customs officers seem to tolerate a certain “surplus” of cigarettes they confiscate large amounts of illegal cigarettes and face another problem: what



*The customs storehouse in Olsztyn (with a monthly rent of 4,000 Euro) is almost full of confiscated cigarettes and alcoholic beverages (mostly Vodka).*

<sup>6</sup> More detail in Russian can be found on the website of the Consulate General of the Republic of Poland in Kaliningrad at [www.polkon-kaliningrad.ru](http://www.polkon-kaliningrad.ru).

<sup>7</sup> For more detail on statistics, please see p. 15 above.

should be done after the confiscation, as they have no legal grounds to destroy the cigarettes. Currently the Customs Agency rents four storehouses in the border area adjacent to the Kaliningrad Oblast for huge amounts of confiscated cigarettes. The monthly rent is 4,000 Euro.

A part of the seized cigarettes are even officially resold to Moldova and Ukraine, thus making a good contribution to the Polish national budget.

Huge amounts of smuggled cigarettes derive from surplus production of Western companies such as British American Tobac-

co (BAT) and Philip Morris, which allegedly partly produce for the “black” market. This surplus production is exported legally to eastern European countries, including Russia, and re-imported illegally to the European Union.

The **impact of cigarette smuggling** is not so harmful to **local** Polish shops, because the quality of cigarettes from Kaliningrad is mostly low, and many local smokers do not like the taste. However, it is easy to sell them to tourists in hotels.

**Gasoline** smuggling from Kaliningrad to the Polish border regions is also very profitable, because the price difference between Kaliningrad and Poland is approximately 100% with an average price of 16 Roubles (approximately 0.47 Euro) per litre of regular 95 octane and 18 Roubles (approximately 0.53 Euro) per litre for premium 98 octane.

**The impact of gasoline smuggling** upon Polish gas stations in the border regions is not so serious because the local population knows about the sometimes bad quality of the smuggled gasoline and normally do not use it in new cars, because it might ruin the engine.

**Alcohol** smuggling of mainly Vodka, from Russia to Poland is also very popular. Well-known brands are often imitated and are sometimes very dangerous because they



Besides imported cigarettes from overproduction for the “black” market, cigarettes are also produced in the Kaliningrad Oblast. In order to make them attractive for the “black” market in Poland they are given fancy names that are familiar to the Polish customers. Example: **EB** is a well-known Polish **brewery**, which brews popular beer, but has never produced cigarettes. However, the brand name is used for Russian cigarettes, which sell better in Poland because of the popular brand.



**Gasoline** is smuggled from the Kaliningrad Oblast to Poland in regular car tanks, while the car is powered from a liquid gas tank (photo: left side of the boot). In order to load a maximum of gasoline the car is lifted with a jack.

contain ethylene alcohol. Fatal cases have been reported when consumers died from drinking ethylene alcohol.



***Confiscated alcohol** is stored in huge quantities in rented customs storehouses. Chemical tests have revealed that many of those illegal beverages contain ethylene alcohol, which is extremely harmful to human health or even fatal.*

**Prostitution** has a cross-border dimension in social and security terms. Prostitutes offer their services publicly along the main transit routes in Kaliningrad's border areas, although according to official announcements prostitution does not exist in Russia. Therefore, prostitutes are neither registered nor medically supervised by governmental health services. Their price of 10-20 Euro per service is quite low for EU customers but profitable for the Kaliningrad prostitutes.

**The HIV-infection rate** is very high with 4,000 cases officially registered in the Kaliningrad Oblast. However, medical experts estimate the HIV-infection rate to be 6-8 times higher.

The Polish National AIDS Centre "*Krajowe Centrum do Spraw AIDS*" has launched various programs to fight spreading of AIDS.

Most customers of the sex workers in the Kaliningrad Oblast come from the Polish border regions. With AIDS currently spreading without limits in Eastern Europe including Russia **a large-scale "import" of AIDS into Polish border regions and further into the European Union seems to be a realistic threat. Additional research is needed as part of other activities to tackle the issue.**

## CONCLUSIONS

Generally speaking the main source of border-related problems lies with the differences of the political, economic, and social systems in Poland and in Russia. Although it is unanimously agreed that solutions for solving those problems must be found a certain unwillingness to achieve fast results can be recognised, mainly by the official Russian side.

The following conclusions may be drawn based upon the analysis presented in this paper:

### **DIVERGENT BORDER MANAGEMENT SYSTEMS (BMS)**

The Polish and the Russian border management systems seem to be very different and in need of a number of measures in order to allow smooth direct cross-border co-operation. This refers to all important elements of a modern BMS, such as:

#### **• Compatibility of legislation**

While Polish border-related legislation follows the EU *Acquis Communautaire* Russian legislation is based upon a border philosophy, which only aims at security. Open and secure borders cannot be achieved with the current Russian border legislation. Furthermore, the legal competencies and powers of the Russian Border Guards are very limited in comparison to the Polish Border Guards.

It will be extremely difficult to adjust Russian border-related legislation to the EU *Acquis Communautaire* or vice versa.

#### **• Border security of different quality**

On the **Polish** side border security has reached a high level and meets almost all EU / Schengen standards, both in land border checkpoints and along the “green” border.

The **Russian** border security system from the Soviet era makes borders neither open nor secure, compared to EU standards. Deficiencies can be recognised in land border checkpoints, while “green” border se-

curity seems to be efficient.

#### **• Leadership management systems follow different philosophies**

The **Polish** Customs and Border Guards have introduced the leadership system by delegation of tasks, authorities, and responsibilities down to the lowest possible working level, which enables local commanders to make fast and competent decisions.

The **Russian** Customs and Border Guards follow an authoritarian leadership system with only very limited rights for decision-making on the working level, which makes those border agencies inflexible because of long and time-consuming command and control channels.

#### **• Co-operation of different quality**

On the **Polish** side the operational integration of all border-related tasks in the Polish Border Guards is an ideal form of inter-agency co-operation. Combined with multi-functional training and full interchangeability of personnel, co-operation between border checkpoints, “green” border units, railway police and airport security units is perfect. Merging four different police forces into one single force changed inter-agency co-operation into intra-agency co-operation with high efficiency and synergetic effects.

In **Kaliningrad** inter-agency co-operation is not only hampered by organisational or infrastructural obstacles but also by rivalries, mistrust, and personal interests. Therefore information exchange among Russian border agencies only takes place at a very limited level, with the result of low synergetic effects.

### **VISA REGIME**

Reciprocal visa regime has a model character. Residents of the Kaliningrad Oblast and the Polish border areas are quite satisfied with the reciprocal visa regime,

because they can obtain long-term visas for half a year or even longer and they do not have to pay for their visas if they use them for travelling to the respective area only.

If the reciprocal visa regime cannot be implemented after Poland's accession to the Schengen Treaty the people of Kaliningrad will be left outside of the "Fortress of Europe".

#### **LITTLE PROGRESS WITH JOINT BORDER CHECKPOINTS IN RUSSIA**

The sector "Joint Border Crossing Points" in the "Regional Cross-Border Council" with representatives from Poland and Russia, including the Kaliningrad Oblast have elaborated recommendations for joint border checkpoints. Those draft recommendations have been circulating in Russian government institutions for three years now. The EU has already allocated 13.5 Euro million for joint Polish-Russian border checkpoints in the Kaliningrad Oblast. However, Russia has not yet finished its annual TACIS project, resulting in further delays for opening up joint border checkpoints on the Polish border with Russia. Mamonovo II is planned to be the first of these.

These delays can be partly accounted for by **Russia's lacking experience** with joint border checkpoints, while Polish Customs and Border Guards have already had a long and intensive relevant practical experience on the Polish border with Germany.

#### **SMUGGLING AS A SOCIAL AND ECONOMIC NECESSITY**

The smuggling of cigarettes, alcohol, gasoline, and amber is profitable and for a lot of poor people in the border areas in either country is an important means of income for their families to survive. A certain tolerance of Polish Customs authorities is understandable and self-explanatory.

If not addressed properly, this situation can get worse: if it is so easy to smug-

gle these items smugglers may be smuggling drugs, which are much more profitable.

It should also be noted, that this problem is difficult to handle due to different legal regulations: in most cases (apart from amber) smuggling is not an offence against Russian legislation and therefore Russian border authorities can do nothing to combat or curb it.

Nothing can be said about smuggling of small arms and light weapons (SALW) and human organs.

#### **CORRUPTION UNAVOIDABLE?**

Salaries for low-ranking civil servants are indecently small and do not keep up with rising living costs, mainly on the Russian side but also in Poland. Russian border guards are even paid a lower salary than their colleagues from Customs, although they have equivalent ranks. In addition to moral obligations towards their country each civil servant has material obligations towards their families. Insufficient salaries and basic financial needs of their families are the main reasons for "survival" corruption, which may be understandable but of course not tolerable. However, there also exists "greed" corruption, which is neither understandable nor tolerable and should be tackled.

#### **"GREEN" LANES PRE-MATURE**

Because of double prices in Poland for cigarettes, alcohol, and gasoline, smuggling from the Kaliningrad Oblast to Poland is highly profitable and therefore very tempting. Completely different legislative and economic systems in both countries made the introduction of "green lanes" in border crossing points on the Russian-Polish border pre-mature. "Green" lanes only make sense when the ratio of misuse by smugglers is neglectable.

#### **ROLE OF THE OMBUDSMAN INSTITUTION**

The Polish **Ombudsman** and the Russian (Kaliningrad) **Ombudswoman** who

deal with complaints about border controls are useful institutions for watching civil rights and for promoting democracy.

However, additional efforts are needed to make their co-operation more regular and to increase their effectiveness as some of the issues that have been raised have yet to be settled (for example, forced parking sites and the lack of facilities for drivers in the border areas).

**AIDS “IMPORT”  
NOT YET RECOGNISED**

Since no survey about the “import” of AIDS has been made no records or statistical data exist about the scope of the spreading of AIDS in this region. The threatening “import” of AIDS simply has not yet been officially recognised.

On the Russian side prostitution is regarded as a nuisance. Awareness of a serious threat to public health is low.

Western AIDS campaigns like “Don’t give AIDS a chance!” are regarded as a typical (decadent) Western problem resulting in the fact that AIDS has a huge chance in Eastern Europe.

## RECOMMENDATIONS

If Russia, Poland, and the rest of the European Union are truly seeking to resolve the trans-frontier problems on the Russian-Polish border, in addition to their political will they also need to be aware and accept the following **fundamental principles**:

- Kaliningrad is part of the Russian Federation and therefore is ruled by Russian legislation and a central administration.
- Poland is an EU member state and therefore has to follow the EU Acquis Communautaire.
- The Polish border with Russia is an EU external border. Therefore Poland has to implement the EU Integrated Border Management Strategy.
- When Poland joins the Schengen states the national visa regime will be replaced by the Schengen visa regime.

In line with these principles, **specific recommendations** for all parties involved are listed below.

### RUSSIA (KALININGRAD)

1. Russia should introduce an **EU-similar “Integrated Border Management Strategy” (IBMS)** in the pilot region of the Kaliningrad Oblast. An adaptation of both border management strategies is the basic platform for smooth co-operation of Polish and Russian border agencies (including **joint border checkpoints**). IBMS could serve as a pilot project for further cross-border co-operation between the Russian Federation and the European Union to make common border more open and secure. Such an IBMS should comprise the following strategic elements:

- **Reinforcement of border security** through EU-similar border surveillance and control tactics
- **Facilitation of border-crossing traffic** through EU-similar control procedures in border checkpoints
- **Enhancement of aliens’ issues** through EU-similar aliens’ policy
- **Improvement of co-operation** through a network of governmental agen-

cies, Ombudsman/Ombudswoman and economic partners involved in border administration both internally and in neighbouring countries

- **Creation of a new legal basis** through legislation in compliance with the EU Acquis Communautaire concerning border management.

2. **Urgent single entry visas** should be issued in exceptional cases at all international border-crossing points of the Kaliningrad Oblast. In this light, the proposed amendment to the Law on the Special Economic Zone in Kaliningrad which would allow representatives of relevant authorities – the Ministry of Foreign Affairs and the Ministry of the Interior – to issue visas and work permits at the border-crossings in the Kaliningrad Oblast would gain a particular importance should it be adopted.

3. **Full legal competence** to prevent the import of any hazards to public order and security should be given to the Russian Border Guards, similar to the Polish Border Guards.

4. **Prostitution** should be placed under strict control of the national health administration, with regular medical care and an information campaign on sexual diseases prevention.

5. **Corruption** should be encountered by paying sufficient salaries to civil servants, especially low ranks in the Customs and the Border Guards. In border checkpoints no payments should go to any civil servant, but to a single pay-point at the end of controls. Those payments should be collected by a private bank and forwarded to the national budget, and not to a ministry.

### EU (POLAND)

#### **AND RUSSIA (KALININGRAD)**

1. **A tri-national border contact centre (BCC)** with representatives from Russian (Kaliningrad), Polish, and Lithuanian authorities should be established as a tactical operational unit for cross-border co-operation and co-ordination of all bor-

der-related issues. The location of such a BCC should be determined by local agreement. The BCC should also serve for co-ordinating cross-border operations, joint border patrols, regular exchange of information, and cross-border warrants.

**2. A tri-national tourism development centre (TDC)** should be established. By using the same facilities the BCC could at the same time also serve as a tri-national TDC for a common Mazurski tourist region. The TDC should promote the Mazurski area as a united tourist region by joint advertising, a common guest card for allowances, cross-border bus and boat lines, etc.

**3. Ombudsmen** should be fully entitled to investigate into all complaints about border controls. Those Ombudsmen should closely work together in a joint cross-border commission. Such a commission should be located in a newly set up Border Contact Centre (BCC). Both Ombudsmen should be members of the Regional Cross-Border Council and furthermore, they should play a more active role. For instance, their representatives should be allowed to monitor the border-crossing points. They should also find a special co-operation format (e.g. regular meetings at the initial stage to exchange information, concerns, problems faced, and experience as well as to seek solutions based on best practice).

**4. Joint border checkpoints** should be established in all road border-crossing points, according to the following principles:

**4.1. Political aspects:** A “treaty between the Republic of Poland and the Russian Federation concerning the facilitation of border controls of rail, road and river traffic” should be elaborated by experts and negotiated on the political level. Both the Polish and the Russian Parliaments should ratify this treaty in order to make it legally binding. It should contain all necessary details for the work in all joint border checkpoints and should be outlined as follows:

general provisions, legal status of the personnel, legal status of the advanced control sites, provision of offices and accommodation, and final remarks.

**4.2. Legal aspects** (including checkpoints status, checkpoints staff’s status, limits of legal actions in cases of violations, infrastructure legal framework, etc.).

The joint checkpoints should not have a neutral (extraterritorial) status.

Their boundaries should be clearly defined and marked.

No parallel legislation should be allowed: the joint checkpoints should be under full Polish legislation only on Polish territory, and under full Russian legislation only on Russian territory.

A bi-lateral Polish-Russian treaty should clearly define **competencies** of guest border policemen on the host territory of the joint checkpoints, including:

- free and uncontrolled access to the joint checkpoint for duty,
- carrying weapons,
- wearing uniforms,
- using telecommunications,
- rights and preconditions to control, search and arrest persons or to use weapons (firearms should only be permitted for self-defence).

The proposed bi-lateral agreement should also define the **powers** of guest border guards in a joint checkpoint, namely:

- to arrest their compatriots and also third-country nationals,
- to detain also citizens from the neighbouring state under the condition of immediate information of the neighbouring state counterparts (border guards or customs),
- to interrogate also neighbouring state citizens under the condition that neighbouring state counterparts (border guards or customs) have the right to participate,
- to seize items with no difference of the owner’s or holder’s nationality according to their legislation,

- to bring seized items into the respective country for penal procedures.

It should also clearly define the **sequence of control procedures**:

- the border authorities of the country, which the traveller is leaving shall start with the joint control;
- after the border control by one authority has been finished and travel documents have been returned no additional/new intervention on host territory is possible;
- when own border authorities have refused the exit neighbouring state border authorities shall have no right for intervention.

Border authorities shall not be obliged to intervene in any case on the spot in the joint border checkpoint in cases when other own authorities are primarily competent.

Checkpoint staff should not have a special status (e.g.: no allowances for working abroad, no immunity in case of legal offences).

Legal dividing lines between competencies of border guards and customs should be clearly defined. However, each agency should have a preliminary competence in cases of emergency if the other

agency is currently not present.

**4.3. Technical aspects:** Infrastructure and necessary equipment according to the national legislation in comparison with EU practice and requirements (legislation) of host state:

- Sophisticated and expensive equipment (special document inspection laboratory, data-base, automatic document and/or car number plate readers, technical inspection site, carbon-dioxide probes and radiation detectors) should be jointly used by either side.
- No routine chemical veterinary disinfection at the entrance to the checkpoints.
- All joint border checkpoints should be fully computerised with online access to a central database.
- Host border authorities should have the right to use their telecommunication lines.
- *Forgery detection equipment should be available according to the EU Council Recommendation of May 28, 1998 at ports of entry to the European Union (Official Journal C 189, 17/06/1998 p. 0019 – 0020).*
- Control booths (boxes) should be large enough to provide sufficient working space for both Polish and Russian border



**Example** of a joint control booth in the joint border German/ Czech checkpoint Waidhaus/ Rozvadov.

**left** side: **Czech** border police + **Czech** customs (dark caps)  
**right** side: **German** border police + **German** customs (white caps)

guards and customs officers (at least four persons).

- Shift leaders' offices should be placed close to control positions in order to enable them to have direct influence on control procedures.

- Joint border checkpoints should have an imaginary axle, so that all Polish installations and offices are on one side and all Russian are on the other side.

- Separate lanes for cars, busses and trucks.

- Long-time parking sites for trucks outside the area of the checkpoint.

- Flexible traffic guidance system for the access to the border checkpoint.

*The Schengen Catalogue 'External border control' highly recommends joint border controls (part I, no. A 23, page 15 of the Catalogue) because they save time, money, and personnel when border authorities from both neighbouring states work hand-in-hand in a one-stop control-site.*

In cases of heavy traffic the saving effect can be increased when each side only checks the incoming traffic in a joint border-crossing point.

## EU (POLAND)

**1. Schengen visa regulations for Kaliningrad** Even after Poland's accession to the Schengen Treaty presumably in October 2007 article 5.2 of the Schengen Implementation Convention would allow Poland to grant Russian citizens from the Ka-

liningrad Oblast visa-free entry, however on a single case exceptional basis.

*"An alien who does not fulfil all the above conditions (here: possessing a valid Schengen visa) must be refused entry into the territories of the Contracting Parties unless a Contracting Party considers it necessary to derogate from that principle on humanitarian grounds, on grounds of national interest or because of international obligations. In such cases authorisation to enter will be restricted to the territory of the Contracting Party concerned, which must inform the other Contracting Parties accordingly."*

The European Commission should not regard Article 5.2 of the Schengen Implementation Convention as a single case exception but use it as a general solution for all residents of the Kaliningrad Oblast.

**2.** The European agency for the management of operational co-operation at the external borders of the member states (**FRONTEX**), with its headquarters in Warsaw since April 2005, should co-ordinate all activities of the Polish Border Guards at the external EU border with Russia in the Kaliningrad Oblast.

FRONTEX should assist the Polish Border Guards in:

- Co-ordinating the activities of the Polish with the Russian Border Guards;
- assisting in joint training activities;
- providing technical and research support, and

- assisting in joint return operations.