

Managing Cross-Border Movement of People and Goods in the European Union on the Example of the Road Border Crossing in Lubelskie Voivodship

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Abstract

The external border of the European Union is the subject of integrated management aimed at minimizing the risks associated with the illegal movement of people and goods. A significant section of the EU external border is located in the Lubelskie Voivodship. Its length and size of cross-border movement of people and trading goods and the diversification of border infrastructure is significant. The aim of the article is to discuss issues related to the integrated management of EU external borders and to present and analyse border service systems at road border crossing points, divided into a terminal system (Koroszczyń–Kukuryki) and a so-called “pipe system” (Dorohusk).

Keywords: the external border of the European Union, border management, road border crossing

JEL: F59

Introduction

The common area of freedom, security and justice formulated in the Treaty on the Functioning of the European Union¹ makes it necessary to monitor the cross-border movement of people and goods based on an integrated external border management system. The system of integrated management of external borders ensures the proper functioning of basic European freedoms in the area of moving people and goods. It can be assumed that it is the whole of planned and undertaken actions including the decision-making, organizational and monitoring process implemented practically by proper management of human, financial and material resources and information in order to guarantee broadly understood protection of common territory and ensure efficient and harmonious border service (Witkowski 2016, 45).

Common instruments for the external border management should contribute to the smooth and harmonious border service of people and goods and to increase the efficiency of border control (Szachon-Pszenny 2012, 63–66). This control is performed by using a system of risk analysis and operational activities conducted by all services of Member States aimed at counteracting cross-border crime. Taking into account the need to continuously improve the effectiveness and coherence of these undertakings, it is necessary to cooperate at the national, local and international levels in managing the external borders of bodies responsible for maintaining public order and security, especially border protection services and the police force. The correctness of this process requires conducting coordinated reconnaissance and operational activities on the European Union territory and ongoing cooperation with border authorities of neighboring countries (Trubalska 2017, 108).

1. See: Consolidated version of the Treaty on the Functioning of the European Union. OJ C 326, 26.10.2012, p. 47–390.

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With a view to ensuring the correctness of the integrated management of external borders, monitoring of passenger and goods traffic on the eastern land border of Poland, which at the same time is the external border of the European Union, is essential for the correctness of this process. The eastern land border is 1 163 km, of which the length of the border with the Russian Federation is 210 km, with Belarus—418 km, with Ukraine—535 km, in addition, Poland has 440 km of the sea border which is also the external border of the European Union (Dubaj, Kuś, and Witkowski 2008, 71).

It is perceived as a natural threat to broadly understood security manifested, among other things by the location of illegal immigration routes and a wide range of smuggled goods (Karwińska 2016, 75). Taking into account the specificity of the rules and the mode of border service as well as the diversified infrastructure of border crossings, a special role in this respect is played by road border crossing points, which will be presented on the example of the Lubelskie Voivodship.

1 Management of the external borders of the European Union in the aspect of road border crossings

In the management of the external border, the European Union law with key meaning is the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders—Schengen Borders Code (SBC).² It updates the common standards for the management of external borders relating to the service of people, but also goods moved in relations with third countries. Defined were in it, among other things, the concept of external and internal borders, the rules and conditions for their crossing, definition of passage term, common border crossing and their infrastructural solutions, as well as the requirements imposed on border guards.

The external borders of the Member States are land borders, including rivers and lakes and their sea borders, airports, rivers, seas and lake ports, taking into account that they do not represent internal borders³. In domestic regulations, the border of the Republic of Poland is defined by the vertical surface passing through the border line, separating the territory of the Polish state from the territories of other countries and from the international waters. The state border also delimits the air space, water and the interior of the earth.⁴

The specificity of road transport makes the functioning of border crossings extremely important for the correct management of the cross-border movement of people and goods. In accordance with the SBC, the border crossing (including road crossing) is any passage designated by the competent authorities with the purpose of crossing the external borders (Article 2 point. 8 SBC). Due to the process of managing external borders, in particular in road transport, attention should be paid to the possibility of establishing and functioning of a common border crossing. It has been assumed that there are border crossing points located on the territory of a Member State or on the territory of a third country, at which border guards of a Member State and border guards of a third country carry out consecutive checks on exit and entry in accordance with their national law and on the basis of a bilateral agreement.⁵

Crossing the external border at border crossings is possible at set opening hours, most often twenty-four hours a day. The provisions of the Code set organizational and infrastructural standards for the border crossing. Within this framework, the areas on which border checks, certain people and means of transport are made are distinguished. This applies to the division into citizens of the Member States of the European Union (EU), the European Economic Area (EEA)

2. See: Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). OJ L 77, 23.3.2016, p. 1–52.

3. Internal borders mean the common land borders of EU Member States, including borders on rivers and lakes; their airports intended for internal flights; seaports, river ports and ports on the Member States' lakes for regular ferry connections.

4. See: Obwieszczenie Marszałka Sejmu Rzeczypospolitej Polskiej z dnia 14 stycznia 2009 r. w sprawie ogłoszenia jednolitego tekstu ustawy o ochronie granicy państwowej. DzU z 2009 r. nr 12 poz. 67, as amended.

5. This applies not only to the Border Guard.

and Switzerland (CH) and regarding means of transport for passenger — cars, lorries and buses (Article 9 SBC). In these point, duties in the area of people and goods movement are performed by border services, in Poland they are the Border Guard and the Customs and Treasury Service and the Veterinary Inspection, the State Plant Health and Seed Inspection Service and the Quality control of agricultural and food products. Crossing the external border outside the border crossing is an exception and it is possible elsewhere after obtaining the consent of the competent authorities of the Member State.

The canon in the practical operation of border traffic is the obligation to respect the dignity of people crossing the border. It is unacceptable to differentiate people on the basis of gender, race or ethnic origin, religion or belief, disability, age and sexual orientation (Maksimczuk and Sidorowicz 2008, 104–105). Nuisance related to control activities within the framework of border traffic services should be proportional to the goals achieved by them. Border checks are carried out by an adequate number of officers, ensuring their uniformity and a high level of efficiency. These officers have appropriate preparation, including that in terms of communication in a language understood by people crossing the border. The management of the European Union's external borders can be treated as an instrument guaranteeing the practical and proper functioning of the law on the cross-border movement of people and goods. It is also an instrument enabling the abolition of controls at internal borders, guaranteeing their free movement between the Member States of the European Union (Wróbel 2005, 31).

2 Road border crossings in the Lubelskie Voivodship in the aspect of functionalization and infrastructural solutions

When analyzing the issue of managing the movement of people and goods across the external borders of the European Union, it is justified to indicate the factors determining its effectiveness in terms of safety and security as well as the harmonious and time-consuming border service. According to the doctrine view shared by the representatives of border services and cross-border business environments, these factors include primarily organizational and infrastructural solutions and the number and location of border crossings and as well as the principles of organization and management of the border control system (Gruszecki 2014, 403).

Organizational and infrastructural solutions of border crossings are limited mainly by their quantity and location and material property in the scope of servicing a specific type of border traffic. A quick analysis of this issue entitles us to formulate an opinion about an insufficient number of crossings at the eastern external border of the European Union on the Polish border. In the case of the Russian Federation, on the border of 210 km there are 3 border crossings (average distance between two border crossings (70 km), along the border with Belarus 418 km long — 7 border crossings (average distance 60 km), while on the border with Ukraine — 8 border crossings on the section of 535 km (average distance 67 km). This gives an average distance of approximately 65 km between individual border crossing points.

It is justifiable to note that a completely different standard was present prior to Poland's accession to the Schengen Agreement in the case of the deployment of border crossings on the border with states belonging to this agreement. On the border with Germany, 467 km long, there were 40 border crossings, with the Czech Republic — the length of the border is 796 km — 113 border crossings, with Slovakia 541 km — 59 border crossings and the border with Lithuania of 104 km had 4 border crossings. They were divided by an average distance of only about 9 km.

The Lubelskie Voivodship has an external border of the European Union with Belarus and Ukraine. Due to the conditions of cross-border movement of people and trading goods, it is possible to notice a specific dichotomy in the organization of border traffic services with these two countries. In the case of the border with Belarus, it is based on a so-called terminal concept and the separation of individual types of road traffic — for passenger traffic, large-scale transit traffic and traffic of low economic importance. Regarding the border with Ukraine, border traffic service is based on a so-called “pipeline system” and there is a lack of separation of individual movements and of traffic types. The assumption of this differentiation are two alternative models of border crossing

infrastructure, which determines the undertaken organization of border checks. The number and location of border crossings, including their material properties, are also determinants of such division. It should be recognized that the very nature of road transport consolidates this division due to various forms of road traffic in accordance to the type of vehicle (e.g., lorries, passenger cars and coaches).

The external border of the European Union with Belarus in the area of the Lubelskie Voivodship covers a section of 168 km on which three road and one railway border crossing are designated (Witkowski 2007, 132–135). Adequately to the current needs is the specific scope of road crossings.⁶ The Kukuryki-Kozłowicze passage serves in terms of a personal and commercial car terminal in Koroszczyn—it is intended for large freight traffic, the second is the passage in Terespol-Brześć, serving personal traffic, and another Sławatycze-Domaczewo for personal traffic and goods traffic up to 7,5 tons.⁷ It is worth emphasizing that the presented border infrastructure enables organizational separation of various types of traffic in road transport, which due to their specificity require appropriate technical devices due to the specificity of border control.

The car terminal in Koroszczyn deserves special attention, being the most optimal solution on the external eastern land border of the European Union. It was located in the trans-European corridor from Berlin via Warsaw, Minsk to Moscow. The area of the terminal is over 45 ha, 4 km away from the mentioned road crossing Kukuryki-Kozłowicze, connected by custom road. The whole area is surrounded from the north by the road No. 812 and from the south by the arch of the designed A-2 motorway.⁸ The terminal performs activities in the field of customs clearance, veterinary, phytosanitary, sanitary, control of commercial quality of agricultural and food products. Based on the existing infrastructure, customs services are carried out in the terminal form—vehicles wait in two designated parking lots. They handle the import to Poland and export from Poland, each of them holds 250 cars.

Analyzing organizational and infrastructural solutions at the discussed section of the border with Belarus, one should pay attention to several desirable effects that have been achieved thanks to them. First of all, the division into road passenger traffic and road freight traffic was divided into large-scale movement and movement of little economic importance. Secondly, a car terminal was allocated to service large freight traffic, ensuring an adequate level of border service of goods. The third positive manifestation associated with the terminal is the separation of the service of people—carriers, which is performed in Kukuryki for the control of goods. The significance of the car terminal in Koroszczyn illustrates the number of lorries cleared at import and export in selected years in comparison with the number of lorries cleared in other road crossings on the border with Belarus. In 2012, 524 825 heavy goods vehicle checks in the Terminal were performed, in 2014 there were 549 578, and in 2016—469 447 both in import and export directions. In these road crossings at the Polish border with Belarus in the corresponding period, the following number of customs clearance were performed, in 2012—440 550, in 2014—448 780, and in 2016—426 220 heavy goods vehicle checks in import and export.

An organizational deficiency of the border traffic service system in the Koroszczyn-Kukuryki-Kozłowicze complex is the lack of an originally planned concept of joint clearance of goods by Polish and Belarusian officers. For this purpose, a twin terminal was built in Kozłowicze, meeting all the standards of comprehensive customs service. The implementation of this model on the Polish side would be in practice the implementation of the concept of a common border crossing point designed in the Schengen Border Code. According to it, imports of goods into the EU customs area would be serviced in Koroszczyn, while exports in Kozłowicze. It can be assumed that the full implementation of this system would contribute to the undisturbed handling of trade in goods with third countries in an important international supply chain in Eurasian relations.

The external border of the European Union with Ukraine in the area of the Lubelskie Voivodship is a section of 296 km (Witkowski 2007, 114), on which four road crossings have been established.

6. The medium border road crossing is distant by just over 50 km in this section.

7. [In the journal 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).—Ed.]

8. See: <http://www.koroszczyn.pl/lokalizacja.html>.

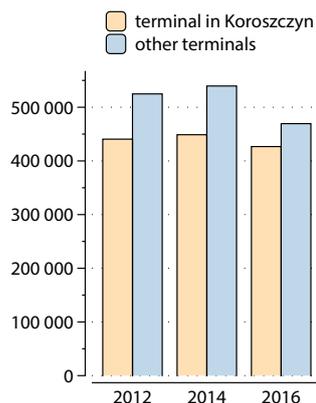


Fig. 1. Number of truck means of transport cleared at the Car Terminal in Koroszczyn and in other road crossings at the border with Belarus

Source: Own study based on the data published on the website of the Podlasie Nadbużanski Border Guards Office (<http://www.nadbuzanski.strazgraniczna.pl/>), as on 20 February 2018

Bearing in mind that the standards of managing the cross-border movement of people and goods in road transport, the Dorohusk-Jagodzin crossing handles the largest number of vehicles crossing the Polish-Ukrainian border annually. Border service is carried out using 25 lanes, divided into 11 departure and 14 arrival lanes. The second border crossing is Zosin-Uściąg that handles personal traffic, border services are carried out on 9 traffic lanes, 5 departures operated separately by Polish and Ukrainian border services on their territories, while 4 arrival lanes into the EU are handled jointly by all border services on the Polish side. The next border road crossing, completely located on the Polish side is Dołhobyczów-Uhrynów. It supports personal traffic using 14 lanes, 7 on the departure and arrival directions each. The second in size, borderline road crossing situated in Hrebenne – Rawa Ruska is dedicated to all types of road traffic. In this passage, border services are carried out with the use of 17 lanes, 9 of them are intended for EU departure, while 8 are for the entry.

Analyzing the adopted organizational and infrastructure solutions as well as the level of border service performed in passenger and freight traffic, a separate discussion of the border crossing of Dorohusk-Jagodzin is necessary. It is located on the Polish side in the area of almost 15 ha with the possibility of activities in the field of border and cargo transport as well as veterinary, phytosanitary, sanitary and commercial quality of agricultural and food products. The so-called pipe border service system, sometimes also referred to as the queue set on the access road to the passage is functioning there. In accordance with the requirements of the Schengen Border Code, entrance and exit directions have been separated, which are operated using a large number of 14 arrival and 11 departure lanes. It is worth mentioning that it was indispensable to separate lanes supporting the movement of passenger cars and lorries according to the division adopted in the Code. Without delving into the details of this breakdown, it should be noted that 8 lanes were used for heavy goods vehicles and 5 for exports, which naturally slows down the time necessary for border service of freight traffic.⁹

The significance of the border crossing point in Dorohusk is illustrated by the list of the number of heavy vehicles transported at import and export in Dorohusk and at all other border crossings with Ukraine (including the passage in Hrebenne located in the Lubeskie Voivodship). In 2012, 347 417 checks of heavy goods vehicles were carried out on import and export, in 2014—302 133 and in 2016—285 271. In the same years, in the remaining road crossings on the border with Ukraine, the following numbers of checks were made, in 2012—399 010, in 2014—323 652 and in 2016—308 708.

When analyzing the management of the cross-border movement of people and goods at the border with Ukraine in the area of the Lubelskie Voivodship, it seems justified to notice that due

9. See: PSG Dorohusk, [a:] <http://www.nadbuzanski.strazgraniczna.pl/nos/placowki/psg-dorohusk/10975,PSG-Dorohusk.html>.

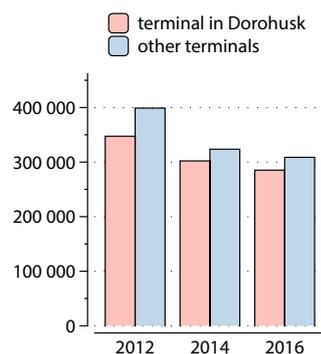


Fig. 2. Amount of cargo transport vehicles cleared at the border crossing point in Dorohusk and at other road border crossings on the border with Ukraine

Source: Own study based on the data published on website of the Nadbużański and Bieszczadzki Border Guard Department (<http://www.bieszczadzki.strazgraniczna.pl/>), as on 20 February 2018

to organizational and infrastructural standards and location, quantity and material property of the border crossing point, only its shortcomings are noticeable. In the first place, it is the number of border crossings, inadequate to actual needs, especially those serving personal traffic and traffic of little economic importance, which are distant from each other by an average of 75 km. The second and the most serious disadvantage of these considerations is the lack of separation of border services of individual forms of border movement. This causes the situation presented in Dorohusk, in which a large overall number of lanes, due to their separation into its various forms, cause the actual reduction of the capacity of this passage and, in principle, continuous queues waiting to cross the border. The adopted traffic organization enforces the form of border service of a so-called pipe or queue, keeping in mind the long waiting time causes its officers often to work under time and people pressure.¹⁰ Another issue is the lack of consistency regarding joint checks with the border services of Ukraine, they take place only in two personal passages. It is possible that the introduction of this model in the Dorohusk-Jagodzin transition could affect the improvement of border traffic services performed there. Another negligence is the unused land in the village of Okopy (belonging to the State Treasury), adjacent to the road leading to the border crossing in Dorohusk. Originally, the twin terminal to Koroszczyń was to be located there. This project was not implemented due to incomprehensible indolence and incompetence of representatives of public authorities, including border authorities. An alternative to the terminal was to be developed in the years 2007–2009 to create the so-called buffer parking that could facilitate service at the border crossing (Rosik 2012, 63). The difficult to understand, irrational and inconsistent position of those responsible for these issues led to another fiasco of an interesting cross-border model of an alternative solution for the terminal management system of border traffic service.

Summary

Integrated management of the external border of the European Union is a complex of theoretical and practical issues including specific legal solutions and procedures for the border service of people and goods. Due to the specific nature of car transport, the concepts of road border crossings organization are of particular importance. The solutions adopted at road border crossings in the Lubelskie Voivodship illustrate two different concepts of border handling of people and goods in relations with third countries. Based on the conducted research it is justified to indicate the solution adopted at the border with Belarus as the most optimal one. The rationale for this position is to maximize customer satisfaction, in this case representatives of the Transport-Shipments-Logistics industry. The manifestations of this are, among others, shorter waiting times for crossing the border and transparency of the border check mode, separation of freight and passenger traffic.

10. See: Konieczna modernizacja przejścia granicznego w Dorohusku. News published on 16 January 2016 [@:] <http://dorohusk.info/konieczna-modernizacja-przejscia-granicznego-w-dorohusku/>

Bearing in mind the specificity of handling cross-border traffic, the terminal concept operating at the Polish-Belarusian border ensures greater effectiveness of control activities carried out by border guards. This results from the comprehensiveness and harmoniousness of their execution, without the additional pressure of waiting in the queue and the possibility of full use of specialized equipment to control people and goods.

The analysis of the load of road border crossings in the Lubelskie Voivodship provides for the determination of their dominant importance in the cross-border movement of people and goods in relations with Belarus and Ukraine, in particular the passage of Dorohusk-Jagodzin and the car terminal in Koroszczyn and the crossings of Kukuryki-Kozłowicze. In the Lubelskie Voivodship, at the section of the border with Belarus, the location of three new border crossings for passenger traffic is planned in Włodawa, Kodeń, and Wygoda (Janów Podlaski), while on the border with Ukraine also three border crossings in Dubienka, Zbereże, and Budynin (Dubaj 2012, 318–320). In principle, in both cases, they make a larger or comparable number of border checks as other transitions with these countries, this mainly concerns the quantity of goods cleared.

Summing up the issue of integrated management of the external EU border on the example of road border crossings in the Lubelskie Voivodship, it is justified to put forward the thesis that one of the basic tasks of this process is to ensure efficient functioning of international supply chains in Eurasian relations. The correctness of their operation is one of the factors supporting economic integration, the development of cross-border cooperation in the broad sense of the word and the functionality of trans-European communication routes. The innovative concept of granting commodity border traffic services is the formula of common — free customs territories. This project is a juridical combination of a common border crossing and a free zone. On the one hand, it would enable joint supervision and border control by the services of two states, on the other hand, it would provide entrepreneurs with activities in relation to means of transport and goods, which would fulfil the broadly understood legal and technical standards of the importing country as well as trade and production needs resulting from cooperation between contractors. It should be noted that this concept is not only virtual and is an anticipated solution on the border between Kazakhstan and China in locations in Nur Zoly and Kalzat. Modernized border crossings will be built as part of a public-private partnership. Constructively, they will be modern logistics and commercial centers, which, thanks to this solution, will enable the passage of goods in both directions (Baymanov 2017)

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