



# BULLETIN

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## Lessons from the EU's Polish–Ukrainian Border: No Mobility without Infrastructure

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*Recent events have thrown a spotlight on the EU's border with Ukraine. While this eastern neighbour's political instability raises questions in some European capitals about security, it is imperative that the border does not become impassable for such a pro-European society as Ukraine's. The abolition of visas for Ukrainian nationals, for which Poland is pushing, will not take place in the near future. But by improving the organisation of people flows and increasing the frequency of cross-border contacts, Poland can support civil society in Ukraine and help align the country to the EU without compromising security.*

**Infrastructural Shortfalls in the Facilitation of Cross-Border Traffic.** The figures on crossings at the external land borders of the EU for the first quarter of 2013 give a clear picture. Of the 6.8 million checks carried out on Polish territory, more than half were on the Polish–Ukrainian border, with the majority involving citizens of Ukraine (97.1%). In response to this high volume of traffic, a new border crossing, the seventh of its kind on the Polish–Ukrainian border, was opened on 2 December at Budomierz–Hruszew. Located entirely on the Polish side, it is designed for buses and cars as well as trucks with a capacity of up to 3.5 tones. At the end of the first quarter of 2014, a further new crossing is to be opened in another municipality, Dołhobyczów, for pedestrians, cyclists, cars and buses.

However, this expanded number of checkpoints will still not be equal to the quantity of traffic. The proliferation of border crossings is limited by the sheer lack of access roads. As a result, entry to Poland by private transport can take several hours, and there are frequent complaints about the courtesy of the Customs and the Border Services representatives. Public transport is also oversubscribed and railway connections are infrequent. Passenger trains run on only two of the five railway crossings, (Dorokhusk–Jagodzin and Przemyśl–Mościska). More connections are offered by bus companies but, again, border waiting times can make the journey unpredictable. The only checkpoint currently available for pedestrians is in Medyka, and many travellers who get to the crossing by small buses pass through the border on foot and use public transport on the other side.

**European Support for Mobility.** Although the European Union has typically viewed even short-term migration from its neighbourhood as a threat, it goes without saying that cross-border exchange is an important form of societal and economic integration. EU-imposed border and visa requirements for citizens of Ukraine are thus an obstacle to that country's alignment with the EU, and remain a barrier to joint activities. Moreover, the visa freedom that Poland strongly advocates for Ukraine is still some time off. Nevertheless, the EU does offer some tools to both deregulate border crossings and encourage mobility.

In 2009 a small border traffic (SBT) agreement was introduced between Poland and Ukraine under an EU framework. It applies to an area 30–50 km from either side of the border and allows residents who have lived on the Ukrainian side for at least three years a greater degree of cross-border mobility. Permission to cross into and remain in the EU's border area for social, cultural, family-related or economic purposes is initially given for two and then for five years. The relevant document is issued by Polish diplomatic missions at a cost of €20. In the first quarter of 2013, nearly 54% crossings were in the framework of the SBT.

Still, the resulting increase in crossings only highlights the continued infrastructural shortfalls. Here, the EU's response is still limited. A Cross-Border Cooperation Programme for Poland–Belarus–Ukraine (2007–2013) directed at local

governments in the area of 30 km from the Polish–Ukrainian border is funded under the European Neighbourhood Policy. And there are various looser institutional forms of cross-border cooperation and funding sources grouped under the EU umbrella, such as Euroregions, established on the Polish border in the early 1990s. The Carpathian Euroregion (1993, operated together with the local governments of Hungary and Slovakia) was complemented by Bug Euroregion (1995, later joined by Belarus). However, the weakness of these entities has become increasingly clear in recent years.

**Recommendations.** New European laws to facilitate border crossings cannot work without an infrastructure to match. The expansion and modernisation of existing border crossings and the construction of new ones, not least for tourists on foot or bike, must therefore be a priority. This was made clear during the European Good Neighbourhood Days, an event which has been organised for several years on the Polish–Ukrainian frontier. For the duration of the event, temporary border crossings have had to be established to accommodate several thousand people. In August this year, for example, a temporary border crossing at Zbereże–Adamczuki was established on a pontoon bridge. Within seven days, there had been 35,854 border checks in both directions. Organised events are an opportunity for cooperation between local authorities and NGOs on both sides of the border, and for the communities of the two countries to meet, and should be expanded.

But this laborious process of construction and modernisation should not distract from the smaller everyday improvements that can be made. For example, during the 2012 UEFA European Football Championship, organised jointly by Poland and Ukraine, the border control efforts of four services were organised in one place, a separate “Euro lane” was assigned, and organised travel groups were allowed to cross ahead of their scheduled time. The key was that such solutions rested on close cooperation between Poland and Ukraine equally. These changes are now being introduced on a permanent basis, requiring specific infrastructure changes and law harmonisation, in accordance with the Schengen Borders Code. At the new checkpoint at Budomierz, for instance, more and more travellers have the possibility to inform border officials of arrival before their planned travel dates, and a “green line” has been created for travellers who have nothing to declare. These features may be rolled out to other checkpoints.

Still, Warsaw and Kiev will have to move quickly if they wish to take advantage of European support for such improvements. The current Cross-Border Cooperation Programme for Poland–Ukraine–Belarus ends in December this year, and in 2014 working groups will begin devising rules for a new programme. The first call for proposals will be announced most likely at the turn of 2014/2015. Among other issues, the territorial scope of the programme and the thematic areas of joint projects—both strategic and contracted with recruitment—will be discussed. Funding issues will also be addressed (the budget for 2007–2013 was €202.9 million, including EU funds of €186.2 million). The amount to be allocated to the programme as a whole, and the proportions allotted to the various thematic areas, will be subject to discussion.

In this discussion, one Polish area of focus should be the development of civil society through the engagement of as many units of local government as possible, not to mention NGOs and other local players on both sides of the border. Besides pushing for increased funding, Warsaw should also call for the extension of the territorial area covered by the programme, or at least define adjacent land as “major territories.” Currently the major cooperation areas include Lvivska, Volynska and Zakarpatska Oblasts, and the adjacent cooperation areas are Rivnenska, Ternopilska and Ivano-Frankivska Oblasts. The distinction between the two types of area is important both for the spheres of cooperation and financial support. For example, infrastructure projects can be implemented only in the former areas.

A relatively new EU legal instrument, intended to replace the Euroregions structures and providing greater opportunities for action, is the so called European Grouping of Territorial Cooperation (EGTC). Despite the fact that Poland adopted a law regulating the rules of the organisation of the EGTC in 2008, it is not an instrument well known and used in this country. With the framework of the EGTC now under revision, one of the main changes requested, by Poland amongst others, is to facilitate participation from countries outside the EU. The creation of an EGTC on the border with Ukraine could indeed become an important factor for the development of cross-border cooperation in this area.