



Recommendation 1579 (2002)¹

The enlargement of the European Union and the Kaliningrad Region

Parliamentary Assembly

1. The Parliamentary Assembly refers to the statement of the State Duma of the Federal Assembly of the Russian Federation of 21 June 2002 on the situation around the Kaliningrad Region in connection with the enlargement of the European Union.
2. The statutory aim of the Council of Europe is to achieve greater unity among its member states, which also requires fostering and facilitating contacts between all Europeans, including through the travelling of persons across international borders in Europe. The Assembly recalls in this context the measures taken for facilitating the movement of persons under the European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe of 1957.
3. Article 2, paragraph 1 of Protocol No. 4 to the European Convention on Human Rights guarantees that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” The Assembly recalls that this article does not grant the right to entry into or transit through other states.
4. The Assembly is conscious that border controls and visa requirements are a legitimate, but not exhaustive means of controlling the entry into and transit through states by persons across international borders.
5. The Assembly also recalls that the enjoyment of the right to leave any country, including one’s own, under Article 2, paragraph 2 of Protocol No. 4 to the European Convention on Human Rights requires international travel documents being issued to every person by their competent national authorities and sufficient and functioning border crossings being maintained.
6. The specific geographical situation of the Kaliningrad Region as an exclave subject of the Federation under the Russian Constitution, which borders solely the Baltic Sea, Lithuania and Poland and is thus not adjacent to other Russian territory, makes travel between the Kaliningrad Region and other territory of the Russian Federation only possible through the Baltic Sea, by air, or across the international land borders and the sovereign territories of Belarus and Lithuania, Belarus and Poland, or Latvia and Lithuania.
7. In view of this geographical situation, the Assembly notes with satisfaction the status of the Kaliningrad Region as a special economic zone under Russian law and hopes that this status will be further implemented in order to facilitate the economic development of the Kaliningrad Region and compensate thereby for geographic disadvantages resulting from its territorial distance from the other territory of the Russian Federation.
8. The Assembly welcomes the greater freedom of movement of persons achieved under the Schengen Agreement drawn up within the framework of the European Union for a liberalisation of visa regimes among the signatory states of that agreement. The accession of further states to the European Union and its bi-lateral

1. Assembly debate on 25 September 2002 (28th Sitting) (see [Doc. 9560](#), report of the Political Affairs Committee, rapporteur: Ms Ragnarsdóttir and [Doc. 9570](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr McNamara). Text adopted by the Assembly on 25 September 2002 (28th Sitting).



agreements with candidate countries will gradually extend the application of the Schengen Agreement and may thus lead to a change in the currently existing visa regimes by those countries with their neighbouring states.

9. The Assembly is of the opinion that favourable travel regimes among member states of the Council of Europe should not be reversed through their accession to the Schengen Agreement.

10. Greater movement of persons across borders and favourable visa regimes should not, however, facilitate cross-border crime. Hence, the Assembly welcomes the intensified legal and technical co-operation between national law enforcement authorities against trafficking in human beings, organised crime, money laundering and other crimes committed across borders.

11. Therefore, the Assembly recommends that the Committee of Ministers:

offer Council of Europe legal advice and expertise to member states with regard to their bilateral and multilateral visa regimes;

monitor, and assist in, the implementation of the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters, and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;

instruct its relevant steering committees to analyse how far the European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe should be amended by additional provisions on machine-readable standardisations of travel documents, the transcription between the Cyrillic and Latin alphabets, the mutual exchange of information between signatory parties related to public order and security, as well as the readmission of illegal migrants;

invite all member states to sign and ratify the European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe;

invite Lithuania:

- a. to analyse, in co-operation with the signatory states of the Schengen Agreement, the feasibility of establishing in the future a facilitated visa and travel regime for Russian citizens;*
- b. to grant, in the meantime, visa privileges to Russian citizens travelling to and from the Kaliningrad Region, for example in accordance with Article 5, paragraph 2, Article 11, paragraph 1, lit. b or Article 14 of the Schengen Agreement;*
- c. to establish an adequate number of border crossings and equip and modernise the existing border crossings at the international land border of the Kaliningrad Region, in particular with regard to small cross-border traffic;*
- d. to sign and ratify a bi-lateral agreement with the Russian Federation on the readmission of illegal migrants;*
- e. to assist local and regional authorities in implementing the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, in particular with regard to cross-border traffic and trade between Lithuania and the Kaliningrad Region;*

invite Poland:

- a. to analyse, in co-operation with the signatory states of the Schengen Agreement, the feasibility of establishing in the future a facilitated visa regime for Russian citizens;*
- b. to grant, in the meantime, visa privileges to Russian citizens travelling to and from the Kaliningrad Region, for example in accordance with Article 5, paragraph 2, Article 11, paragraph 1, lit. b or Article 14 of the Schengen Agreement;*
- c. to establish an adequate number of border crossings and equip or modernise the existing border crossings at the international land border of the Kaliningrad Region, in particular with regard to small cross-border traffic;*
- d. to sign and ratify a bilateral agreement with the Russian Federation on the readmission of illegal migrants;*
- e. to assist local and regional authorities in implementing the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, in particular with regard to cross-border traffic and trade between Poland and the Kaliningrad Region;*

- f. to sign and ratify the European Convention on the International Validity of Criminal Judgments;*
- invite the Russian Federation:*
- a. to ratify the bilateral border demarcation agreement with Lithuania of 1997;*
 - b. to establish reciprocal arrangements for Lithuanian and Polish citizens concerning the movement of persons and visas;*
 - c. to establish an adequate number of border crossings equip and modernise the existing border crossings at the international land border of the Kaliningrad Region, in particular with regard to small cross-border traffic;*
 - d. to sign and ratify bilateral agreements with Lithuania and Poland on the readmission of illegal migrants;*
 - e. to assist the authorities of the Kaliningrad Region in implementing the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, in particular with regard to cross-border traffic and trade between the Kaliningrad Region, Lithuania and Poland;*
 - f. to sign and ratify the European Convention on the International Validity of Criminal Judgments.*