

# Cross-Border Cooperation between the European Union and Neighbouring Countries. Practical Facilitations in the Form of Local Border Traffic

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## Abstract

*Cross-border cooperation includes a broad range of contacts between representatives and institutions of national authorities, universities, educational, cultural and sport associations, economic entities, non-governmental organizations and communities living in the territories situated on both sides of the border. Restrictions and border barriers, which hamper the possibilities of cross-border movement of persons and goods, are detriments to implementation of this form of international cooperation. Community rules of local border traffic (LBT) are the facilitations of this cooperation. It becomes possible with the signing of international agreements between the Member States of the European Union and what are known as 'third party' countries neighbouring with them. This prospect is fully confirmed by the Polish-Ukrainian local border traffic agreement. Due to its implementation, recovery in cross-border relations between these countries has been confirmed by statistical surveys.*

**Keywords:** local border traffic, European Union, cross-border cooperation

## Introduction

Freedom of movement of persons is inseparably connected with the process of European integration. This idea took on a practical dimension, as the provisions of the Schengen Agreement were established.<sup>1</sup> It was the agreement of six members of European Communities at that time, which abolished control of persons crossing their internal borders. Obviously, this had to result in an increase of control measures on the external borders of Member States, accepting common rules about the possibility of legal migration and providing the right to asylum.

The increase of control measures on the external borders of Member States of the Schengen Agreement and the European Union was not to bring about a decrease in the movement of persons in cross-border relations. This issue became particularly important after enlargement of the European Union in 2004 and of the Schengen area in 2007. The priorities of integrated border management in the context of building good neighbourly relations made it essential to find ways to facilitate the movement of persons living in border areas.

This assumption is fully reflected in the idea of local border traffic. Generally speaking, the strategy for local border traffic enables regular crossing of external land borders by persons living in border zones<sup>2</sup> for at least one year, in order to stay in the border zone of a neighbour state

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1. See: The Schengen acquis—Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, Official Journal of the European Union, L 239, 22/09/2000 P. 0013–0018.

2. See: Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 14 stycznia 2009 r. w sprawie ogłoszenia jednolitego tekstu ustawy o ochronie granicy państwowej [Law on the state border surveillance], DzU z 27 stycznia 2009 r. nr 12 poz. 67 ze zm.

because of social, cultural, economic or family reasons (Gryz 2010, 103–105). Undoubtedly, liberalization of border crossing conditions will result in reduction of trade barriers, increase of social and cultural exchange and the development of regional cooperation (Parol 2014, 192).

## 1. Regulations on local border traffic in provisions of European Union law

Standards and practical functioning of local border traffic are an exception to the outline provisions regulating border control of persons crossing the external borders of EU Member States, determined in the Schengen Borders Code.<sup>3</sup> This code does not include specific regulations concerning local border traffic. It introduces a general clause which is a green light to its implementation based on rules agreed upon by individual states.<sup>4</sup>

European Union regulations develop these issues in European Parliament and Council Regulation No 1931/2006 of 20 December 2006, establishing provisions concerning local border traffic on external land borders of Member States and changing the provisions of the Schengen Convention,<sup>5</sup> whose regulations entered into force in January 2007. According to its content, Member States are able to conclude contracts with neighbouring third countries, which facilitate movement of persons living in a specific area on both sides of the border between the concerned parties to the agreement.

A local border traffic agreement is a facilitation in border crossing by persons living in a border zone, for cross-border cooperation—social, cultural, educational, family or justified economic purposes during a single stay, which is not longer than three months. The border zone is an area within 30 km of the actual border. Administrative divisions, which are considered as the border zone, are determined by the concerned states in bilateral agreements. When a section of such a division is situated between 30 and 50 kilometres from the actual border, it is still considered part of the border zone (Dubaj 2012).

Residents of a border zone may cross the external land border of a neighbouring Member State as part of local border traffic, when they have permission to use this facilitation. This permission is a document issued by consular or administrative authorities of a particular state. It is either free or costs no more than the cost of short-term or multiple entry visas. It is properly secured from fraudulent data change, falsification or forgery. It includes a photo of the individual, personal data and domicile, the name of the authority issuing the document, date of issuance and period of validity—one to five years; the specific border zone, where its owner is allowed to move is noted; and the number of their valid travel document or documents, entitling its owner to cross external borders. The persons who have permission to cross a border within local border traffic, are exempt from the requirement of having sufficient means of subsistence for the time of intended stay and return. It is forbidden to require presentation of supporting documents, which confirm the purpose of the stay, from such persons<sup>6</sup>.

It is a basic document to cross a border within local border traffic, but it is not the only condition for entry into the territory of the Schengen area. The person concerned has to meet additional requirements:

- valid travel document or documents,
- declaration about the absence of reservations—negative annotations in the Schengen Information System (SIS),

3. See: Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), Official Journal of the European Union, 105, 13/04/2006.

4. Article 35 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) states: “This Regulation shall be without prejudice to Community rules on local border traffic and to existing bilateral agreements on local border traffic.”

5. See: Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, Official Journal of the European Union, L 405, 30/12/2006.

6. An individual must justify the purpose by filing an application for permission.

- the person cannot be a danger to public policy, internal security, public health or international relations of any of the Member States, in particular there cannot be an outstanding alert on this individual in the national databases of Member States for the purposes of refusing entry.

In order to facilitate crossing the border within local border traffic agreements, the concerned states may create special border crossing points, open only for border zone residents, section off special lanes for border zone residents in regular border crossing points or, taking local conditions into consideration, they may allow border zone residents to cross their external land border in specific places, other than designated border crossing points and after fixed hours of operation.

Persons who cross an external land border within a local border traffic agreement on a regular basis, who are familiar to border guards because they often cross the border, are usually fragmentarily controlled, and from time to time they are controlled in detail, without warning and on an irregular basis. It is necessary to remember that entry and exit stamps are not included in permission for border crossing. Member States are responsible for permanent border security, in order to prevent illegal crossing, and within local border traffic as well. All abuses of these rules are under sanctions provided by national law. Sanctions have to be effective, proportional, deterrent and have to take into consideration the possibility of avoidance and withdrawal of permission to cross the border. Member States are obliged to keep a record of all cases of local border traffic violations and imposed sanctions. Such information is transferred every six months to other Member States and the European Commission.

Member States of the European Union, since regulation concerning the rules of local border traffic have entered into force, have signed and implemented several contracts on local border traffic with third party countries. These include, among others, agreements between:

- Hungary and Ukraine
- Slovakia and Ukraine
- Poland and Ukraine
- Romania and Moldova

It can be claimed that only the agreement between Romania and Moldova meets all requirements of EU regulation. In agreements with Ukraine, Member States tried to introduce innovations in accordance with (e.g., the intention of Poland as expressed in the primary content of the agreement). They were concerned mainly with enlargement of a favoured area within the local border traffic zone. The requirement of health insurance, which secures costs of medical services, was also introduced. The acceptance of local border traffic agreements signed by Member States is within the competences of European Commission. Since May 2007, the Commission has held consultations with many European states (e.g., concerning local border traffic agreements between Latvia and Belarus—without introducing any notes about established entries). This was signed on 23 August 2010. The next agreement, between Latvia and Belarus, was in complete accordance with EU regulation. It allowed the agreement to be rapidly signed on 20 October 2010. Consultations concerning agreements by Norway, Latvia and Lithuania with the Russian Federation and agreement between Romania and Ukraine were held in a similar way. They received a positive opinion from the European Commission concerning their accordance with the regulations of Community law. In October 2008, the Commission presented its remarks on proposals for agreements between Bulgaria and Serbia and between Bulgaria and the former Yugoslav Republic of Macedonia. However, since that time, consultations concerning these proposals have not been held.

Consultations concerning local border traffic between Hungary and Ukraine had an unconventional course. During its assessment, the European Commission reported a number of objections. These concerned the definition of a border zone reaching more than 50 km from the border of the parties to the agreement, which was incompatible with EU law. Despite the position of the European Commission, the agreement was signed and entered into force on 11 January 2008. After that, its agreed variant, which did not introduce the suggestions of European Commission, was sent to Brussels. Despite the fact that the agreement was implemented, the consultation process was still in progress. One year after implementation of the agreement, on January 2009, Hungary informed the Commission that Hungarian institutions in Ukraine had issued 34 000 permits for border crossing within the local border traffic agreement and that the system had worked without

any problems. About 80% of applicants who applied for permission had previously received visas. According to information received by the Commission from Hungary in 2001, the Hungarian minority in Ukraine consisted of 156 600 persons, mostly in border regions. 84% of this minority lives 20 km from the border, 95% live no further than 50 km from the border. Ukrainian experts estimate that Hungary implements its local border traffic agreement much more successfully than Poland or Slovakia (Dubaj 2012).

## 2 Local border traffic in the context of the agreement between Poland and Ukraine

Three local border traffic (LBT) agreements have been signed with non-EU countries neighbouring Poland, as an intensive development of cross-border relations. These agreements are: with Ukraine, which entered into force on 1 July 2009<sup>7</sup>, the agreement with Russian Federation implemented from 27 July 2012<sup>8</sup> and the agreement with Belarus signed—but not entered into force—on 22 June 2010<sup>9</sup>. In the case of the border between Poland and Ukraine, local border traffic (LBT) is more significant for Ukrainian than Polish citizens, because Poles can travel and stay within Ukrainian territory up to 90 days without having a visa. Introducing LBT on the border with Kaliningrad Oblast is crucial for both sides. Moreover, the local border traffic zone on the Russian border is exceptional because it reaches much further than 30 or 50 km from the border.

The local border traffic agreement between Poland and Ukraine was signed in 2008. It was a sign of sincerity in the strategic partnership between Poland and Ukraine and a declaration of enhanced and intensified cooperation. This was expressed by the presidents of both countries in their joint communication in December 2007: “Due to the accession of the Republic of Poland to the Schengen area, both sides will make their best efforts to ensure that our common border is the line of cooperation between Poland and Ukraine. We want to make passenger traffic as liberal as possible for citizens of both countries. The Republic of Poland and Ukraine consider increased joint border control, development of border infrastructure and conclusion of a bilateral agreement on local border traffic, as a necessity.”<sup>10</sup>

In the context of provisions of the agreement, regular crossing of the common border by residents of the border zone of one country, in order to stay in the border zone of another country, may occur for social, cultural, family or justified economic reasons, which are not considered economic activity. The border can be crossed by persons who have proven their place of domicile within the border zone for at least three years<sup>11</sup> and stay within the border zone of the other country up to

7. See: Umowa Międzynarodowa—Umowa między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy o zasadach małego ruchu granicznego, podpisana w Kijowie dnia 28 marca 2008 roku, oraz Protokół, podpisany w Warszawie dnia 22 grudnia 2008 roku, między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy o zmianie Umowy między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy o zasadach małego ruchu granicznego, podpisanej w Kijowie dnia 28 marca 2008 roku [Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules of Local Border Traffic, signed in Kiev on 28 March 2008, and Protocol, signed in Warsaw on 22 December 2008, between the Government of the Republic of Poland and the Cabinet of the Ministers of Ukraine on amending the agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on local border traffic regime, signed in Kiev on 28 March 2008], DzU z 1 lipca 2009 r. nr 103 poz. 858.

8. See: Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Federacji Rosyjskiej o zasadach małego ruchu granicznego, podpisana w Moskwie dnia 14 grudnia 2011 r. [Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on local border traffic regime, signed in Moscow on 14 December 2011], DzU z 16 lipca 2012 r. poz 814.

9. See: Ustawa z dnia 20 maja 2010 r. o ratyfikacji Umowy między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Białorusi o zasadach małego ruchu granicznego, podpisanej w Warszawie dnia 12 lutego 2010 r. [Law on ratification of the agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on local border traffic regime of 20 May 2010, signed in Warsaw on 12 February 2010], DzU z 7 lipca 2010 r. nr 122 poz. 823.

10. See: Wspólny komunikat Prezydentów Rzeczypospolitej Polskiej i Ukrainy „Wspólne wyzwania — nowe wymiary partnerstwa strategicznego”, from 6 December 2007.

11. See: Annex no 2. to Umowa Międzynarodowa—Umowa między Rządem Rzeczypospolitej Polskiej a Gabinetem Ministrów Ukrainy..., DzU z 1 lipca 2009 r. nr 103 poz. 858, page 7859.

60 days each time from the date of crossing the border, but no longer than 90 days during every 6 months from crossing the border for the first time. The basis for crossing the border are valid travel document and permission issued by consulates of both countries. In the case of Poland these are consulates in Lutsk and Lviv. In the case of Ukraine it is the consulate in Lublin.<sup>12</sup>

The border can be crossed within local border traffic through available border crossing points or separate border crossing points which can be created only for that purpose. In Lubelskie Voivodship, the former Dołhobyczów crossing point is supposed to be re-established.

According to provisions of the agreement, residents crossing the border are supposed to have a document which confirms their health insurance contract for at least EUR 20 000. It has to guarantee that incurred costs of treatment in states of emergency, accidents and costs of medical transport to the country of domicile, do not have to be covered by the health-care facility.

Persons entitled to cross the border, within local border traffic, are obliged to comply with the laws of the country in which they stay. In case of violations, sanctions, which are provided in the appendix to the agreement and regulated in the internal laws of Poland and Ukraine, can be applied. Poland is supposed to apply the following sanctions:

- decision on the obligation of the foreigner to leave the territory of Poland
- decision on the deportation of the foreigner
- inclusion of the foreigner's data in the list of foreigners, whose stay in Poland is undesirable
- annulment of permission
- a fine<sup>13</sup>

Ukraine can apply following sanctions:

- deportation
- shortening of the temporary residency period in the territory of Ukraine, when the breach is not subject to administrative or criminal liability<sup>14</sup>
- entry ban
- warning or fine
- a fine
- fine or administrative detention up to 15 days<sup>15</sup>

In the context of the provisions of EU regulation, before the conclusion of a bilateral agreement on local border traffic, all Member States are obliged to hold consultations with the European Commission on accordance of the agreement with regulation. In the analysed case of the agreement between Poland and Ukraine, the European Commission indicated three reservations:

- the privileged border area was too wide
- the requirement of health insurance with guaranteed costs of medical treatment for Ukrainian citizens crossing the border within the agreement, which is unlawful according to the laws of the European Union
- the concept of persons, who are covered by the entry ban, is wrongly determined<sup>16</sup>

Regulations of the European Union claim that the border belt, in which local traffic rules apply, may have maximally 30 km, or 50 km in exceptional circumstances—when the area of the administrative unit covers more than the basic area. Poland did not meet this requirement because a voivodship is an administrative unit. A border belt, accepted in the agreement, covered more

12. See: Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 23 grudnia 2008 r. w sprawie wzoru formularza wniosku o wydanie zezwolenia na przekraczanie granicy w ramach małego ruchu granicznego i wzoru zezwolenia na przekraczanie granicy w ramach małego ruchu granicznego [Regulation of Minister of the Interior and Administration of 23 December 2008 on the pattern of application form for permission to cross the border within local border traffic and pattern of permission to cross the border within local border traffic], DzU z 31 grudnia 2008 r. nr 236 poz. 1646 ze zm.

13. Article 148 of the Law on foreigners, see: Ustawa z dnia 13 czerwca 2003 r. o cudzoziemcach, DzU nr 2003 poz. 1175 ze zm.

14. Article 31 of the Law of Ukraine on the Legal Status of Foreigners and Stateless Persons, available in English [@:] <http://mam-prawo.org/wp-content/uploads/2013/09/Za%C5%82%C4%85cznik-2.pdf>.

15. See Article 203 of Code of Ukraine on Administrative Offenses.

16. See: Zastrzeżenia KE do polsko-ukraińskiej umowy o małym ruchu granicznym [Reservations of the European Commission on the Polish-Ukrainian agreement on small border traffic], information published on 12 May 2008 by Polish Press Agency.

than 50 km, despite the fact that there are not any significant cities in this area and it was not expected that the European Commission would reject it. In the initial version of the agreement it was assumed that local border traffic will cover about 800 000 residents from 1 822 localities within Polish territory: in Lubelskie voivodship—1 081, in Podkarpackie voivodship—741; within Ukrainian territory it will cover about 1,5 million<sup>17</sup> residents from 1 545 localities: in Volhynia province—408, in Lviv province—1 019 and in Transcarpathian province—118. In the annex to the agreement, according to the protocol from 22 December 2008, a district became an administrative unit and all towns were within the required 30 km. At present, the rules of local border traffic cover 1 575 localities in Poland and 1 107 in Ukraine.

As a reference to the EU's second reservation, it should be emphasized that clear provisions about the obligation of having medical insurance are not included in EU regulation. The Commission considered this requirement unlawful according to EU legislation. This was caused by concerns that Polish health care facilities would incur all obligations without medical policy or any other system of compensation for the costs of treatment. Eventually, after negotiations between Polish and Ukrainian Ministries of Health and numerous analyses, the agreement was left without any amendments and the issue of travel insurance was based on general rules.

The third reservation reported by the Commission concerns the fact that the phrase citizens of Schengen area was used in the agreement. The correct phrase is citizens of Member States of the European Union. It was a minor technical amendment, which has been changed due to the suggestion of the European Commission.

In the period preceding the entry of provisions of the agreement into force, intense work on proper preparation of the implementing institutions was carried out. It concerned mainly consular offices, border guards and the police. Work on a Communication and Information System, for the purposes of local border traffic, was implemented. It required enormous financial resources—PLN 13,5 million in the first year of the agreement, and implementation of a number of organizational ventures. According to the representatives of Polish government, the agreement on local border traffic between Poland and Ukraine entered into force on 1 July 2009. In order to maintain the dynamics of passenger traffic on the Ukrainian border and weaken the results of obligatory visas, Poland suggested creating three new consulates in Ukraine—in Ivano-Frankivsk, Vinnytsia and Sevastopol—in 2009<sup>18</sup>. However, as it was indicated previously, the proper authority to accept applications for border crossing permissions within the local border traffic agreement within Polish territory is the Ukrainian Consulate General in Lublin, while within Ukrainian territory it is the Polish Consulate General in Lviv and the Polish Consulate General in Lutsk.

### 3 Polish-Ukrainian borderland in the reality of the local border traffic agreement—socio-economic aspect<sup>19</sup>

Simplification of crossing the Polish-Ukrainian border resulted in a notable increase in movement of persons between these countries. These concern especially Ukrainian citizens, who can avoid onerous visa procedures upon arriving in Polish territory. Polish citizens are significantly less interested in this form of border crossing. This is due to the lack of a visa obligation and the possibility to stay up to 90 days. 3,6 million Ukrainian citizens benefited from the possibility of crossing the Polish-Ukrainian border within the local border traffic agreement in 2010. Taking fluctuations in particular quarters into consideration, this was from 32,7% to 49% of all foreigners crossing that

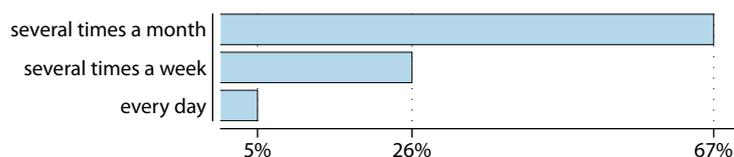
17. [In the journal (in both Polish and English texts) European practice of number notation is followed—for example, 36 333,33 (European style) = 36 333.33 (Canadian style) = 36,333.33 (US and British style). Furthermore in the International System of Units (SI units), fixed spaces rather than commas are used to mark off groups of three digits, both to the left and to the right of the decimal point.—Ed.]

18. See: Odpowiedź podsekretarza stanu w Ministerstwie Spraw Zagranicznych—z upoważnienia ministra—na interpelację nr 6735 w sprawie konsulatów na Ukrainie, Warszawa, 2008.12.19, available [at:] <http://orka2.sejm.gov.pl/IZ6.nsf/main/1CEA2FBE>.

19. Data based on the research conducted by Ośrodek Badań Obszarów Transgranicznych i Statystyki Euroregionalnej [The Research Center of the Cross-border Areas and Euroregional Statistics] of the Statistical Office in Rzeszów, Poland.

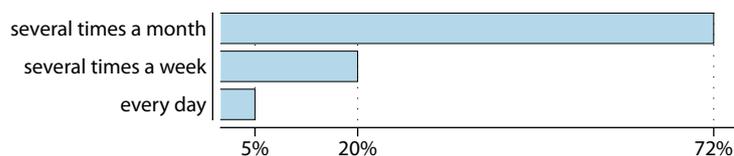
border in 2010. In 2013, 7,5 million Ukrainian citizens arrived in Polish territory within local border traffic. This was from 53,9% to 54,3% of arrivals at the Polish-Ukrainian border by all foreigners.

The most popular border crossing point among persons using local border traffic was Medyka–Mostiska. In 2010 and 2013, more than 35% of all travellers crossed the Polish-Ukrainian border at this point. This is the result of the possibility of border crossing at this point by both motorists and pedestrians. According to research, the biggest number of foreigners declared that they crossed the border several times a month. In 2010 it was 67,1%. 25,5% crossed the border several times a week and 5,3% crossed the border every day. In 2013, 71,9% crossed the Polish-Ukrainian border several times a week, 20,1% — several times a month and 4,8% — every day.



**Fig. 1.** Declared frequency of border crossing within LBT 2010

*Source:* Own elaboration based on data prepared published by Ośrodek Badań Obszarów Transgranicznych i Statystyki Euro-regionalnej, [a:] [http://www.stat.gov.pl/rzesz/69\\_644\\_PLK\\_HTML.htm](http://www.stat.gov.pl/rzesz/69_644_PLK_HTML.htm)

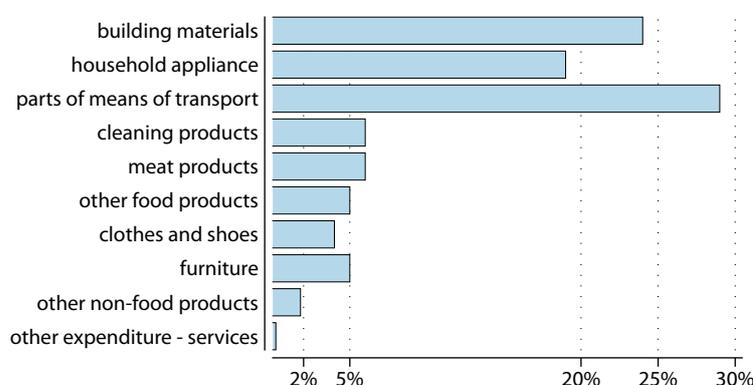


**Fig. 2.** Declared frequency of border crossing within LBT 2013

*Source:* Own elaboration based on data prepared published by Ośrodek Badań Obszarów Transgranicznych i Statystyki Euro-regionalnej, [a:] [http://www.stat.gov.pl/rzesz/69\\_644\\_PLK\\_HTML.htm](http://www.stat.gov.pl/rzesz/69_644_PLK_HTML.htm)

The issue of costs incurred by Ukrainian citizens crossing the border within local border traffic is quite interesting. In 2010, estimated costs amounted to 719,8 million zlotys. This was about 35% of costs incurred by other foreigners. In 2013, costs amounted to 2 300,4 million zlotys. This was just under 50% of costs incurred by all foreigners crossing the Polish-Ukrainian border.

The most often purchased goods by Ukrainian citizens, crossing within local border traffic, were building materials—24%, household appliances—about 19%, parts and accessories of means of transport—about 29%, cleaning products and toiletry articles—about 6%, meat and meat products—about 6%, other food products—about 5%, clothes and shoes—about 4%, furniture and furnishing articles—about 5%, other non-food products—about 1,8%, other expenditure services—about 0,2%.<sup>20</sup>



**Fig. 3.** Structure of goods bought by Ukrainian citizens crossing the border within LBT

*Source:* Own elaboration based on data prepared published by Ośrodek Badań Obszarów Transgranicznych i Statystyki Euro-regionalnej, [a:] [http://www.stat.gov.pl/rzesz/69\\_644\\_PLK\\_HTML.htm](http://www.stat.gov.pl/rzesz/69_644_PLK_HTML.htm)

20. Estimate—average from particular quarters of 2010 and 2013.

The presented data indicate the huge influence of local border traffic regulations on economic recovery in the Polish border zone in 2012. This conclusion can be drawn on the basis of the dynamic increase in economic ventures with Polish-Ukrainian capital. At the end of 2012, there were 15,9% more economic ventures than in 2011. In the area situated in Podkarpackie voivodship, the increase was bigger — exactly 20,0%.<sup>21</sup>

## Summary

Undoubtedly, the concept of local border traffic is a formula which facilitates implementation of any form of cross-border cooperation. The possibility of crossing the border of a neighbouring country is an essential element of its implementation. It can be claimed, referring to the words of the famous Ukrainian writer Y. Andrukhovych that elimination of the process which leads to unification of countries, but on the other hand creates new divisions, is the main goal of local border traffic (Parol 2014, 205).

Considering contractual standards, especially in the issue of determining a border zone, it is hard to resist forming the impression of discrimination on the part of the agreement between Poland and Ukraine by the European Commission. The scope of this zone creates practical conditions to implement local border traffic and provides an opportunity for residents to benefit from facilitations. Significant diversification in the case of Polish-Ukrainian and Polish-Russian agreements may raise serious doubts on the equal treatment of all countries neighbouring with Member States of the European Union.<sup>22</sup>

It is worth indicating the next area which requires mutual arrangements and changes in the scope of possibilities for border crossing within local border traffic for Ukrainian citizens who come to study in Poland. This concerns especially students of colleges located in the border zone (e.g., in Chełm, Jarosław and Przemyśl). In the context of present legal regulations, there are no possibilities to implement this form of cross-border activity within facilitations and simplifications of local border traffic.<sup>23</sup>

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21. Such data were not provided in 2013.

22. In the Polish-Russian agreement the area in which local border traffic (LBT) regulations are applied is much wider. For instance, on the Russian side, it covers Kaliningrad Oblast—much more than 50 km. It was implemented in accordance with EU principles on local border traffic after consultations with the European Commission, see: Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Federacji Rosyjskiej..., DzU z 16 lipca 2012 r. poz 814.

23. When EU regulation on Local Border Traffic (LBT) was adopted, it was clearly indicated that academic issues were one of the reasons for its introduction (see: Dubaj 2014, 45–48).