



**EMN Ad-Hoc Query on Migration issues in treaties on good neighborhood and friendly relations [DE, CZ, SK, LT, PL]**

Requested by Joanna SOSNOWSKA on 15th November 2017

**Miscellaneous**

Responses from Austria, Czech Republic, Germany, Lithuania, Slovak Republic (5 in total)

**Disclaimer:**

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**


On 22 February 2018 Polish Contact Point plans to organize an international conference with the working title “Good Neighborhood Treaties after 1990: implementation - implementation – perspectives. Good neighborhood in the face of migration challenges”. This conference will be organized altogether with Warsaw University – International Relations Institute.


The subject of the conference concerns bilateral treaties on good neighborliness and friendly cooperation concluded by Poland and individual neighboring states (Germany, Czech Republic, Slovakia, Ukraine, Belarus, Lithuania and Russia) and analysis of the consequences of the implementation of good neighboring treaties concluded after 1990, both for Poland and for neighboring states, with particular attention to current challenges identified in different areas for the above states, especially in security, migration, national minorities and other issues. During this conference PL NCP would like to present a short analysis on the German, Czech Republic, Slovakian, Lithuanian and Polish experience in their treaties on good neighborliness and friendly cooperation and how those treaties are linked to the migration issues.


### **Questions**


1. Please, clarify which agreements or legal acts etc. that follow the treaty on good neighbourhood and friendly relation with Poland and concern the migration issue did the government of your state conclude?
2. Please, explain how does the government of your state support trans-border cooperation with Poland in the field of combating illegal immigration (i.e. agreements concluded, meetings of the relevant high-level commission, other bilateral and multilateral projects etc.)?
3. Please, clarify if the border guard of your state cooperates with the Polish one in migration matters and, if yes, how?
4. Please, clarify if the custom service of your state cooperates with the Polish one in migration matters and, if yes, how?
5. Please, explain if the local governments of borderland areas, close to Poland, develop common, mutual, bilateral projects with their Polish? If yes, please detail.

### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	Yes	<b>1.</b> Police cooperation agreement (signed on 10.6.2002; effective since 1.12.2003; FLG No. III 139/2003): Agreement between the Austrian Federal Government and the Government of the Republic of Poland regarding the cooperation at preventing and combating criminality. Readmission

			<p>agreement (signed on 10.6.2002; effective since 30.5.2005; FLG No. III 56/2005): Agreement between the Austrian Federal Government and the Government of the Republic of Poland regarding the readmission of illegal residents. It can be stated that measures of alien policy on the basis of this agreement are functioning well.</p> <p><b>2.</b> Readmission agreement (signed on 10.6.2002; effective since 30.5.2005; FLG No. III 56/2005): Agreement between the Austrian Federal Government and the Government of the Republic of Poland regarding the readmission of illegal residents. It can be stated that measures of alien policy on the basis of this agreement are functioning well.</p> <p><b>3.</b> Austria is participating almost year-round with one official at border controls at the Polish-Belarusian land border at the Focal Point Terespol (+Focal Points Medyka and Korczowa). Ongoing operative cases in the area of property crime (motor vehicles &amp; burglary) as well as in relation to smuggling of migrants together with the border guard. Ongoing good cooperation at Dublin III expulsions via bus-charter from Austria to Poland with the border guard and the alien office.</p> <p><b>4.</b> Since the Austrian customs has no competences in the area of migration there can be no cooperation with foreign authorities. If there are any alien police related findings/pickups (e.g. at controls with the x-ray-truck), then the Austrian customs is immediately turning to the Austrian security agencies.</p> <p><b>5.</b> - --- Source: Ministry of the Interior</p>
	Czech Republic	Yes	<p><b>1.</b> The general treaty which concerns migration issues is The Readmission Agreement at Common State Borders between the Government of the Czech Republic and the Government of the Republic of Poland that has been signed on 10 May 1993. For implementation of this Agreement the Czech and the Poland Governments adopted The Convention on the Readmission at Common State Borders between the Government of the Czech Republic and the Government of the Republic of Poland in August 1993.</p> <p><b>2.</b> Trans-borders cooperation is also covered by the above mentioned Readmission Agreement at Common State Borders between the Government of the Czech Republic and the Government of the</p>

			<p>Republic of Poland which came in force in 1993. The main aim of this treaty is the cooperation in readmissions of the Czech and Polish citizens and TCNs at the common border. This cooperation works well on principles of neighbourhood and friendly relationship.</p> <p><b>3.</b> See above.</p> <p><b>4.</b> The majority of competences of the Customs Administration of the Czech Republic (CA) is ex lege focused on inspection of movement of goods. Nevertheless, one of its duties is to ensure respecting the labour market's law as a control body. If the CA discovers a person staying in the Czech Republic without appropriate document, its duty is to contact immediately the Alien Police Service of the Czech Republic. The same obligation has CA towards its Polish colleagues. There is a long term and intensive cooperation, however, the main focus lies within the area of combating illegal trade of goods which are subject to the consumption tax, drugs etc. As for the Customs Administration any other special cooperation regarding illegal migration is established at the moment.</p> <p><b>5.</b> The Ministry of the Foreign Affairs coordinates the Czech-Polish intergovernmental commission (the director of the Central European States Department of the MFA is a co-chairman of this commission by virtue of this position). On the Polish side the coordinator is the Ministry of the Interior. Within this commission the Euroregion Working Group is very active. There are also EU projects that are very useful in terms of cooperation (like Interreg Va, Micro-projects Fund etc.). According to knowledge of the Ministry of the Foreign Affairs there are cooperation agreements concluded at the regional level between Czech and Polish border regions, which cover a lot of areas (culture, infrastructure building cooperation, cooperation of firefighters etc.). Moreover, the Czech and Polish border regions also use broadly the Cross-border Cooperation Operational Programme between the Czech Republic and the Republic of Poland. Generally, it can be stated that the cooperation between the local and the regional authorities and stakeholders is very broad.</p>
	Germany	Yes	<p><b>1.</b> On 15 May 2014, Germany and Poland concluded a police cooperation treaty that facilitates cross-border cooperation for the police, border and customs authorities. Based on this treaty, Germany and Poland can work together in the prevention and detection of crime. The treaty covers a wide range of police cooperation tools such as information exchange, joint patrols, hot pursuits or</p>

			<p>controlled deliveries. The treaty does not deal with migration. There is a German-Polish Police and Customs Cooperation Centre (PCCC) in Swiecko where police and customs officers from both countries work side by side. Furthermore, the German Criminal Police Office (Bundeskriminalamt/BKA) deploys a liaison officer who is based in Warsaw.</p> <p><b>2.</b> The cooperation between the German Federal Police and its Polish counterparts on matters of cross-border criminality and illegal migration builds on several treaties like the Readmission Agreement with Poland and the German-Polish Police Treaty. A new agreement on cooperation between the police, border and customs authorities was signed by the Federal Minister of the Interior of Germany and Poland's Interior Minister on 15 May 2014. The implementation of the new Treaty regarding cooperation of border control authorities has been agreed between the President of the German Federal Police and the Chief Commander of the Border Guard of the Republic of Poland on 26 June 2015 in a concept that entered into force on 9 July 2015. The implementation of the concept is realized by yearly action plans agreed on at high level meetings, key elements touching on the following: - Information exchange - Conducting joint patrols - Establishment of joint police stations - Establishment of joint operative investigation teams - Mutual assistance in case of major events - Joint German-Polish trainings - Exchange of liaison officers</p> <p><b>3.</b> German-Polish cooperation regarding borders is monitored by the German-Polish Borders Working Group.</p> <p><b>4.</b> See answer question 2.</p> <p><b>5.</b> No Information available.</p>
	Lithuania	Yes	<p><b>1.</b> Main agreements with Poland concerning migration/border crossing: • Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland concerning frontier crossing posts, Warsaw, 1992-08-12 • Treaty between the Republic of Lithuania and the Republic of Poland on friendly relations and good neighborly cooperation, Vilnius, 1994-04-26. • Agreement between the Government of the Republic of Lithuania and Government of the Republic of Poland regarding cooperation and mutual assistance in the field of customs matters, Vilnius, 1995-01-30. • Agreement between the Government of the Republic of Lithuania and the</p>

Government of the Republic of Poland on the trans-boundary cooperation, Vilnius, 1995-09-16. More information on treaties and agreements between Lithuania and Poland can be found on MoFA of Lithuania website: <https://www.urm.lt/default/en/poland>

**2.** • Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland concerning readmission and admission of persons. Warsaw, 1998-07-13. The agreement determines the procedures for the readmission and admission of its citizens and third-country nationals or stateless persons. • Agreement between the Minister of the Interior of the Republic of Lithuania and the Minister of Internal Affairs and Administration on the readmission and admission of persons. The agreement provides formalities for the implementation of the contract on the readmission and admission of persons. • Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland on Cooperation in Combat against Organized Crime and Other Crimes and Cooperation in the Border Territories, Vilnius, 2006-03-14. Within the framework of this Agreement and national legislation, countries concluded to strengthen inter-institutional cooperation and joint actions in the fight against organized crime and other crimes in the border areas of both countries. • Treaty between the Republic of Lithuania and the Republic of Poland on the common state border, legal relations connected therewith, and on the cooperation and mutual assistance in this field, Vilnius, 1996-03-05. The treaty was signed to develop and strengthen friendly relations, beneficial to both states, as well as, to define and maintain appropriate legal relations at the border between the two states. • Agreement No. 8-148 between the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, the Police Department under the Ministry of the Interior of the Republic of Lithuania and the Chief Commander of the State Border Guard Service of the Poland Republic, Chief Police Commander of the Republic of Poland on joint patrolling. The agreement establishes joint patrolling tasks and enforcement regulations.

**3.** On January 1, 2016 The border guard, customs and police cooperation centre in Budzisko was set up (Agreement 2016-01-12 84-1\_15B-1\_5-IN-1 on the Establishment of the Border Guard, Customs and Police Cooperation Center in Budzisko, the Customs Department of the State Border Guard Service, the Chief Commandant of the Polish Republic's Border Guard, the Police Department), where border guards and customs officers exchange information continuously (24/7).

			<p><b>4.</b> Yes, please see the answer to question no. 3. From January 2016, Customs of the Republic of Lithuania, in co-operation with German Federal Ministry of Finance and Polish Ministry of Finance are also implementing a 21-month EU Twinning Project in Ukraine "Support to State Fiscal Service (SFS) of Ukraine in reinforcing IBM elements in the area of customs matters". Overall objective is to establish a basis for effective customs management and integrity in Ukraine based on IBM principles. Facilitate the effective implementation of customs aspects of IBM that will establish greater security at international borders, diminish cross border crime and provide the correct balance between security and trade facilitation.</p> <p><b>5.</b> Most of Lithuanian municipalities in borderland areas with Poland develop projects through EU funded Interreg program. In Interreg Lithuania-Poland cooperation program participate four municipalities from Lithuanian (Alytus, Marijampolė, Tauragė, Kaunas, Vilnius districts) and 3 subregions from Poland (Elcki, Suwalski, Balstoge). In other program called Interreg South Baltic cooperation program participate three districts from Lithuania and 9 from Poland. Many municipalities have implemented not only infrastructural projects, but also the ones related to tourism and culture. Municipalities collaborate not only in the framework of Interreg program, some collaborations have started even before this program. Please find the list of Lithuanian and Polish municipalities who have established relations attached in the Supporting Documents.</p>
	Slovak Republic	Yes	<p><b>1.</b> Agreement between the Slovak Republic and the Republic of Poland on cooperation in combatting crime and cooperation on border areas (Warsaw, 23 March 2004); Agreement between the Government of the Slovak Republic and the Government of the Republic of Poland on accepting and transferring persons on the common state border (Bratislava, 8 July 1993, no. 75/1994 Coll.); Implementing protocol between the Ministry of Interior of the Slovak Republic and the Ministry of Interior of the Republic of Poland on the implementation of the Agreement between the Government of the Slovak Republic and the Government of the Republic of Poland on accepting and transferring persons on the common state border (Bratislava, 30 August 1993); Agreement between the Government of the Slovak Republic and the Government of the Republic of Poland on Cross-Border Cooperation (Warsaw, 19 January 1995); Agreement between the Slovak Republic and the Republic of Poland on legal relations and cooperation on common state border (Warsaw, 6 July 1995) – after joining the Schengen area, the agreement is carried out to a limited extent;</p>

Protocol between the Chief Commander of the Republic of Poland and the Ministry of Interior of the Slovak Republic represented by the Director of the Bureau of Border and Alien Police of the Ministry of Interior of the Slovak Republic and Chief Commander of the Republic of Poland, Chief Commander of the Polish Border Guard on joint patrols (14 August 2009); Implementing agreement between the Ministry of Interior of the Slovak Republic, Ministry of Finance of the Slovak Republic and Ministry of Finance of the Republic of Poland, Chief Commander of the Border Guard of the Republic of Poland on establishment and rules of the activities of the police and custom cooperation centres (14 August 2009); Protocol between the Chief Commander of the Border Guard of the Republic of Poland and the Ministry of Interior of the Slovak Republic, represented by the Director of the Bureau of Border and Alien Police of the Ministry of Interior of the Slovak Republic concerning operational cooperation (handed Cieszynie, 18 June 2008), concluded based on the Article 2 (3) of the Agreement between the Slovak Republic and the Republic of Poland on cooperation in combatting crime and cooperation on border areas (Warsaw, 23 March 2004).

**2.** Cooperation between the Border of the Bureau and Alien Police of the Police Force Presidium and the Border Guard is carried out in form of operational meetings, meetings of the border plenipotentiaries and chief border plenipotentiaries. Issues regarding cooperation on border areas during prevention, detection and combatting of crime as well as carrying out activities against threat of security and public order are discussed at the meetings. Joint operation of service is implemented on the common state border based on the Agreement between the Slovak Republic and the Republic of Poland on cooperation in combatting crime and cooperation on border areas from 23 March 2004. Joint patrols' activities has been mainly focused on prevention of irregular migration, controls of lawfulness of the crossing and residence of foreigners, prevention and detection cross-border crimes, control of persons and vehicles on road networks through state border, protection of persons and property, ensuring security and public order. Besides, regular exchange of information is carried out through Police and custom cooperation centres Trstená – Chyžne and Barwinek – Vyšný Komárnik. Based on the agreement of the chief border plenipotentiaries from 2014, border services of V4 countries prepare Common analytical report on irregular migration in V4 countries.

**3.** See question no. 2.



			<p>4. No information provided yet – awaiting PL NCP clarification.</p> <p>5. No information provided yet – awaiting PL NCP clarification.</p>
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