



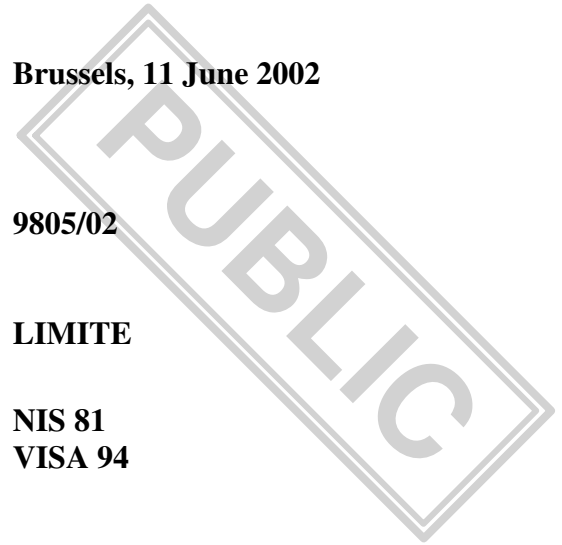
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 June 2002

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COPY OF A LETTER

from : Mr Günter Verheugen, Mr Chris Patten and Mr Antonio Vitorino, Members of the European Commission
dated : 7 June 2002
to : Mr Josep Piqué I Camps, President in office of the Council of the EU

Subject : EU-Russia cooperation on Kaliningrad: related questions of transit of people and visa requirements¹

Delegations will find enclosed a letter by Commissioners Günter Verheugen, Chris Patten and Antonio Vitorino.

¹ Letter received in English only.

Brussels, 7 June 2002
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EUROPEAN COMMISSION

Günter Verheugen
Christopher Patten, CH
António Vitorino

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Dear Josep,

As you are aware, following the EU-Russia Summit of 29 May, Prime Minister Aznar concluded that the Kaliningrad-related question of transit of people and visa requirements should be reviewed at the Seville European Council, following a first discussion at the 17 June General Affairs Council (GAC). The main interests of the EU are reflected in the position discussed by Coreper on 24 April and confirmed by the GAC on 13 May. This was also the basis of the discussion with Russia at the JAI ministerial meeting on 25 April. In essence, our position requires citizens of Russia to have visas attached to a valid travel document when crossing the external borders of the EU Member States. Lithuania and Poland have already decided to bring forward the introduction of visa to 1 January and 1 July 2003, respectively, with a view to meeting requirements under the EU acquis. For an initial transitional period until internal border controls are lifted, the new Member States will issue national visas. After that period, the Schengen acquis will be fully implemented.

The Russian position, as confirmed at the Moscow Summit, remains that the EU should allow visa-free transit through agreed motorways and railways between Kaliningrad and mainland Russia. Russia argues that visa requirements for travel between different parts of the territory of the Russian Federation would be an unacceptable violation of the Russian citizens' right to move freely throughout its country's territory. In addition, the Russian side again underlined that reaching a "mutually satisfactory solution" to Kaliningrad-related transit will be a test case for future co-operation with the European Union. We believe that the Moscow Summit has not changed our basic premise: it would be inappropriate to grant exceptions from the basic visa requirement for travel to and from Kaliningrad, particularly against the background of growing public anxiety in the EU over immigration questions. Agreeing to such exceptions would severely undermine the integrity of the acquis, including the provisions related to the area without internal border controls, and encourage calls for further special regimes.

Equally, a specific derogation involving transit corridors or sealed trains would be extremely difficult to manage in practice. Moreover it would provoke a hostile reaction from Lithuania and Poland and could make them more vulnerable to Russian pressure on other issues too. We must avoid at all costs giving these countries the impression that we are negotiating with the Russians over their heads about the terms of their accession.

In these circumstances, we should keep trying to convince the Russian about the feasibility of visas for Kaliningrad-related transit. At the same time we could offer the Russians a commitment to review the situation and scope for change in a couple of years, in the light of developments with Schengen.

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H.E. Mr D. Josep Piqué i Camps
Minister for Foreign Affairs
Spain

The current Schengen rules allow for a fair amount of flexibility, such as multiple entry visas, in cases where persons need to travel frequently across the external border. As the visas issued by the candidate countries will be national visas until the lifting of the internal border controls, the candidate countries will remain free to set the fees and conditions of issue for visas with Russia.

It is important to recognise too that it is not the visa or border control acquis as such that might negatively affect the movement of persons. The present reality is that crossing Kaliningrad's borders today is very difficult and involves considerable delays. This situation is the result of inadequate physical infrastructure and administrative obstacles mainly on the Russian side. It would therefore be useful to intensify discussions with the Russians on practical measures to improve border infrastructure and management and consular facilities, in order to render the control procedures more simple and secure and to make the transition more palatable. In addition, the EU could also use the remaining time to give more concrete explanations on the flexibility under the acquis, based on the indications already provided in the April paper.

In addition to the information and commitments to be made to the Russian administration we should contemplate an information campaign for the public at large, not only in Kaliningrad but also for the benefit of all interested parties including in Ukraine and elsewhere. More generally, we should encourage Russia to see the visa issue in a wider context than just Kaliningrad. For a country like Russia where travel is becoming increasingly popular, it should not be unreasonable to ask Russian citizens for passports and visas.

We look forward to hearing your views and would be happy to help prepare for a preliminary discussion at the 17 June General Affairs Council. It would be very helpful to have guidance from Ministers on whether the EU should consider further moves to accommodate the Russian demands. Whatever the outcome is, it will be important that the EU is able to send a clear signal to the Russians that our position has been confirmed at the highest political level. Without such an unequivocal message, it is unlikely that Russia will be willing to engage in serious discussions with us on the necessary preparations for the introduction of the new arrangements.

We are sending copies of this letter to colleagues in the General Affairs Council.

Yours ever,

Günter Verheugen

Chris Patten

António Vitorino

Member of the European Commission Member of the European Commission Member of the European Commission