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**Poland
and
Ukraine**

Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules of local border traffic (with annexes). Kiev, 28 March 2008

Entry into force: *1 July 2009, in accordance with article 19*

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**Pologne
et
Ukraine**

Accord entre le Gouvernement de la République de Pologne et le Cabinet des Ministres de l'Ukraine sur les règles relatives au trafic frontalier local (avec annexes). Kiev, 28 mars 2008

Entrée en vigueur : *1^{er} juillet 2009, conformément à l'article 19*

Textes authentiques : *anglais, polonais et ukrainien*

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Agreement

between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the rules of Local Border Traffic

The Government of the Republic of Poland and the Cabinet of Ministers of Ukraine, hereinafter referred to as „the Contracting Parties“,

having regard to Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006, laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention,

having regard to Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement,

pursuant to the provisions of the Treaty between the Republic of Poland and Ukraine on good neighbourhood, friendly relations and cooperation, done in Warsaw on 18 May 1992,

seeking to develop relations of strategic partnership and to deepen Polish-Ukrainian co-operation in all areas,

recalling that the European Union has adopted the introduction of visa-free travel for the citizens of Ukraine as a long-term goal,

desiring to introduce mutual facilitation of crossing the border for residents of the border area,

have agreed on the following:

Article 1

This Agreement establishes rules governing local border traffic between the States of the Contracting Parties.

Article 2

1. For the purpose of this Agreement the following definitions shall apply:
 - a) local border traffic – the regular crossing of the common border of the States of the Contracting Parties by border residents of the State of one Contracting Party in order to stay in the border area of the State of the other Contracting Party for social, cultural, family or substantiated economic reasons, which according to the internal regulations of the State of the other

Contracting Party are not deemed to constitute gainful employment, for a period not exceeding the time limit laid down in this Agreement,

- b) border area – an area of local administrative districts of the States of the Contracting Parties, specified in Annex 1 to this Agreement, extending no more than 30 kilometers from the common border; if part of any such district lies between 30 and 50 kilometers from the border line, it shall nevertheless be considered a part of the border area,
 - c) local border traffic permit, hereinafter referred to as “the permit” – a document entitling the holder to multiple crossing of the common border of the States of the Contracting Parties under the local border traffic regime established by this Agreement,
 - d) border residents – persons who have had documented residency in the border area for a period of at least 3 years.
2. The provisions of this Agreement shall also apply to the spouses and children, both minor and of full age, including adopted children, dependent on the persons referred to in subparagraph d) of paragraph 1 of this Article, and children, both minor and of full age, including adopted children, dependent on spouses, even if they have resided in the border area for a period shorter than 3 years.

Article 3

1. Border residents may cross the common border of the States of the Contracting Parties under the local border traffic regime, on condition that they:
- a) present a valid permit,
 - b) are not persons, for whom an alert has been issued in the Schengen Information System (SIS) for the purposes of refusing them entry,
 - c) are not considered to be a threat to public policy, internal security, public health or the international relations of the States of the Contracting Parties or any of the States-Parties to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, and in particular are not subject to a ban on entering their territory.
2. Subparagraph b) of paragraph 1 of this Article shall apply to border residents holding permits issued by the competent authorities of the Republic of Poland.

Article 4

The permit issued by the competent authorities of the State of one Contracting Party entitles its holder to cross the common border of the States of the Contracting Parties and to stay in the border area of that State for up to 60 days at a time, but not longer than a total of 90 days during each 6 months from the day of the first crossing of the border.

Article 5

1. The permit may be issued to border residents who:
 - a) hold a valid travel document entitling them to cross the state border,
 - b) present a document confirming they have had permanent residency in the border area for at least 3 years, and the existence of legitimate reasons for frequent crossing of the border of the States of the Contracting Parties under the local border regime,
 - c) are not persons for whom an alert has been issued in the Schengen Information System (SIS) for the purposes of refusing them entry,
 - d) are not considered a threat to public policy, internal security, public health or the international relations of the States of the Contracting Parties, or any of the States-Parties to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, and in particular are not subject to a ban on entering their territory.
2. Subparagraph c) of paragraph 1 of this Article shall apply to border residents holding permits issued by the competent authorities of the Republic of Poland.
3. The documents confirming permanent residency in the border area are specified in Annex 2 to this Agreement.
4. A first permit shall be issued to a border resident for a period of validity of 2 years, provided that the validity of the permit does not exceed the period of validity of the travel document.
5. Any subsequent permit shall be issued for period of validity of 5 years, provided that the validity of the permit does not exceed the validity period of the travel document, under the condition that the applying person has used the first permit in accordance with the provisions of this Agreement and the provisions concerning the entry and stay on the territory of the State of the Contracting Party whose competent authority issued the permit.

Article 6

1. The security features and technical specifications of the permit issued by the competent authorities of the States of the Contracting Parties shall comply with the regulations of the States of the Contracting Parties.
2. The permit shall bear a photograph of the holder of the permit and shall contain the following information:
 - a) the name of the permit in the Polish and Ukrainian languages,
 - b) serial number of the permit,
 - c) the forename(s), surname(s), date and place of birth, sex of the holder of the permit,

- d) the citizenship and place of permanent residence of the holder of the permit,
- e) the issuing authority, date of issue and period of validity,
- f) the serial number of the valid travel document on the basis of which the permit has been issued,
- g) the border area within which the holder of the permit is authorized to stay and move,
- h) an annotation that the holder of the permit is not authorized to move outside the border area, and that any abuse of the local border traffic regime shall be subject to penalties, as provided for in Article 10 of this Agreement.

Article 7

1. Before the entry into force of this Agreement, the competent authorities of the States of the Contracting Parties shall exchange specimens of the permits through diplomatic channels.
2. The competent authorities of the States of the Contracting Parties shall notify each other any changes in the specimens of the permits, at least 30 days before the introduction of such changes, providing without delay the new specimens of the permits to the other Contracting Party.

Article 8

1. The competent authorities of the States of the Contracting Parties shall issue the permits within the shortest possible period of time but not exceeding 60 calendar days from the day of the receipt of the application with the required supporting documents. In exceptional cases, this period may be extended to 90 calendar days.
2. The detailed rules on permit issuance and collection and processing of the data related to the permit issuance shall be established by the competent authorities of the States of the Contracting Parties in accordance with their national legislation.
3. A list of the authorities of the States of the Contracting Parties designated to receive permit applications, and to issue the permits, is contained in Annex 3 to this Agreement.

Article 9

1. The fee for receiving and processing a permit application shall amount to 20 euro.
2. The following categories of persons shall be exempted from the aforementioned fee:
 - a) disabled persons,