
IMPACT OF LOCAL BORDER TRAFFIC ON SECURITY OF LOCAL INHABITANTS OF WARMIA AND MAZURY REGION

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Annotation. After Poland's accession to the European Union and the Schengen Agreement, its eastern border became an external border. One of the negative effects of the enlargement of the European Union, at least from the point of view of the development of cooperation with the countries of Eastern Europe, was the necessity of introducing a visa regime in passenger traffic at the external borders of the Community. In order to maintain good neighbourly contacts on the eastern side of the country, negotiations on the visa-free regime were launched. Such a solution was possible thanks to the Regulation 562/2006 adopted in 2006 which allows Member States to negotiate bilateral agreements with neighbouring countries, facilitating small border traffic for social, economic or cultural exchange purposes.

The authors present the analyses of the impact of local border traffic between Poland and the Russian Federation (Warmia and Mazury and the Kaliningrad District) on the security of inhabitants of the Polish border region.

Keywords: security, border, border zone, local border traffic, threat, smuggling.

INTRODUCTION

The Warmińsko-Mazurskie Voivodship is located on the external border of the European Union and the Schengen area. The north-eastern edges of the region are part of the state border with the Russian Federation. EU legislation provides the possibility of visa-free border traffic for non-member countries. It is possible through bilateral agreements between states and the designation of restricted border zones. These include that relatively small, isolated areas of the territory of the states and local border traffic, which means visa-free travel, can take place only within the borders of these zones. Crossing the border zone is a violation of rights by the beneficiary of the local border traffic privilege. All travel outside the border area requires a valid entry visa.

Security in local border traffic is within the interest of state and Community institutions, it is a condition for fulfilling economic interests, but also the need of the inhabitants of the border area. Visa-free travel with a non-Schengen and non-EU country always carries a risk margin as well as a lot of concerns about the security of the visa-free zone citizens. Among the concerns raised are: the increase of criminal acts involving foreigners, the smuggling of tobacco, alcohol, as well as fuel, drugs, weapons, explosives, and even people. It is certainly easier for illegal immigrants to cross the external border of the European Union to move to any of the countries within the zone, with the high probability of avoiding further border controls.

During the preparation of the research procedure a **research problem** was formulated and it took the form of a question: did the introduction of local border traffic affect the level of security of the inhabitants of Warmia and Mazury. The basic techniques of document analysis, source materials and legal analysis were used to obtain empirical material. Due to the current topicality of the problem, the empirical material was derived from statistical analysis of the Central Statistical Office, the Border Guard and the Customs Service.

Purpose of the article is to present the circumstances of the introduction and functioning of local border traffic between Poland and the Russian Federation and to analyse its impact on the security of the inhabitants of Warmia and Mazury.

Methods of research – critical analysis of scientific literature, comparative analysis of documents and source materials, theoretical methods and own intuition.

LOCAL BORDER TRAFFIC – BACKROOM OF NEGOTIATIONS WITH EASTERN PARTNERS

The Schengen Agreement is an international agreement concluded between several EU Member States and aimed at ensuring the free movement of persons in an area of the territories of the signatory States. Freedom applies not only to citizens of the Group, but to all persons of other nationalities who cross internal borders. The Schengen Group currently comprises of: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Spain, Netherlands, Iceland, Liechtenstein, Lithuania, Luxembourg, Latvia, Malta, Monaco, Germany, Norway, Poland, Portugal, San Marino, Slovakia, Slovenia, Switzerland, Sweden, Hungary, Italy, Vatican City. The adoption of regulations resulting directly from the content of the Agreement is required to gain the possibility of membership in the European Union. It

results in the fact that the future of European borders stands in front of the vision of a zone of free, uncontrolled movement of people including probably the whole old continent¹.

In order for the principles developed in Schengen to be reflected in reality and to be able to find a place in the legal and institutional order of the European Union, the Member States of the European Community had to adopt the Amsterdam Treaty, which was signed on 2 October 1997 and entered into force on 1 May 1999. States expressing their willingness to join the European Union have to incorporate the Schengen acquis in full, although the exception is Great Britain, Ireland and, in a sense, Denmark. The following are included in the Schengen acquis:

- Schengen Agreement of 14 June 1985,
- the Schengen Implementing Convention, signed 19 June 1990,
- accession protocols to Agreement of 1985 and the Executive Agreement signed with Italy, Spain and Portugal, Greece, Austria, Denmark, Finland and Sweden,
- decisions and declarations adopted by the Executive Commission established by the Executive Agreement of 1990, as well as the acts adopted by the bodies entrusted by the Executive Board with decision-making powers for the implementation of the Implementing Arrangement².

From the point of view of state security, the lack of border control always causes an additional risk by depriving a state the possibility of acquiring information about people crossing the border, the purpose of arrival and the goods they are carrying. By accepting the provisions of the Schengen Agreement, the state loses the ability to control its internal borders, relying only on the effective operation of the Border Guard at the external borders of all partners. Crossing a border of one of Schengen states opens the way to almost the entire European Union, and although Member States have reserved the right to carry out random border checks within a zone, this does not provide the level of protection that exists with systematic border traffic control.

At the very beginning of applying for membership of the European Union Poland has started its accession process, declaring its readiness to implement changes in the area of justice and home affairs, in accordance with the Schengen acquis. In order to meet EU standards, Poland undertook the development of border infrastructure of defensive nature, and began the process of preparing the state administration to implement and effectively enforce Community

¹ A. Maksimeczuk, L. Sidorowicz, *Graniczna obsługa ruchu osobowego i towarowego w Unii Europejskiej*, Wydawnictwo Almamery Wyższa Szkoła Ekonomiczna, Warsaw 2008, p. 71.

² *Ibidem*, p. 75.

law and legislative solutions on which membership depends. Governmental strategic programs were the basis for the implementation of these activities³.

Poland, in accordance with the Treaty regulating the conditions of its accession to the European Union, was obliged to apply the provisions of the Schengen acquis of the first category. In the implementation process, the Polish-Schengen Action Plan, adopted on 15 August 2001, played a strategic role. It defined the implementation instruments as well as the priorities on the way to the Schengen Zone. Moreover, it included terms in which the Polish side should follow the particular guidelines⁴.

On 24 August 2007, the Parliament of the Republic of Poland adopted a law on the participation of the Republic of Poland in the Schengen Information System (SIS) and the Visa Information System (VIS). The act defined the rules and procedures for the participation of the Republic in these systems, including the obligation of the authorities making entries and the authorities authorized to access the data through the National Information System⁵. As Poland has the task of securing one of the longest part of the Schengen external border, it has received support from the Schengen Fund of 313 million Euro. In 2006 - 2007 a group of experts evaluated the new Member States to meet all the necessary requirements of the zone. Experts unanimously stated that Poland properly implemented the Schengen acquis in all required areas. Due to lack of objections, a decision was adopted which allowed the abolition of controls on the sea and land internal borders as of 21 December 2007, and at the air borders the abolition of control took place on 30 March 2008.

Local border traffic as a simplified and special way of crossing state borders is introduced on the basis of bilateral agreements between states interested in such a solution. Poland prior to 2007 had agreements to allow crossing the border for inhabitants of border zone within the local border traffic with the Czech Republic, Slovakia and Germany, which at the time belonged to the Schengen zone. After 2007, when the accession to the Schengen area of all countries, including Poland, bound by the Agreements of Local Border Traffic took place, all border crossings serving travellers within the local border traffic system were abolished. Since then, the provisions of the Schengen Agreement have been applied, with the borders between those states open. This has given the travellers the possibility to cross the border anywhere except for the protected areas. It should be emphasized that the possibility of free crossing of state borders

³ See: Polska w Strefie Schengen. Biuletyn Informacyjny, Wydawnictwo MSWiA, Warsaw 2007.

⁴ A. Maksimczuk, L. Sidorowicz, *Graniczna obsługa...*, op. cit., p. 75.

⁵ *Ibidem*, p. 76.

ceased to apply only to the inhabitants of the border area, as it was in the case for local border traffic. After Poland's accession to the European Union and the Schengen Agreement, its eastern border became an external border. One of the negative effects of the enlargement of the European Union, at least from the point of view of developing cooperation with the countries of Eastern Europe, was the necessity of introducing a visa regime in passenger traffic at the external borders of the Community⁶. In order to maintain good neighbourly contacts on the eastern side of the country, negotiations on the visa-free regime were launched. Such a solution was made possible by the Regulation No 562/2006, adopted in 2006, which allows Member States to negotiate bilateral agreements with neighbouring countries, facilitating local border traffic for social, economic or cultural exchanges⁷. Ukraine was the first neighbour which Poland signed a local border traffic agreement with. The contract was signed in 2008 and entered into force from 1 July 2009. This was due to the European Commission's reservations regarding the depth of the Ukrainian border area. Ultimately, the zone covers an area 30 kilometres from the border.

Parallel agreement with Belarus was signed by the Speaker of the Polish Parliament on 22 June 2010. The President of the Republic of Belarus signed it at the end of the same year, but the exchange of diplomatic notes, necessary for the implementation of the agreement, was suspended by the Belarusian side. Formally, the reason for this has been the lack of required printing equipment that allows the publication of travel cards for passengers.

Poland also started negotiations on local border traffic with the Russian Federation. To bind visa-free border traffic on the border between the Republic of Poland and the Kaliningrad District. In 2010, an agreement was negotiated, one of which was the inclusion in the border zone the whole area of the Kaliningrad District. However, it was in conflict with existing EU regulations, notably Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 stipulating the rules on local border traffic at the external land borders of the Member States. Countries may conclude agreements where the width of the border strip is defined from 30 to 50 km⁸. In order for the two countries agreement to be effective, Poland and Russia have applied for the establishment of a border area for the entire

⁶ <http://www.psz.pl/120-unia-europejska/maly-ruch-graniczny-na-zewnetrznych-granicach-unii-europejskiej>, [access: 18.08.2015].

⁷ http://europa.eu/rapid/press-release_ip-11-939_pl.htm?locale=fr, [access: 18.08.2015].

⁸ More: K. Dudzińska, Mały ruch graniczny z Obwodem Kaliningradzkim, „Biuletyn PISM”, no 123 (731), 2010; A. Wawrzusiszyn, Wybrane problemy transgranicznego bezpieczeństwa Polski, Wydawnictwo Naukowe DIFIN, Warsaw 2012; Wawrzusiszyn A., Aktuelle Probleme der Sicherung der Ostgrenze Polens und der Europäischen Union, "Polizei & Wissenschaft", 2/2013, Frankfurt am Main 2013.

district by way of exception. Such solution was justified by the specific location of the Russian territory in relation to Poland and other European countries

The position of Lithuania, which also conducted negotiations on local border traffic with the surrounding area, had also significant impact. The Lithuanians refused to agree to enlarge the border zone to the whole area of the Russian enclave in Europe. According to the Lithuanian government, the only acceptable way out would be to define the zone according to the standard guidelines without using exceptional solutions in this case. Lithuania's dissatisfaction with the Polish-Russian proposal stemmed mainly from the concern for its own safety. According to the Lithuanian State Border Protection Agency, in 2009, 17% more smuggled cases were registered than in 2008, including the most on the border with Russia (53% of cigarette smuggling). It is estimated that the value of the smuggled goods in the first half of 2010 was more than three times that of products that were unsuccessfully attempted to smuggle from January to July 2009. Lithuania has become both a destination country and a transit point in Western Europe.

The Russian side did not agree to such a solution because limiting the border zone to a separate section of the district territory, in order to allow local border traffic with Poland and other traffic to Lithuania, would be unfavourable to the Russian Federation. It would result in the division of the district into two separate border zones and other areas, including the largest city of the region - Kaliningrad. Russia hoped that with the support of the Polish side would increase the chances of positive consideration of the proposal by the European Commission. The formal requirement for the enlargement of border zone was to amend the existing local border traffic regulation which was in force at that time. The case would be much simpler if the initiative was also supported by Lithuania. The procedure itself is a long-term, capital-intensive process and involving almost all key EU institutions. It also gaining support from other Member States.

On 29 July 2011, the European Commission in its press announced a change of EU legislation. It was agreed to include into the border zone the entire Kaliningrad District and a large border area lying on the Polish side. One of the main arguments of such a decision has been to prevent the artificial division of the region and the possibility of conducting a more effective cultural and economic cooperation. Furthermore, it was found that local border traffic significantly facilitates the lives of citizens in border areas. It assumes less frequent checks at border crossing points (no need to stamp the document, special crossings only for border area

inhabitants, etc.), and facilitates border crossing without creating legal gaps or additional threats to the Schengen area⁹.

The approval of the Commission made it possible to sign an agreement between the Russian Federation and the Republic of Poland. Negotiations were finalized on 14 December 2011. On behalf of the governments, the agreement was signed by the Ministers of Internal Affairs of both states. For a legislative act to become mandatory, it still required ratification by the parliaments of the parties. Lithuania still did not agree to extend the border area of the entire district proposing for negotiations with Russia the area to be divided in accordance with Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006.

LEGAL BASIS FOR LOCAL BORDER TRAFFIC BETWEEN THE REPUBLIC OF POLAND AND THE RUSSIAN FEDERATION

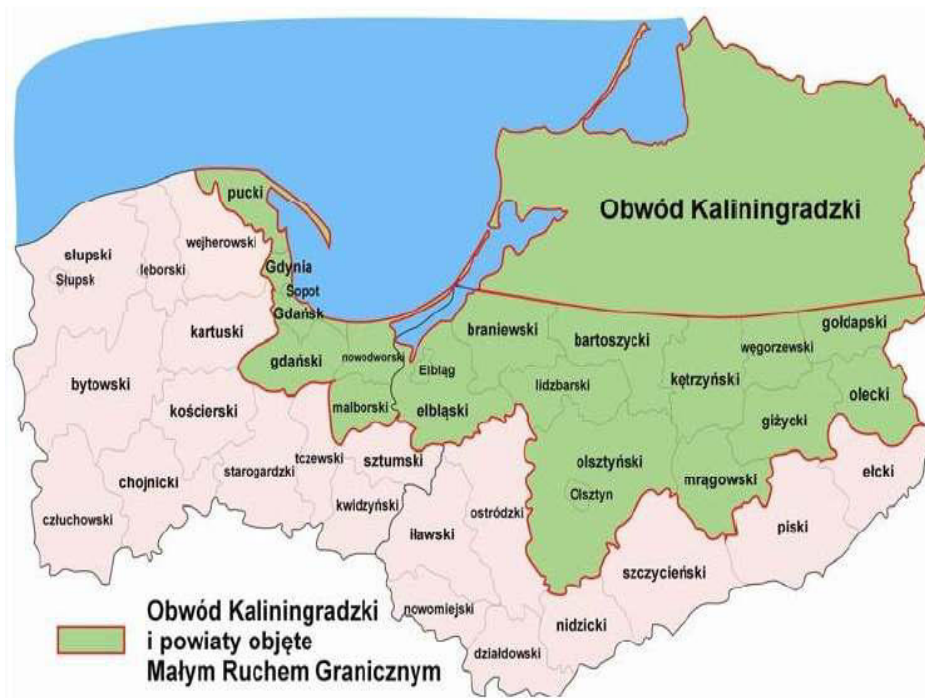
On 27 July 2012, the agreement between the Government of the Republic of Poland and the Russian Federation on the introduction of local border traffic came into force. The agreement defined the rules of local border traffic and the scope of the border area. What is important, the agreement covered the entire territory of Russia directly bordering the territory of Poland. On the Polish side of the border area, twenty counties located in two voivodships were incorporated.

The Agreement was concluded in accordance with the provisions of the treaty on friendly and good neighbourly cooperation signed in Moscow on 22 May 1992 between the Polish and Russian parties. The aim of the agreement was to strengthen the neighbourhood relations of the two countries, as well as to cooperate in the economic, technical, commercial and cultural spheres. The document consists of sixteen articles containing the rules on which a local border traffic would be carried out. The second article contains an explanation of the basic terms used in the agreement¹⁰. The entities to which a local border traffic permit may be issued were specified. A basis for applying for the approval of permit has become a valid identity document authorizing the crossing of state borders and a document confirming that the applicant's permanent residence is within the border zone. In this case, the time of residence of such a

⁹ http://europa.eu/rapid/press-release_ip-11-939_pl.htm?locale=fr, [access 12.09.2015].

¹⁰ Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on the Principles of Local Border Traffic, signed in Moscow on 14 December 2011 (Journal of Laws of 2012, No. 814).

person is significant because the contract reserves the right to obtain permits for the inhabitants of the border zone for not less than three years.



Picture 1. The territories of Poland and Russia included in the border zone – local border traffic.

Source: http://mojemazury.pl/114135_Border-Polish-Russian-local-border-traffic_from-27-June.html#axzz4egN6jWvv, [access: 4.04.2016].

The document further specifies the entities that the authorities responsible for issuing the permit are obliged to issue a refusal decision. According to the agreement, such entities have become in particular, persons who threaten the internal order, the public, the health of citizens and international relations. Refusal decision will be also given to persons who are in the Schengen Information System for refusal of entry.

Persons who enter the territory of the Russian Federation in contradiction to the legislation of that state, also will not be allowed to cross the border on the basis of local border traffic.

The permitted duration of stay in the territory of the contracting states was determined, each time up to thirty days. However, the duration of stay may not exceed ninety days during the six months preceding the first entry. The fourth article regulates the validity of the first permit, providing that it lasts two years and cannot be longer than the validity of the document authorizing crossing state borders. The following permit is valid for five years under conditions

similar to the first one, but additionally conditional upon the respect of the local border traffic agreement, during the validity of the first permit.

It is sufficient to have a permit while staying within the border zone of the state and there is no need for additional passes. However, the holder of the permit does not have the right to work or carry out business in the territory of the two contracting states. At the same time having a visa and a permit to cross the border in local border traffic, it is prohibited to cross the border zone while using the permit. It follows the paragraph that according to what type of document is used by traveller while crossing the border, such rights the person has.

Moreover, important is the paragraph regarding the issue of exceeding the permitted duration of stay in the border zone of another country resulting from force majeure. The reason should be confirmed by credible documents or otherwise certified. In this case, foreigners will not be held responsibility however, the Border Guard on the territory of the Republic of Poland or the Federal Migration Service on the Russian side have to be informed about that fact. Another important information arising from the agreement concerns the control of persons crossing the border. The border control is to be conducted in accordance with existing legislation in the contracting states but excluding the stamp of permit and the documents authorizing the crossing of state borders.

The agreement also includes the paragraph regarding the mutual exchanging of information by the two mentioned countries in matters relating to the responsibility for infringement of the local border traffic regime and any amendments thereto. The issue of loss of documents by travellers or their destruction during the stay in the territory of a foreign country is also regulated. In such a case, the Border Guard or the territorial unit of the Ministry of Interior of the Russian Federation, located in the Kaliningrad District, should be informed accordingly to the state in which the incident occurred. These authorities are authorized to issue a certificate free of charge to the foreigner which confirms the reporting of the situation. If a travel document such as a passport is lost or damaged, the foreigner should go together with the certificate to the nearest diplomatic or consular representative of the country of which the document holder is a citizen. This is acceptable even if, the nearest diplomatic or consular representative of the country is placed outside the border zone. Both countries have reserved the right to suspend the application of the local border traffic agreement in situations threatening the good of any of them. In addition, each country has the right to refuse or deny the permits, if it results from its internal rules. Any discrepancies arising from the interpretation of the

agreement or its application shall be settled by consultation and negotiation between the parties. Changes in the content of the agreement are allowed only by mutual agreement of the parties.

The agreement was concluded for an indefinite period in Moscow on 14 December, 2011, and was signed by the Minister of Foreign Affairs - Radosław Sikorski on behalf of the Government of the Republic of Poland and Sergei Lavrov on behalf of the Government of the Russian Federation. The Local Border Traffic Agreement was ratified under the Act of 16 March 2012, which, according to the provisions of Article 2, entered into force three days after its publication. The President of the Republic of Poland signed the consent for the ratification of the agreement.

FREQUENCY OF CROSSING BORDER ON THE BASIS OF LOCAL BORDER TRAFFIC WITH KALININGRAD DISTRICT

In 2012, over 4 million border crossings with Russia were recorded, of which about 108 thousand were border crossing within visa-free regime. Compared to 2011, a 72% increase was recorded. According to date from the Headquarters of the Border Guard in 2013, 1.2 million foreigners crossed the Polish-Russian border on the basis of local border traffic. Taking into account all the foreigners crossing the border, the local border traffic was about 35.3%. Moreover, 1.6 million Poles have benefited from the facilities provided by the agreement between the Republic of Poland and the Russian Federation, and they were 56.6% of the total crossing the Polish border. In the first quarter of 2013, the participation of foreigners was 14.8%, while among Poles – 43.6%, while in the fourth quarter it was 48.9% and 75.7%, respectively¹¹. After the ratification by Poland of local border traffic agreements with Russia, the trend of border crossings by Polish citizens as well as by foreigners has been noted. The difference in dynamics is perfectly noticeable considering 2013 and its individual quarters. For example, at the beginning of the year the border crossed 311.9 thousand Polish citizens and 85.8 thousand of foreigners, while in the last quarter these figures amounted to 566.2 thousand and 473.5 thousand respectively.

The frequency of border crossing within local border traffic is also important. According to the Central Statistical Office, the percentage of foreigners crossing the border many times during one month in 2013 was 68%, while the percentage crossing the border several times a

¹¹ Central Statistical Office. Border traffic and the flow of goods and services on the external border of the European Union in Poland in 2013, Warsaw-Rzeszów 2014, p. 55.

week reached 21.2%¹². The situation was similar to that of Polish citizens, as 76.9% crossed the border with the Russian Federation within local border traffic several times a month, and 19% many times during the week. Foreigners using the local border traffic, according to estimated data, spent in 2013 a total of 217.7 million PLN. It shows that expenditures per one foreigner equalled an average of 376 PLN. This amount was mainly spent on the purchase of clothing and footwear as well as meat and meat products – 69 PLN, dairy products and edible fats, as well as cleaning products and cosmetics and toiletries – 37 PLN¹³. Expenditure of Poles abroad amounted to 207.2 million PLN. Mainly fuel was purchased and 88.5% of total expenditure was spent on it, 5.9% spent on the purchase of alcoholic beverages, and the next most bought goods were tobacco products.

In the third quarter of 2014, there were 463 thousand foreigners crossing the border within local border traffic. Compared to the third quarter of 2013, this figure increased by 23.7%. Polish citizens underwent border check as many as 816 thousand, which indicated an increase of 94.5% over the previous year. In addition, the percentage of local border traffic has reached 93%, so only 7% of travellers from Poland did not benefit from the facilities provided by the agreement with Russia. A similar increase was observed in the expenditure of foreigners in the territory of the Republic of Poland, which equalled to 110.1 million PLN and increased by 67.2% as compared to the same period last year. Poles spent 99.6 million PLN in the Kaliningrad District in the third quarter of 2014, up from 90.7% in the third quarter of the previous year. On the other hand, the average expenditure incurred abroad by a Polish citizen crossing this border within the framework of the local border traffic equalled to 244 PLN, in the previous quarter 304 PLN, and declared at the border crossing points a year before – 249 PLN¹⁴.

The entry into force of the local border traffic agreement has brought with it a lot of concerns about the intensification of smuggling, the alienation of foreigners and the rise of common crimes. Statistics show that there are few cases of exceeding the allowed time of stay. For example, from the beginning of the contract until October 2013, six such cases have been reported. Regarding violations of customs regulations, there was an increase of approximately 4,000 cases compared to the years when the contract was not valid.

¹² Central Statistical Office. Research circulation of goods and services on the external border of the European Union on Polish territory in the fourth quarter of 2013. The Warsaw-Rzeszow, 20 February, 2014. p. 11.

¹³ Ibidem., p. 56.

¹⁴ Central Statistical Office. Border traffic and expenditure of foreigners in Poland and Polish citizens abroad in the third quarter of 2014. Warsaw-Rzeszów, December 2014, p. 6.

The danger lies in the frequency of crossing the border by the same person. By passing the border crossing you can legally transport two packages of cigarettes, two half-litter vodka bottles and a full tank of fuel in a vehicle crossing the border, provided that its capacity has not been illegally increased. A border resident may cross the border every 72 hours, i.e. on average ten times a month carrying cigarettes, alcohol and fuel.

LOCAL BORDER TRAFFIC FROM THE PERSPECTIVE OF LOCAL AUTHORITIES AND INHABITANTS OF WARMIA AND MAZURY

The entry into force of the local border traffic agreement has brought significant economic benefits to the counties of the Warmiańsko -Mazurskie voivodship included by the agreement (Gołdap, Olecko, Węgorzewo, Giżycko, Kętrzyn, Mragowo, Bartoszyce, Lidzbark, Olsztyn, Braniewo, Elbląg). It has resulted in increased trade and revitalization of tourism, and consequently on the general development of areas affected by structural unemployment and investment exclusion. There was an increase in expenditures for the expansion of the gastronomy and accommodation base, the development of SPA & Wellness services and recreational facilities. The largest profits from the introduction of visa-free travel were taken by large urban centres and municipalities located in the immediate neighbourhood of border crossings (Braniewo, Bartoszyce, Gołdap). In cities and municipalities far from the border crossing points, due to poorly developed local road network and poor surface quality, no economic recovery was recorded. The disadvantageous location was compensated by good tourist base, hotels with high standard of services, gaining customers from Kaliningrad District. Mikołajki visited over 40 thousand Russians annually. There was an increase in individual arrivals for weekend and Christmas stays. Four- and five-star hotels offering SPA and Wellness treatments have become the most popular. Hotels contributed to the increased interest in the places in which they are located and have provided jobs to the residents of the surrounding towns and villages. Despite investment and efforts undertaken by local authorities Warmińsko-Mazurskie voivodship still is a transit area to large urban centres of the Tri-City, Warsaw and Olsztyn.

Local border traffic has had a significant impact on the lives of border area's inhabitants. The visa-free movement made it possible to exploit the great potential of cross-border trade and services. The border has become primarily a workplace providing basic or additional livelihood for people struggling with long-term unemployment. For 75% of Poles crossing the border, purchases, especially fuel, were the primary target. According to Russian data, the average Pole

spent less than 1 hour in the Kaliningrad District, arriving at the nearest gas station and returning to the border crossing point¹⁵. So called "fuel tourism" has become a way of life for many people, and "work at the border" has involved a much larger number of people, going beyond the strip of districts neighbouring the border.

THREATS CONNETED TO LOCAL BORDER TRAFFIC

The phenomenon of smuggling goods at the border with the Kaliningrad District does not have any special characteristics, and it does not differentiate from the other parts of the border. The intensity of negative phenomena is directly proportional to the increased number of border crossing. Initially, the media pointed to the success of local border traffic. This success was to counter previous fears regarding the increase in smuggling. The Russians spend millions in our country: expected smuggling and floods of crime, appeared to become a solid economic kick for the region¹⁶. Such headings often became newspaper titles, but more and more frequently the information appeared in the press about groups of inhabitants of some counties in the Pomeranian and Warmińsko - Mazurskie voivodships driving to Mamonowo (just abroad with Russia), who were refuelling to full, then returning, dropping fuel and sell fuel cheaper than at a petrol station. Whoever has a car with a large fuel tank can earn a few thousand a month¹⁷. The case appeared to be quite complicated, as those engaged in illegal trade in fuel from the Russian Federation were mainly obtaining it in a legal way. People were crossing the border from the Polish side with almost empty tanker, refuelling it at border stations in the Kaliningrad District, and often they were carrying a canister with ten liters of fuel, which constituted a legally acceptable amount that can cross the border. Many also bought cigarettes and alcoholic beverages carefully selecting the amount of this type of goods so as not to be stopped at the border and not to pay duty.

Comparing few packages of cigarettes, bottle of alcohol and just over a hundred liters of fuel to the classic smuggling of hundreds of liters of alcohol or thousands of cigarettes can actually be absurd. However, it should be borne in mind that for a large-scale smuggling occurs sporadically and it is the amount of illegal goods subjected to this process that arouses

¹⁵ See: D. Studzińska, K. Nowicka, Mały ruch graniczny z perspektywy władz lokalnych i mieszkańców. Przykład granicy Polsko – Rosyjskiej, „Prace i Studia Geograficzne” volume 54, 2014.

¹⁶ <http://natemat.pl/69815,rosjanie-wydaja-u-nas-miliony-mial-byc-zalew-przestepczosci-i-przemycanych-towarow-a-jest-solidny-kop-gospodarczy-dla-regionu>, [access: 05.09.2015].

¹⁷ <http://nowydworgdanski.naszemiasto.pl/artykul/ograniczenia-na-rosyjskiej-granicy-koniec-z-nielegalnym,1852360,art,t,id,tm.html>, [access: 05.09.2015].

controversy. Passenger cars crossing the border several times a week have become equally threatening to the state's economy, but also for citizens who often attracted by the price were choosing goods from "legal trafficking". The scale of the phenomenon was difficult to quantify, reaching a level that threatened local fuel distribution companies. Therefore, it became necessary to introduce restrictions on the use of local border traffic.

The entry regulations were tightened in May 2013, after one year of functioning of local border traffic. Previously, the border could be crossed once a day. Restrictions introduced by the Customs Service, according to the guidelines of the Minister of Finance, allowed the possibility of crossing the border once every three days. This was aimed at reducing the illegal trade of non-food products, mainly fuel¹⁸. However, limiting border crossings to ten days per month did not solve the problem. Traders found a way to circumvent the restrictions invested in a few cars and involved the family in the trade. In a way, fuel was constantly collected and sold. It can be said that the response to the constraints was the creation by self-employed traders a kind of a small, illegitimate family business.

The local border traffic agreement specifically forbids any material gain in connection with the use of the visa-free border crossing. While the purchase of fuel in the territory of Kaliningrad District and return with this product to Poland is legal, the sale is illegal, because Polish tax law and relevant legislation authorize specific entities to trade such goods. The trade in Russian fuel, which is carried in the tanks of old cars by members of an illegal "family business", is a crime, primarily tax crime, affecting directly the whole society. The uncontrolled trade of goods brought from the Kaliningrad District has created many threats. The desire for profit led traffickers to Russian gas stations, the same need also led to various types of fraud attempts of potential customers. Illegally extracted, miss-stored and often diluted fuels increase their volume and hence profit. Refuelling of such fuel was associated with the risk of vehicle breakdown, which is a risk factor for road traffic and expose the buyer to economic loss associated with vehicle repair.

On the other hand, cigarettes or alcohol without Polish excise stamps were often sold in different Polish packages. The customer was able to tell what was bought only on the basis of the seller's assurances. It was therefore possible to purchase contaminated alcohol not intended for consumption, whose side effects could even cause death. Above mentioned was connected to the possibility of buying cigarettes or alcohol from illegal factories located in Poland. It gives

¹⁸<http://www.kresy.pl/wydarzenia,bialorus?zobacz/maly-ruch-graniczny-bialorus-zwleka-kaliningrad-mniej-atrakcyjny#>, [access:06.09.2015].

the opportunity to forge the real origin of some articles, which can pose a real threat to your health and even the lives of uninformed consumers.

Since the beginning of the local border traffic agreement, aggressive behaviour and hostile incidents of foreigners have not been reported. Russians and Poles living abroad have felt safe in their countries. The development of the situation in Ukraine and the involvement of the Polish government have changed the Russians' attitude towards those crossing the border. In 2015, the first signs of hostility were manifested by attacks on Polish citizens. There have been reported a number of cases of threats with weapons, knives, clubs, assaults and theft of travellers. Police detainees were involved in extorting money from Polish citizens in border areas and beaten-up drivers. Among the detainees, in addition to the citizens of the Russian Federation were also Poles, which proves the international connections of criminal groups.

Disturbing incidents became the basis for the General Consul of the Republic of Poland in Kaliningrad to the Ministry of Foreign Affairs of the Russian Federation in the Kaliningrad District, calling on the Russian authorities to take immediate measures to stop the violence against travellers using Russian gas stations and to prevent extortion.

CONCLUSION – THE BALANCE OF PROFITS AND LOSSESS

The entry into force of the agreement between the Government of the Republic of Poland and the Government of the Russian Federation on the principles of local border traffic has brought many questions and controversies. Concerns were particularly related to the rise of common crime, increased smuggling, the illegal presence of Russian citizens in the territory of the Republic of Poland and the use of local border traffic to carry out illegal work in border areas. When deciding on the introduction of local border traffic, the issue of security of the inhabitants of the border area, including the inhabitants of Warmia and Mazury, was discussed in detail.

1. Local border traffic has not increased the frequency of occurrence of adverse events. Since the entry into force of the legislation, from mid-2012 to October 2013, the Border Guard has recorded only seven cases of breach of contract. Only one case concerned exceeding the permitted duration of stay, and the other cases referred to crossings of the border area, which is the border of visa-free travel. A slightly higher increase was recorded in statistics of violations of customs regulations. This is justified by the increase in the number of people traveling.

2. There was no significant increase in traffic safety hazards, which could increase due to vehicle inflows and the different road rules in force in Russia. For example, in 2012, Federation citizens caused only 16 road accidents across Poland¹⁹. Citizens of Poland also did not contribute to the deterioration of road safety in the Kaliningrad District, and there were no violations of the local border traffic agreement by the Poles.
3. There was no increase noticed within the scope of common crimes.
4. The increased export of fuel from the Kaliningrad District has been one of the few undesirable effects of the entry into force of the agreement for the Russian side. According to various estimates, private fuel imports only from the Kaliningrad District alone amounted to 6-7 million liters per year. This is a huge loss for the state and the citizens²⁰.
5. In all cases of aggression against foreigners, immediate steps have been taken to discontinue the activity. The protection of Polish victims were taken care by the state consular services in cooperation with the Russian side. There was a positive attitude of both countries towards border security and willingness to cooperate further in visa-free travel between Poland and Russia.
6. The local border traffic has been a success in the economic and social spheres. Poland has benefited in the form of increased trade and increased tourist traffic. Cooperation on the security of citizens of both countries has been enhanced. Furthermore, cooperation between border authorities and the development of border infrastructure has improved the comfort, speed of travel and border crossing.

Due to the NATO summit and World Youth Day, Poland has decided to suspend, from 4 July 2016, the provisions of intergovernmental agreements on local border traffic in the part concerning entry and stay in the territory of the Republic of Poland regarding border residents of Ukraine and the Russian Federation. Local border traffic with Ukraine was restored after the end of World Youth Day, border traffic with the Kaliningrad District was not resumed due to security reasons.

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VIETINIO EISMO PER SIENĄ POVEIKIS VIETINIŲ VARMIJOS IR MOZŪRIJOS REGIONŲ GYVENTOJŲ SAUGUMUI

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Summary

Po Lenkijos įstojimo į Europos Sąjungą ir prisijungimo prie Šengeno susitarimo, jos rytinė siena tapo išorine siena. Vienas iš neigiamų aspektų po Europos Sąjungos plėtros, bent jau žiūrint į Rytų Europos bendradarbiavimo vystybę, buvo būtinybė įvesti vizų režimą asmenims, keliaujantiems per išorines Bendrijos sienas. Siekiant išlaikyti gerus kaimyniškus ryšius su rytiniais kaimynais, buvo pradėtos derybos dėl bevizio režimo. Toks sprendimas buvo įmanomas dėl Reglamento nr. 562/2006, priimto 2006 metais, kuris leidžia valstybėms narėms derėtis dėl dvišalių susitarimų su kaimyninėmis valstybėmis, kuris leidžia vykti mažam pasienio keliavimui socialiniais, ekonominiais ar kultūrinio

pasikeitimo tikslais. Autoriai pristato šio vietinio eismo tarp Lenkijos ir Rusijos Federacijos (Varmija ir Mozūrija bei Kaliningrado sritis) poveikį Lenkijos pasienio regiono gyventojų saugumui.

Mokslinių tyrimų kryptys: nacionalinis saugumas, saugumo vadyba, saugumo švietimas, šiuolaikinės žinios ir aukštasis lavinimas

Keywords: saugumas, sienos, pasienio zona, vietinis pasienio transportas, grėsmė, kontrabanda

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