

EUROPAUDVALGET
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LIETUVOS RESPUBLIKOS SEIMO
EUROPOS REIKALŲ KOMITETAS
SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS

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Mr. Claus LARSEN-JENSEN
Chairman of the EU Committee
Folketinget
Christiansborg
DK-1240 Copenhagen K
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23 September 2002 No 100-10-574
Vilnius

Dear Mr. Claus Larsen-Jensen,

Now that negotiations for Lithuania's membership in the EU are entering their final stage, once again I decided to write to you with regard to the future of the Kaliningrad region of the Russian Federation.

On 18 September 2002, in the communication to the Council the European Commission presented its ideas on Kaliningrad transit. Lithuania has put forward comments on that communication. You will find attached a summary of the Lithuanian position on the main options of the Commission communication.

Horizontal applicability, guaranteed compatibility with the *acquis* and joint EU monitoring are key principles endorsed by Lithuania and the Commission. However, Russia can be expected to mount a boisterous campaign throughout the EU advocating solutions that go beyond what has been suggested by the Commission. We are well aware of the pressure that individual Member States and the EU institutions may find themselves under. Therefore, it is important to underline at the outset, that any deviations from the basic Commission's proposals or putting into question our Schengen prospect do not have any anticipatory consent of Lithuania.

Lithuania and the EU closed the chapter on Justice and Home Affairs as early as 22 April 2002. As a consequence, we have entered into mutual commitment to fully implement the EU and Schengen *acquis*, by, *inter alia*, ensuring solid control of Lithuanian state borders, especially of its eastern border as the future EU external border, and introducing visa regime with Belarus, Ukraine and Russia according to the Schengen requirements. We, therefore, consider the negotiations in this chapter to be completed.

Furthermore, from the start of the accession negotiations, Lithuania has been consistently assured by high EU and member state officials that the EU will live up to its commitments and will not compromise the security of its citizens by allowing unreliable control of the borders of the enlarged EU. The question then is whether the EU will yield to the pressure and step back from its commitments? It seems totally unrealistic to expect that the relevant provisions of the Schengen *acquis* accommodating the "flexible" arrangements for the "visa-free" transit trains that Russia is advocating today, may be introduced by the end of this year or in the foreseeable future.

I have to admit that as a politician and as the Chairman of the Committee on European Affairs I feel great personal responsibility for the future of Lithuania including the terms under which it will become a member of the EU. Lithuania wants to be a reliable partner, fully in control

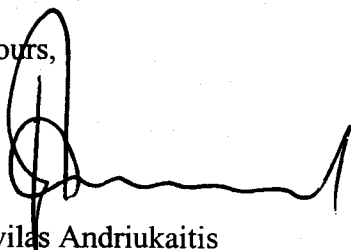
of any movement over its – and future EU – territory. Needless to say, we are interested in good co-operation with Russia. And we have made substantial effort to promote such a co-operation with the Kaliningrad region. But “leaking” external borders of the enlarged European Union is not in our common interest.

Any arrangements for transit between the Kaliningrad region and mainland Russia must not entail any risks for delaying the lifting of internal border controls for Lithuania. Otherwise, we risk facing long-lasting destructive effects not only for Lithuania, but also for Latvia, Estonia and the rest of the enlarged EU.

On the other hand, I may envisage reopening negotiations on this issue, but only after the relevant EU and Schengen *acquis* is amended and Lithuania as a member of the EU and a party to the Schengen agreement has its full say. I hope you will agree with me that its primarily in the interest of the every EU country to see Estonia and Latvia, Lithuania and Poland under a single area of freedom, security and justice.

I should be grateful if you would consider my attitude and confer with your Government on this important subject.

Sincerely yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'V' followed by a series of loops and a long horizontal stroke ending in a sharp point.

Vytenis Povilas Andriukaitis
Deputy Chairman of the Seimas
Chairman of the Committee on European Affairs

**SUMMARY OF LITHUANIAN COMMENTS TO THE MAIN OPTIONS OF THE
COMMUNICATION OF THE EUROPEAN COMMISSION
“KALININGRAD: TRANSIT” (DATED 18 SEPTEMBER 2002)**

1. Basic elements of the Lithuanian position on the issue of Kaliningrad transit:

- a) political and legal guarantees on Schengen must be included in the Accession Treaty clearly stating that no arrangement concerning the transit of persons to and from Kaliningrad will hinder or delay the decision to confirm the capacity of the new Member States to implement the Schengen acquis, thus permitting the removal of controls at internal borders;
- b) horizontal applicability: if something is applicable to Lithuania as a future Schengen state, it should be applicable to any current or future state of Schengen area;
- c) monitoring of implementation: Lithuania could only accept feasible arrangements under discussing on condition that there would be a joint EU monitoring of the preparations and actual implementation of their functioning, including technical, administrative aspects, etc.;
- d) burden sharing in implementation of the arrangements under discussion. Any expenditure for feasible options should be made clearly independent and additional to the measures foreseen in a financial package for Lithuania; clear assurances on this matter would therefore need to be included in the Accession Treaty;
- e) it has been repeated on numerous occasions that early conclusion of readmission agreements with Russia as well as early ratification of the Lithuanian-Russian border agreement would be both of political and practical importance;
- f) Lithuania has acknowledged that the issue of local border traffic is distinct from that of transit of persons. Lithuania wants, nevertheless, to stress the importance it attaches to a smooth border crossing regime for travel between Lithuania and Kaliningrad and it expects this to be taken into account by the EU in developing the *acquis* on local border traffic.

2. Lithuania evaluates certain options presented in Commission's draft Communication in the following way:

- a) opening of discussions on conditions of establishment of EU-Russia visa-free travel regime: Lithuania is ready to subscribe to the Commission's assessment on this matter;
- b) “facilitated transit documents” (FTD) to all Russian citizens: Lithuania considers this option is acceptable provided that, in line with the basic principles stated in the point 1 above
 - further consultations allowing to establish practical parameters (“legitimate reasons”, form of transportation, direct transit, duration of transit, format, etc.),
 - this system is built into *acquis*, before Lithuania needs to apply it;
 - as part of the *acquis*, FTD option is applied horizontally before Lithuania has to implement it;
 - additional adequate EU financing is guaranteed.
- c) use of internal Russian passports for issuing visas or “facilitated transit documents”: acceptable until the end of 2004 for Kaliningrad residents only, on the condition that they are provided with valid international passports in an accelerated manner up till the end of 2004;

d) transit visas would be obtainable at borders in humanitarian cases only, as provided by the *acquis*.

3. Lithuania is not ready to enter into discussions concerning further exploration of the "visa-free non stop trains" through Lithuania to and from the Kaliningrad region without clear political, legal and burden-sharing guarantees. Any further evaluation of this option should be taken by enlarged Union, after Lithuania's accession takes place.

Opening for further consideration of this option must not in any way disturb the political conditions for Accession Treaty ratification in Lithuania and the EU Member States.

4. Lithuania has subscribed to the EU Common Line of 13 May 2002 and is ready to honouring the mutual commitments undertaken by Lithuania and the EU under chapter 24 in the accession negotiations.