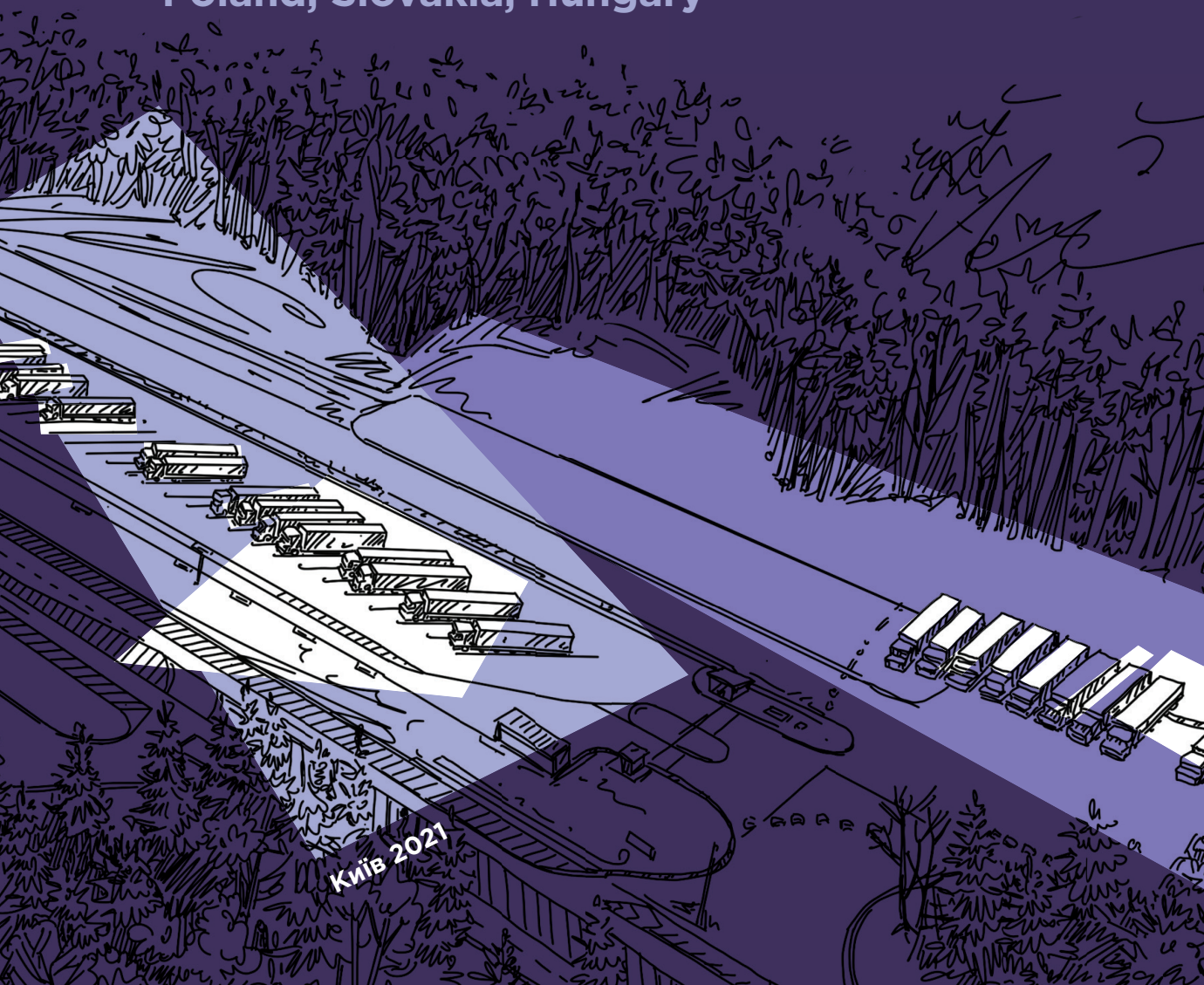


BORDER 777 CURRENT PROBLEMS OF UKRAINE-SCHENGEN BORDER

Poland, Slovakia, Hungary



Publication analyses the key issues of functioning of Ukraine's border with Schengen countries – Poland, Slovakia, Hungary. Cross-border movement trends, border infrastructure development, border spatial planning, trans-border and international cooperation are in focus, including peculiarities of building new border-crossing points, streamlining of border space via creation of service zones, electronic queue projects.

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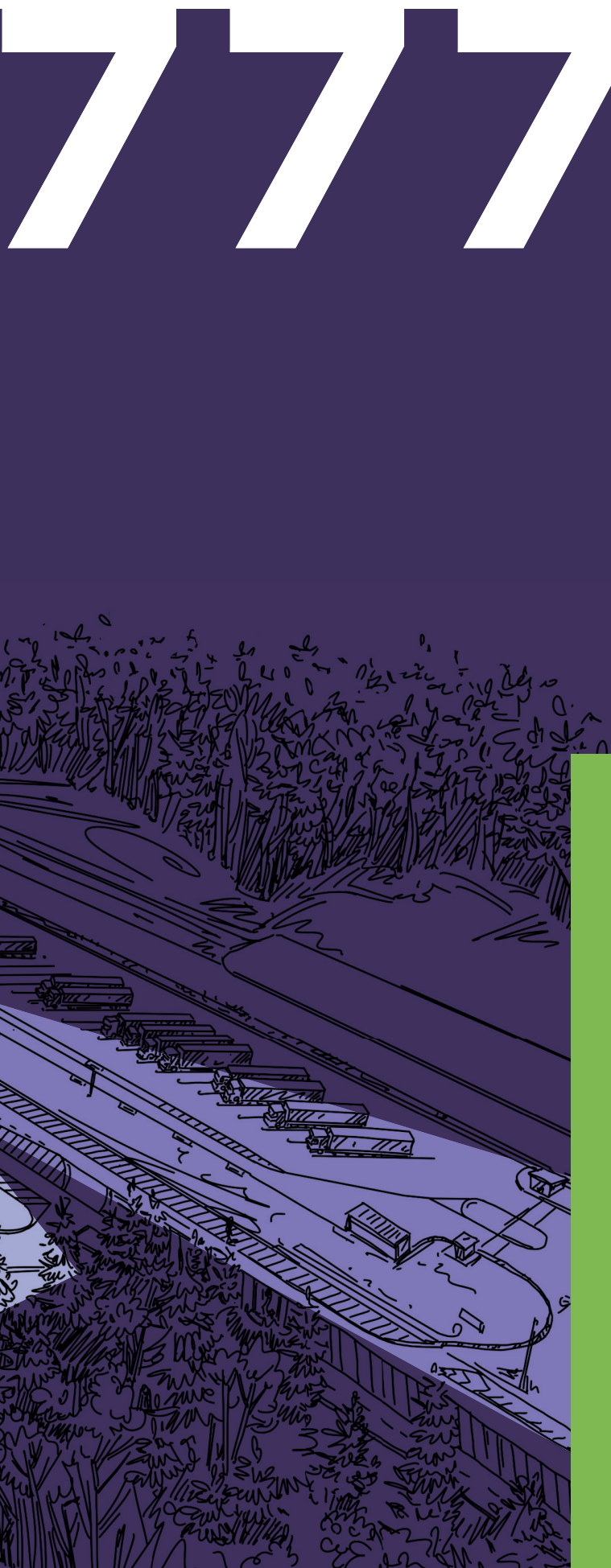
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Ukraine borders seven countries, four of which are EU member states. Three of them—Poland, Hungary, and Slovakia—are part of the Schengen area¹. While freedom of movement is considered to be one of the EU's idiosyncrasies, the Union also has a common approach to security and external border management, which makes it possible to interpret it holistically².

Ukraine-Schengen border is 776,942 kilometers long and has 15 automobile (two of them are auto-pedestrian) and 7 railroad (one is defunct) checkpoints. One checkpoint is for pedestrian use only.

The “density” of automobile checkpoints is about 1 per 52 kilometers of the Schengen border. These checkpoints are both scattered and different in terms of road quality and connection, making some of them more accessible than others.

The **Ukraine-Poland border**, which is 542 kilometers-long, has 8 automobile checkpoints with a “density” of one check-

¹ Since Romania is not part of the Schengen area, it has been excluded from the study.

² For example, the Lisbon Treaty mentions “gradual implementation of integrated external border management” among the EU policy’s goals. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A12007L%2FTXT>

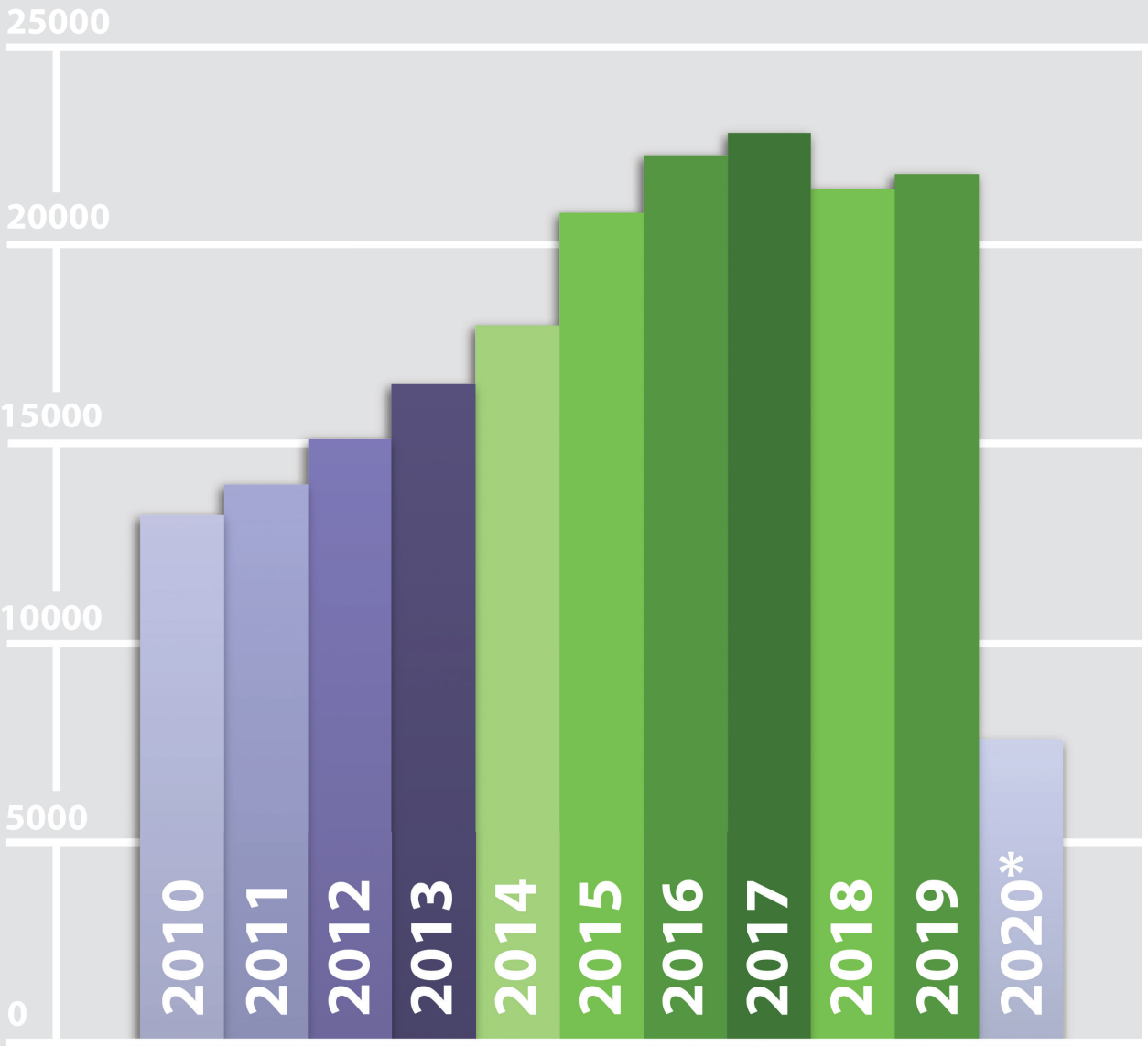
point per 67.8 km of the border. Only one of them, however, allows pedestrians and cyclers to cross. The railroad checkpoints are not as congested as the automobile ones: One of them has been defunct since 2005.

The 97,852 kilometers-long **Ukraine-Slovakia border** has two automobile checkpoints, one of which can also be used by pedestrians and cyclers: 1 per 48,7 km of the border. Two oth-

er ones are designated for pedestrians and cyclers (1 unit) as well as train passengers (1 unit).

Finally, the **Ukraine-Hungary border**, which is 136,7 kilometers long, has a total of five automobile checkpoints, i.e. one checkpoint per 27,4 km of the border—the highest number of checkpoints at the Ukraine-Schengen border. It also has one railroad checkpoint.

Chart 1.
Number of Ukraine-Poland border crossings, 2010-2020, thousand Source: State Border Guard Agency of Poland



* the forecasts are based on three quarters of 2020

CROSS-BORDER TRAVELER VOLUMES

All three borders deal with high volumes of travelers. According to the State Border Guard Agency of Poland, in the past decade, the number of individuals crossing the **Ukraine-Poland** border— except for 2018 when changes

to customs clearance of used cars were made and 2020 when the COVID-19 pandemic broke out – has been steadily growing. In 2019 alone, it was **crossed 21,738 million times**.



Table 1.
The proportion of the Schengen border in Ukraine’s cross-border movement

Category	Length of the border line, km (total/the occupied territory is not included)	Number of automobile checkpoints	Movement in 2019, number of crossings (land border)	Movement in 2020, January-October, number of crossings (land border)
All of Ukraine	5637,982/5228,682	100	85,813 млн	18,751
The Schengen border	776,942	15	32,671 млн	10,961
Proportion of the Schengen border	13,78% / 14,86%	15%	38,07%	58,5%

In 2019, the **Ukraine-Slovakia border** was crossed 2,662 million times. The respective number for Hungary stood at **8,148 million**.

Overall, in 2019 alone, the Schengen border was crossed 32,67 million times, **making up 40% of all the land cross-border movement** in Ukraine. Even though the cross-border trav-

eler volumes are high, out of all the automobile checkpoints available in Ukraine, the proportion of those located at the Schengen border **makes up just 15%** (one-seventh) of the total number. Furthermore, 58,5% of land border crossers used this part of the border between January and October 2020.

Table 2.
Border capacity (BC)³ vs the actual cross-border traveler volumes (ACTV)⁴
at the Ukraine-Schengen border

BORDER	BC, persons	ACTV, persons	BC, regular cars	ACTV, regular cars	BC, freight carriers	ACTV, freight carriers	BC, buses	ACTV, buses
UKRAINE - POLAND ⁵	59500	59555	20200	11200	1650	2063	717	448
UKRAINE - SLOVAKIA ⁶	12000	7288	4000	1295	600	257	50	60,5
UKRAINE - HUNGARY ⁷	20000	20420	9250	4206	500+30	449	180	54

3
Border capacity - the sum of the average daily capacity of checkpoints. Data from the State Border Guard Service of Ukraine

4
Actual traffic - the annual number of crossings at the respective checkpoints for 2019 divided by 365. Data from the Slovak Police, the Polish Border Guard Service, the Central Statistical Office of Hungary

5
Checkpoints Yahodyn, Ustyluh, Uhryniv, Rava-Ruska, Hrushiv, Krakivets, Shehyni, Smilnytsia

6
Checkpoints Malyi Bereznyi, Uzhgorod

7
Checkpoints Chop (Tysa), Luzhanka, Vylok

The small number of checkpoints at the Ukraine-Schengen border explains why it is so heavily congested. Many of the checkpoints are functioning on the brink of their capacity, occasionally exceeding it. The situation is especially dire at the Ukraine-Poland border, where the volumes of freight carriers crossing it exceed the border capacity by 25% (see Table 2). For example, checkpoints like Shehyni and Ustyluh are exceeding their capacity while Krakivets, Smilnytsia, and Yahodyn reach almost 100% of it. The situation is somewhat better at the Hryshiv, Uhryniv, and Rava-Rus’ka’s checkpoints that use 75% of their capacity.

At the Hungarian border, the Luzhanka checkpoint is experiencing a serious overload as well.

WHO CROSSES
THE BORDER?

Ukrainian citizens are the main users of the pre-border infrastructure, significantly outnumbering foreign citizens. In 2019, 86% of Ukraine-Schengen border crossings were made by Ukrainian citizens, meaning that on

average out of seven border crossers only one happened to be a foreign citizen. The largest proportion of foreigners crossing the Ukrainian border arrive from Slovakia (23,1%); the lowest from Poland (11%).

Table 3.
Cross-border movement by citizenship

BORDER	CITIZENS	%	FOREIGNERS	%	TOTAL
POLISH	19,443	89%	2,418	11%	21,861
SLOVAK	2,045	76,9%	0,617	23,1%	2,662
HUNGARIAN	6,614	81,2%	1,534	18,8%	8,148
SCHENGEN	28,102	86%	4,569	14%	32,671

Chart 2.
Crossing Schengen border by citizenship

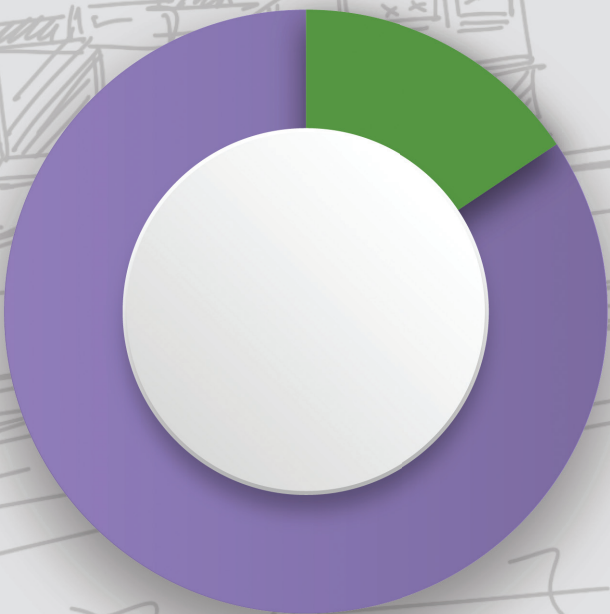
POINTS
SHARE, %



14%
Foreigners



86%
Citizens Ukraine



Although local border traffic decreased **after the introduction of the EU visa waiver** (from 50,8% in 2015 to 20,5% at the Ukraine-Poland border) the inhabitants of border communities are still the main border users. A mobile operator data-based study, carried

out between 2018-2019⁸, confirms this statement: 53% of border crossings in Lviv oblast were done by the locals, living within 50 kilometers of the border. The other 20% and 27% came from other parts of the Lviv region and the entire country respectively.

BORDER CROSSING WITH DUAL CITIZENSHIP

At least 120 thousand Ukrainian citizens have Hungarian passports⁹. A substantial proportion of them lives next to the Ukraine-Hungary border in Transcarpathia. As a rule, these people show the Ukrainian passport to Ukrainian border guards and the Hungarian one—which gives the right to stay longer in the EU—to their Hungarian counterparts.

By comparing the data from the State Border Guard Service of Ukraine and the Office for Statistics of Hungary, it is possible to gauge how many people do it (Table 4). The difference between Ukrainian citizens in the two sources is 1-1,5 million per 4 million crossings, i.e. 25-35% of individuals (every third or fourth border crosser) use two passports.

Dual citizenship is a grey legal area. On the one hand, little stops Ukrainian citizens from gaining different citizenship. On the other, they are afraid of the possible sanctions against them as the voluntary acquisition of different citizenship serves as a ground for losing the Ukrainian one—a legal clause that has proven to be difficult to implement.

The “grey area” of dual citizenship obstructs bilateral cooperation in areas like joint control. (See the Potential Checkpoints Part).

Table 4.
The crossing of the Ukraine-Hungary border by Ukrainian citizens

DATA	STATE BORDER GUARD SERVICE OF UKRAINE, 2019 (ROUNDED)	OFFICE FOR STATISTICS OF HUNGARY, 2019	DIFFERENCE
THE TOTAL CROSSINGS VIA THE LAND BORDER	8 148 000	7 861 650	286 350
THE TOTAL NUMBERS OF ARRIVALS TO HUNGARY VIA THE LAND BORDER	4 070 000	3 997 154	72 846
THE TOTAL NUMBERS OF DEPARTURES FROM HUNGARY VIA THE LAND BORDER	4 078 000	3 864 496	213 504
THE NUMBER OF UKRAINIAN CITIZENS ARRIVING IN HUNGARY	3 300 000	2 057 477	1 242 523 +/- 72 846
THE NUMBER OF UKRAINIAN CITIZENS DEPARTING FROM HUNGARY	3 314 000	2 049 654	1 264 346 +/- 213 504

CAN THE CROSS-BORDER TRAVELER VOLUMES LOWER? OTHER TYPES OF TRANSPORT

The Ukrainian passenger air traffic, including to the Schengen countries, has exploded after the watershed events of 2014: the outbreak of the war in eastern Ukraine and the loss of two major airports. Between 2015-2019, the total volume of passengers at Ukrainian airports increased from 9,42 to 21,99 million⁹. The COVID-19 pandemic, however, reduced the number of travelers.

As per the Polish State Border Guard Service, between 2016-2019, the number of Ukrainian citizens flying to Poland skyrocketed from 117 thousand¹⁰ to 700 thousand. Such an increase could be one of the reasons why there was a slight slowdown in the land border crossing volumes between 2018-2019. Yet, the data for 2019, a record year in terms of the number of Ukrainians traveling by plane to Poland, shows that this type of transport is still not as popular as the land one, making up just 7,2% of

the total Ukraine-Poland land border crossings.

Likewise, traveling by train remains not too popular. Although there are quite a few railroad checkpoints available for use, with experts dubbing it as the optimal way of land border crossing¹² (the Intercity to Przemyśl allows the border guards to check the passengers on the move), railroad border crossing has become slightly more popular with travelers. However, it still makes up a moderate proportion of the total cross-border traveler volumes.

Another circumstance worth mentioning is that although because of the COVID-19 pandemic the cross-border movement fell to record lows, long queues are still being formed regularly at the land border. Together with the absence of basic sanitary conditions (including anti-pandemic ones), this circumstance shows the ineffectiveness of the current border crossing procedure.

Accordingly, the **cross-border traveler volumes at the Schengen border will remain high for years to come**. This can only mean that the above-described problems, i.e. border infrastructure's congestion and shortcomings of border management, require to be addressed.

9

Official: in the past 10 years, Hungary granted its citizenship to 1 100 000 foreigners
<http://www.mukachevo.net/ua/news/view/1976258>

10

State Aviation Service of Ukraine
<https://avia.gov.ua/pro-nas/statistika/periodychna-informatsiya/>

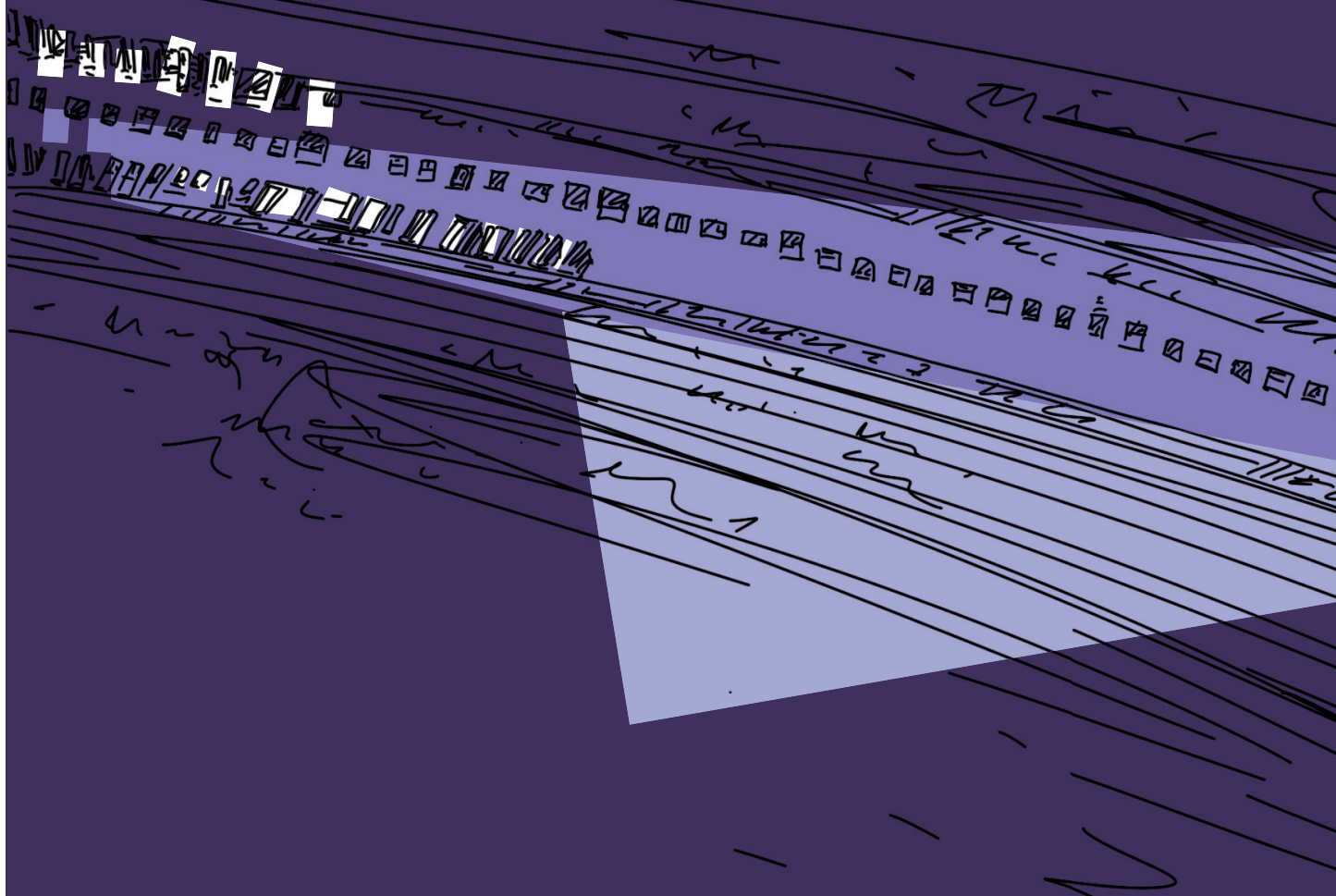
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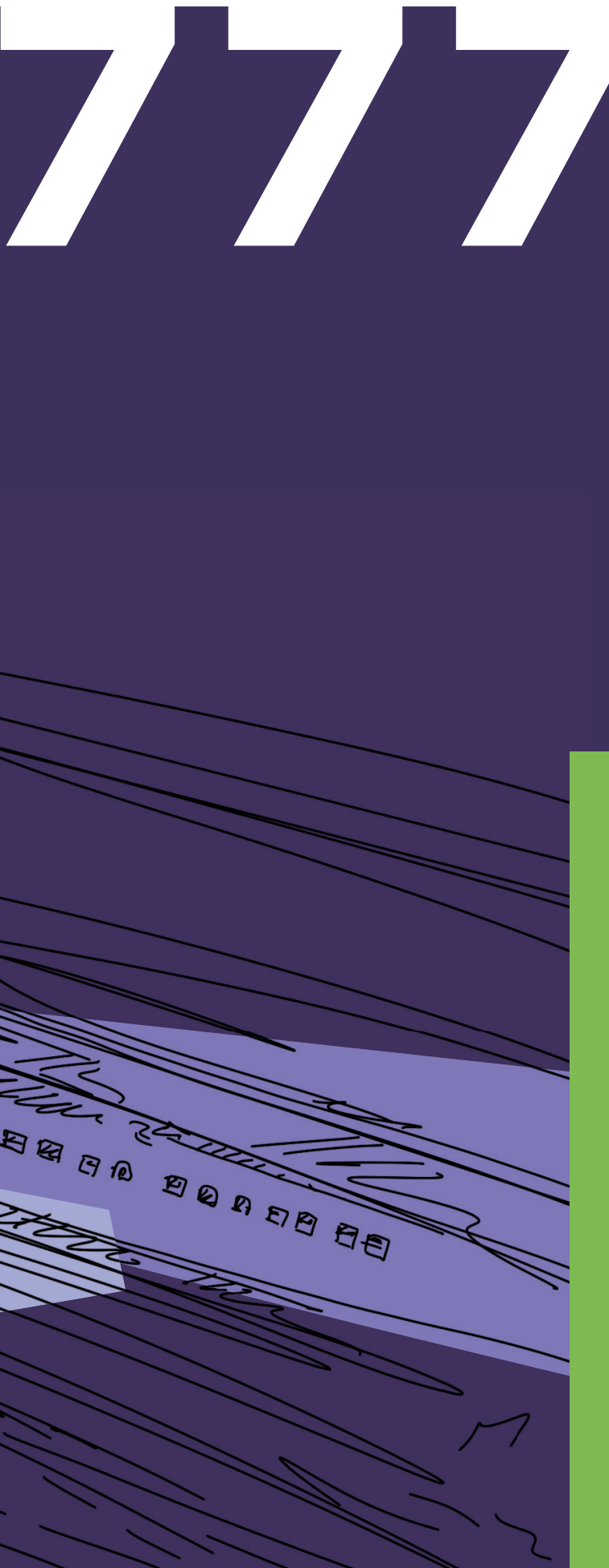
Statystyki SG
<https://www.strazgraniczna.pl/pl/granica/statystyki-sg/2206,Statystyki-SG.html>

12

Border with a Human Face
https://europewb.org.ua/wp-content/uploads/2019/09/Granica_02_aug_2019.pdf

PART II. POTENTIAL CHECKPOINTS





The creation of new checkpoints is among the most obvious and rational ways of reducing congestion at the Ukraine-Schengen border.

In the past decade, several official documents alongside statements made by the agencies as well as regional, national, and international stakeholders featured at least twenty-six potential checkpoints at the Schengen border (see Table 5). Some of them have been on the agenda ever since Ukraine gained its independence in 1991. Yet, out of all the proposals only two have been realized: Hrushiv-Budomierz and Uhryniv-Dolhobyczow, opened in 2013-2014 and built exclusively on the Polish territory.

This circumstance alone shows how systematic the problem is as well as the discrepancy between plans and reality.

Let's take a closer look at the situation.



CREATING NEW CHECKPOINTS: THE PROCEDURE

According to the Regulation on Checkpoints¹³, the Ministry of Infrastructure, the Ministry for Defense, the Ministry of Economy, the Administration of the State Border Guard Service, the State Customs Service, the Ministry of Industrial Policy, regional councils, regional state administrations have the right to initiate the creation of new checkpoints. Regional councils and regional state administrations, as well as other local authorities, have a vocal voice in the process as the local communities are among the most interested parties in this respect.

Yet, the high local level of interest and need, which puts continuous pressure on the government and makes the issue stay high on the agenda, does not come without a cost. To some extent, the two make the whole process chaotic, both politicizing and creating a certain air of profanity around it.

Over the past 20 years, regional councils and State Administrations in Volyn, Lviv, and Transcarpathian region, as well as ministers, presidents¹⁴, and ambassadors, have publicly promised to open new checkpoints, and even signed

the corresponding documents. These promises, however, were never fulfilled. At the same time, they created high expectations and demand that turned out to be unfulfillable.

The Cabinet of Ministers is the one approving initiatives on the creation of new checkpoints with bordering countries that should be underpinned by a project plan, an allotted piece of land and the necessary funding. At each of these stages, the relevant stakeholders face many challenges.

For example, Poland has frozen the cooperation on opening new checkpoints, demanding that Ukraine finalize the already commenced bilateral projects on the renovation and construction of checkpoints¹⁵.

The construction-related procedures, such as planning, opening and financing, are not properly regulated. The budget planning system demands that the subcontractors receive and spend the allotted money within one calendar year, which often reduces the project's implementation time to a couple of months, or even days, thus rendering the whole endeavor impossible¹⁶.

Although the need to create checkpoints is mentioned in several national and regional program documents¹⁷, no unified state program, or strategy, on the development of checkpoints and

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Regulations on Checkpoints at the State border
<http://zakon.rada.gov.ua/laws/show/751-2010-%D0%BF#Text>

14

Poroshenko announced the opening of the "Velyka-Palad'-Nagyhodos" <https://ua.interfax.com.ua/news/political/572884.html>
The 2000 program of Ukraine's integration into the European Union provided for the opening of the automobile checkpoints at Pavlove-Matovce, Strazh-Cierna-nad-Tisou, and Lubnia-Wolosate. Checkpoint Adamchuky-Zbereze was included in the Program of economic and social development of Volyn region for 2007 - 2011, Lubnia-Wolosate was mentioned in the State target program of preparation and holding in Ukraine of the final part of the European Football Championship 2012, etc.

15

According to the response of the Lviv Regional State Administration to the request of «Europe without Barriers» in 2019, such statements were made during the meeting of the Commission on Checkpoints and Border Infrastructure, which took place on 23.10.2018, and the XIV meeting of the ICRM, which took place on 16 February 2018.

16

In-depth interviews with stakeholders and members of the Transcarpathian public. Europe without barriers. October - November 2020

17

Border infrastructure development program of the Transcarpathian region between 2018 - 2022; Roadmap for improving the functioning of border infrastructure at the Ukraine-EU border; Strategy for cross-border cooperation of Lublin Voivodeship, Lviv Oblast, Volyn Oblast and Brest Oblast between 2014-2020. State program for the development of cross - border cooperation between 2016-2020

the border infrastructure has been developed. Moreover, no entity is in charge of coordinating the process, concentrating the resources, or prioritizing the checkpoints. The latter is quite important as it is clear that 24 potential checkpoints are abundant even for the highly-congested Schengen border. Neither Ukraine nor its partners have the resources to develop and maintain such a high number of checkpoints.

HOW TO PRIORITIZE THE CHECKPOINT LOCATIONS

One of the main ways to prioritize the checkpoint location is to consider the existing as well as the potential transport volumes and corridors. At the request of national and regional executive authorities,--such a strive for fact-based decision-making could be regarded as positive--several institutions carried out a specialized analysis in the past couple of years. For example, in 2019, the Dolishniy Institute of Regional Research of the National Academy of Sciences of Ukraine examined¹⁸ the development of checkpoints in Transcarpathia. Meanwhile, together with Lviv Regional State Administration, the Bilokon Ukrainian

State Scientific-Research Institute of Urban Design «DIPROMISTO» looked into¹⁹ the spatial planning of the border regions, used for the creation of the 2021-2027 Strategy of Regional Development²⁰.

Yet, the analysis of transport volumes and corridors is just one of the many factors to be considered. It is also necessary to factor in variables like land quality, ownership, political will. For example, when proposing the creation of the Ambukiv-Grodek checkpoint, the Volyn customs office argued²¹ that since there is a railroad bridge across the Bug river, it would be easier to build an automobile one as well.

Previous experience of simplified border crossing and temporary checkpoints for international events could also be taken into account when choosing the best locations. For example, before Poland acceded to the EU (2004), the Varyazh-Usmierz simplified border crossing checkpoint (a local checkpoint) had been available for use. Meanwhile, the Lubnia-Wolosate and Krechiv-Krylow checkpoints were tested on multiple occasions during the Neighborhood Days^{22, 23}.

While the options above are viable, those checkpoints mentioned in the national program documents and international agreements alongside

¹⁸
Institute's research performed in 2019
<http://ird.gov.ua/ird01/p1047dod.pdf>

¹⁹
Integrated strategy of spatial development of territories along the state border of Ukraine and Poland

²⁰
On State Strategy for Regional Development in 2021-2027
<https://www.kmu.gov.ua/npas/pro-zatverdzhennya-derzhavnoyi-strategiyi-regionalnogo-rozvitku-na-20212027-t50820>

²¹
Ambukiv-Grodek checkpoint: 5 economic, investment and image advantages for Volyn
<http://vl.sfs.gov.ua/media-ark/news-ark/print-351519.htm>

²²
Neighborhood Day. Officials of the Volodymyr-Volynskyi customs post will provide work of the temporary crossing point of the Krechiv- Krylow border crossing point
<http://vl.sfs.gov.ua/media-ark/news-ark/389131.html>

²³
Neighborhood Days in Pidkapattya Voivodeship in 2019
<http://lublin.mfa.gov.ua/news/74213-09-10-serpnya-2019-roku-u-prikordonnih-miscevostyah-pidkarpatsykogo-vojevodstva-lubnya-volosate-buli-provedeni-dni-dobrosusidstva-spilyno-organized-z-zakarpatsykoju-oblastyu>

those with a good road connection²⁴ are likelier to be implemented. One of them is the Dyida-Beregdaroc checkpoint (Ukraine-Hungary border), which is supposed to connect the Kyiv-Chop highway with the M3 road. And the Nyzhankovychi-Malhowice checkpoint that already has secured funding²⁵ as well as an implementer.

JOINT CONTROL

Several to-be-created checkpoints envision joint control. They include the Velyka Palad-Nagyhodos checkpoint at the Hungarian border (Ukraine has already built a road to it), Lubnia-Wolosate at the Polish one, and the Solomonovo-Cierna at the Slovak one. Yet despite decades-long deliberations, the tentative date of their opening remains unknown.

Joint control is largely deemed beneficial as it helps save time, adhering to the international principles of the “single window”, “single stop”, and random check of vehicles and goods. Both the border guards and the customs officers get to check border crossers simultaneously, which is a true time-saver. According to EWB’s 2018 study of the Ukraine-Poland border, the average crossing time at checkpoints with joint

control was 2,5 times faster than at the regular one (2 hours instead of 5)²⁶.

Yet it is not only about time and convenience. Joint control also enables a more effective use of resources since it requires less equipment and space. Besides, since it envisions the exchange of data between two bordering countries, it helps counter organized crime, smuggling, irregular migration. Also servicemen of the bordering countries enhance horizontal cooperation and reduce corruption-associated risks. The added value of the latter two factors is difficult to gauge, but it is still tangible.

Joint control has a long history and was even mentioned in one of the treaties between Poland and the Soviet Union²⁷. In 2002, Ukraine concluded agreements on joint control with Poland that was yet to accede to the EU. As a result, joint control is currently available at four automobile checkpoints: Smilnytsia-Kroscienko, Hryshiv-Budomierz, Uhryniv- Dolhobyczow, Ustyluh-Zosin (for leaving Ukraine and entering Poland only)²⁸. Two of them were created during the past decade.

In the case of Hungary and Slovakia, the joint control talks, and the development of mutual agreement that would provide the legal basis for its running, are still ongoing because of the **incompatibility of the Schengen and Ukraine**

24

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Hungary on road connections at the Ukraine-Hungary border within the Fifth Pan-European Transport Corridor

https://zakon.rada.gov.ua/laws/show/348_074#Text

Agreement between the Cabinet of Ministers of Ukraine and the Government of Hungary on the control of border traffic at border crossings for road and rail connections

https://zakon.rada.gov.ua/laws/show/348_083#Text

25

In 2021, the Republic of Poland will begin construction of a checkpoint in Nyzankowice

<http://kam-buzrda.gov.ua/u-2021-rotsi-respublika-polscha-rozpochne-budivnytstvo-punktu-propusku-u-nyzhankovychah/>

26

Border Anatomy: Public Assessment of Ukrainian Border Crossing Practices and Normative Innovations

<https://europewb.org.ua/anatomiya-kordonu-gromadska-otsinka-praktyk-peretynu-kordonu-ukrayiny-ta-normatyvnyh-novatsij/>

27

An Agreement between the People’s Republic of Poland and the Government of Socialist Soviet Republics on the establishment and opening of additional checkpoints for international road transport at the Soviet-Polish border

https://zakon.rada.gov.ua/laws/show/616_250#Text

legislation.

According to the Schengen Border Code²⁹, joint control territory must be subject to EU member state's laws and norms, even if the checkpoint is located on the territory of Ukraine. According to Annex VI of the Schengen Code, sub-article 1.1.4 on joint control, if a Ukrainian citizen is officially subject to detainment/arrest, Ukrainian border guards are obliged to hand over the individual to the EU member state that carries out joint control with it, even if that person is located in the Ukrainian territory. This obligation contradicts Ukrainian legislation and its Constitution³⁰, which is why Kyiv offered a compromise: to remove from the Agreement's draft Article 8 that allows EU border guards at the joint control to detain a person or take him/her into custody with the Ukrainian officers agreeing to the procedure.

Following lengthy talks, Slovakia agreed to such a compromise and sent the draft for the approval of the European Commission back in November 2018. To date, however, the State Border Guard Service of Ukraine has not received an official response³¹. Its hopes, however, are not high as the EU Commission has emphasized on multiple occasions that the Agreement on joint control with Slovakia should be based on the Schengen Code.

The situation with Hungary is largely the same³². The talks began in 2014 when Hungary initiated the inception of joint control at the planned Velyka Palad-Nagyhodos checkpoint. Between 2014-2019, the participants developed a draft of the Joint Control Agreement and the exclusion of Article 8. However, the EU Commission is yet to approve it, which is an unlikely event.

To address this contention point and find common ground, **trilateral consultations must be held**. They should include representatives of Ukraine, Hungary, and Slovakia as well as the EU Commission.

When it comes to Hungary, one other aspect could play a role. More than 100 thousand inhabitants of Transcarpathia have Hungarian passports, thus ending up in the grey zone of the legislation. Although Ukrainian law postulates that the voluntary receipt of another citizenship could lead to the loss of the Ukrainian one, no effective implementation procedure has been put in place. It could be the case that Hungary does not want the Ukrainian border guards to be able to observe Ukrainian citizens using Hungarian passports which may happen if both sides perform control at the same place. Furthermore, by showing a passport of a different country (not only the Hungarian one), a Ukrainian

28

ADPSU's response to the request of the NGO «Europe without Barriers» dated August 2, 2019 №23 / M-1496

29

The Schengen Border Code

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32016R0399>

30

The Constitution of Ukraine, article 25

<https://www.president.gov.ua/ua/documents/constitution/konstituciya-ukrayini-rozdil-ii>

31

Reference material of the ADPSU on the state of organization of joint control at checkpoints across the Ukrainian-Slovak state border, 2021

32

Reference material of the ADPSU on the state of organization of joint control at checkpoints across the Ukrainian-Hungarian state border, 2021



citizen who breached Ukrainian law, has no right to leave the country or is being wanted might still get to cross the border. Accordingly, the joint control issue is closely related to the multi-citizenship one.

All in all, for the time new, cheaper, and more effective joint control checkpoints at the Ukrainian-Schengen border are effectively out of the question.

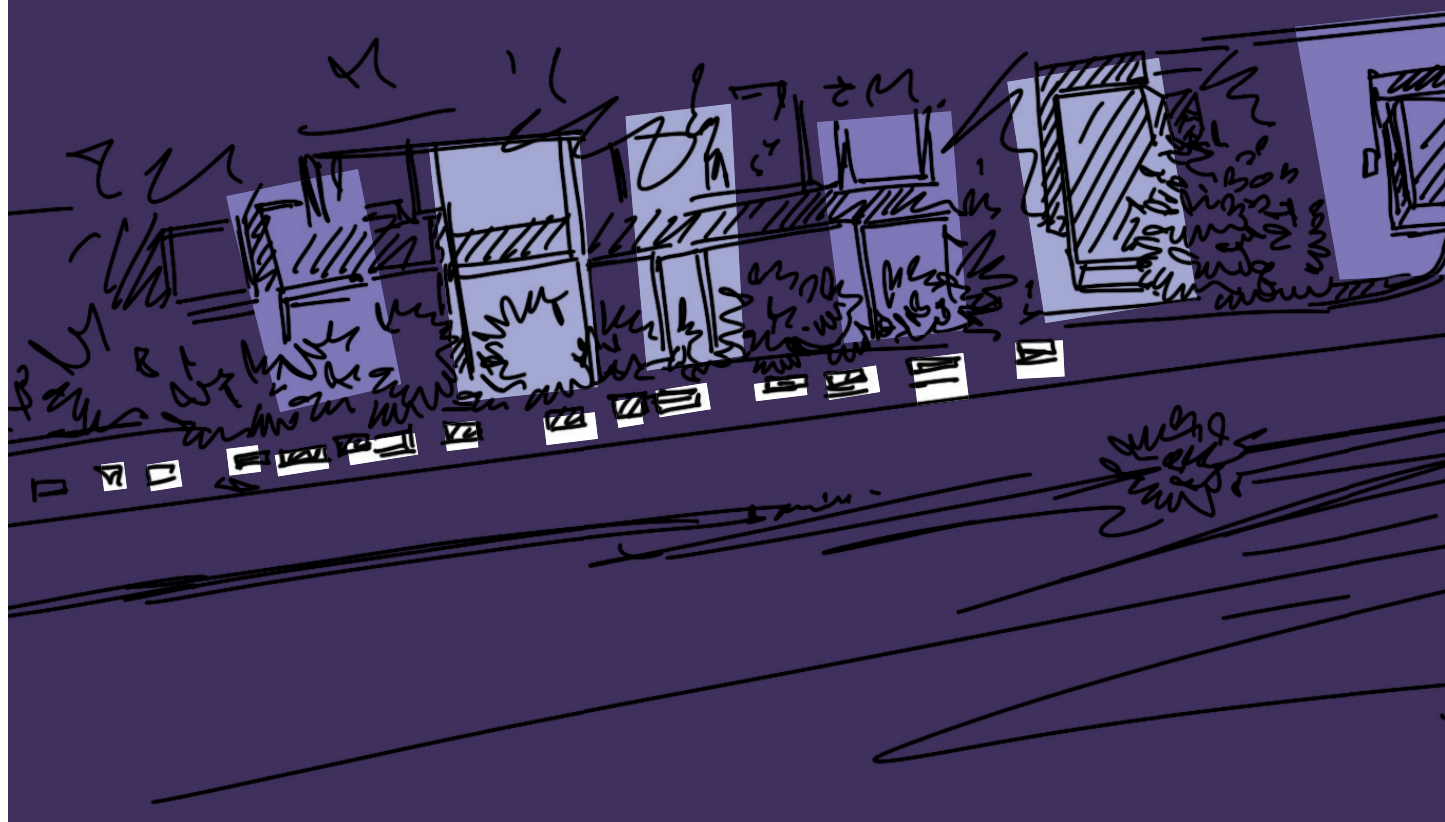
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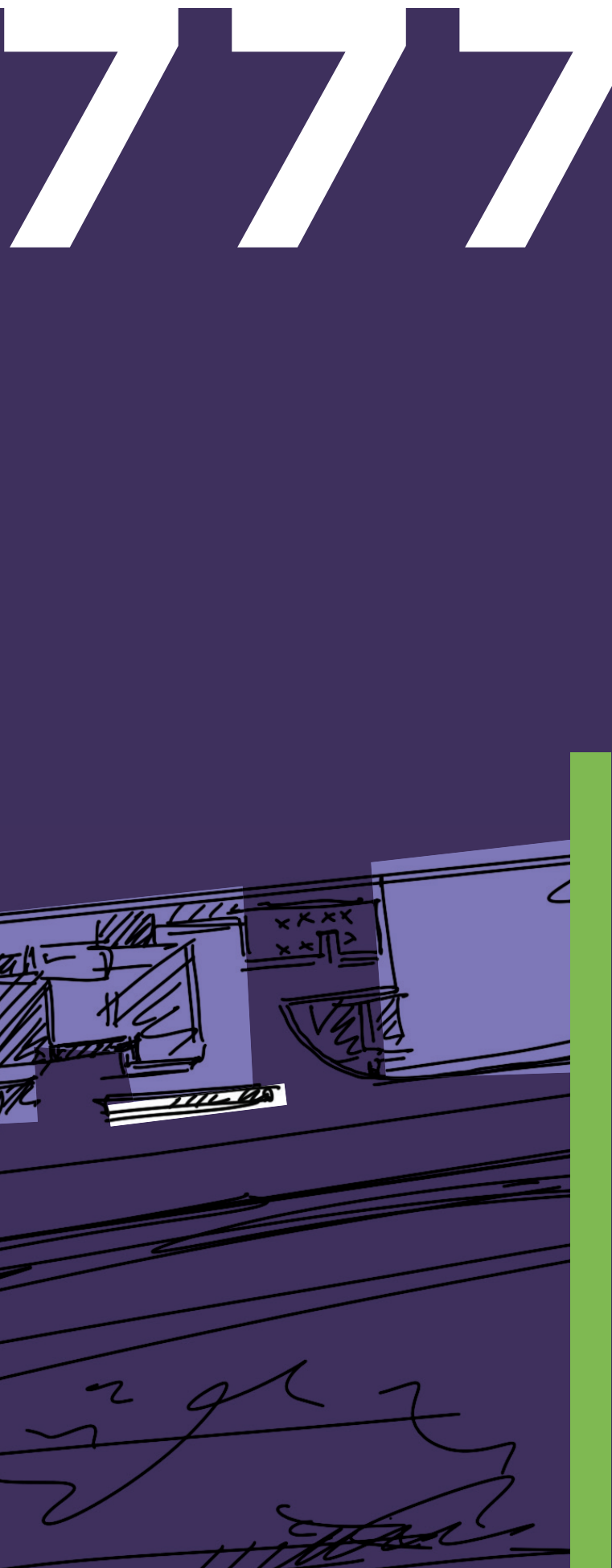
Table 5.

The potential checkpoints for pedestrian, passenger and cargo car crossing at the Schengen border, mentioned in the official documents or public statements between 2010-2020

№	COUNTRY	Checkpoint	REGION
1	Poland	Nyzhankovychi – Malhowice	Lviv
2	Poland	Boberka – Smolnik	Lviv
3	Poland	Lopushanka – Michniowiec	Lviv
4	Poland	Varyazh – Usmierz	Lviv
5	Poland	Belz – Oserdow	Lviv
6	Poland	Belz – Budynin	Lviv
7	Poland	Mshanets – Bandrow Narodowy	Lviv
8	Poland	Adamchuky – Zbereze	Volyn
9	Poland	Krechiv – Krylow	Volyn
10	Poland	Ambukiv – Grodek	Volyn
11	Poland	Lubnia – Wolosate	Transcarpathia
12	Slovakia	Zabrid’ – Ulic	Transcarpathia
13	Slovakia	Solomonovo – Cierna	Transcarpathia
14	Slovakia	Strazh – Cierna-nad-Tisou	Transcarpathia
15	Slovakia	Palad’-Komarivtsi – Ruska	Transcarpathia
16	Slovakia	Storozhnytsia – Zahor	Transcarpathia
17	Slovakia	Pavlove – Matovce	Transcarpathia
18	Hungary	Velyka Palad’ – Nagyhodos	Transcarpathia
19	Hungary	Dyida – Beregdaroc	Transcarpathia
20	Hungary	Solovka – Tizzaszentmarton	Transcarpathia
21	Hungary	Solovka – Eperjeske	Transcarpathia
22	Hungary	Heten – Tizakerecseny	Transcarpathia
23	Hungary	Badalovo, Bariyevo – Szatmarcseke, Tizakorod	Transcarpathia
24	Hungary	Velyka Palad’ – Mala Palad (Kispalad)	Transcarpathia
25	Poland	Uhryniv – Dolhobyczow	Lviv
26	Poland	Hrushiv – Budomierz	Lviv

PART III. E-QUEUE





An e-queue (electronic queue) for vehicles could help shorten the long queues at the border. **It a much faster way of dealing with the problem than opening new border checkpoints, being cheaper and more hassle-free as full consent from the bordering country is not necessary.**



The World Customs Organization refers to Estonia as a positive example of border management and cross-border movement. By introducing e-queues at the Russian border, it managed to shorten the waiting time from 60 to 2-3 hours as well as unclog the border roads for the benefit of the locals, reduce emissions and waste and help carriers save costs (each day of waiting at the border increases the price of fruits and vegetables by 0,9%)³³. As a result, the drivers got to better manage their work time and rest, which, in turn, increased road traffic safety. The practice also put an end to the “black market” of purchasing spots in the queues for good. These changes boosted tourism while helping the border guards effectively

assess the border-associated risks in advance³⁴.
Currently, Estonia, Lithuania, Finland, and Belarus use e-queues while Russia³⁵ and Serbia³⁶ are considering implementing it.
Ukraine has been looking to launch e-queues for a couple of years now with the Strategy for Integrated Border Management mentioning it as one of its objectives³⁷. Furthermore, in May 2020, the President of Ukraine, Volodymyr Zelenskiy, mandated its launch and now officially checks up on the matter.
Regional State Administrations are in charge of the initiative’s implementation. To date, both Transcarpathian and Lviv regions have been working on two e-queue-dedicated projects.

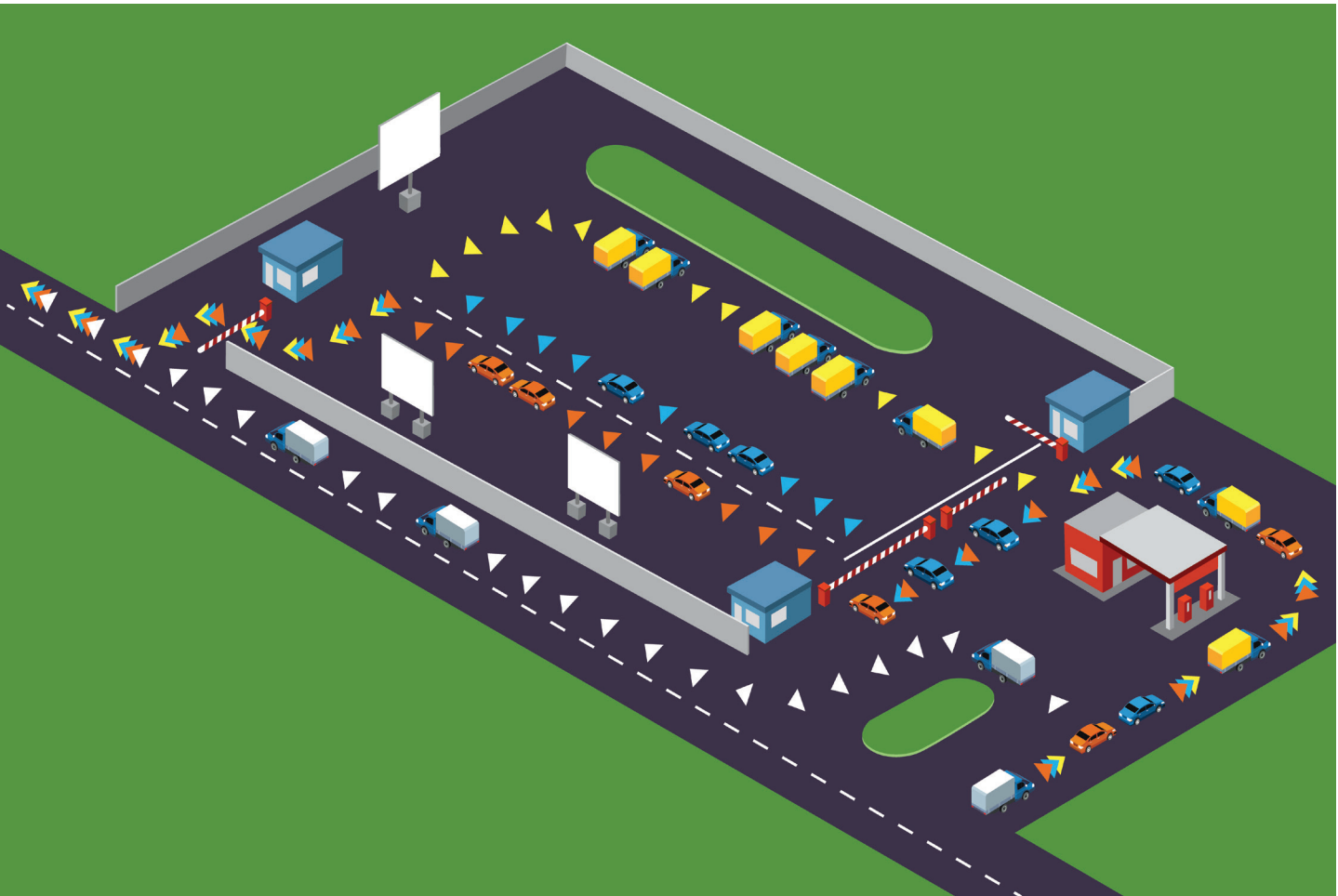


Illustration 1.
The Kotlovka checkpoint design. State Border Committee of Belarus

PROJECT

1.

Together with the customs, Transcarpathian Regional State Administration has turned to the Estonian company "GoSwift" that has implemented the technology at the Estonian-Russian (2011), Lithuanian-Belorussian, Finnish-Russian borders.

Transcarpathian Regional State Administration has developed a draft of the Cabinet of Minister's decree that regulates the running of e-queues and enables their implementation in other regions as well³⁸.

The pilot project is expected to be launched at the checkpoints in Chop ("Tysa") and Uzhgorod. Planned to be financed by international donors, it does not require Ukraine to provide budget funds for its running. To function seamlessly, e-queues require appropriate operational systems and service zones (waiting zones) that vehicles must enter.

The project envisions three types of lines: pre-booking, live queue (booking upon arrival), and the priority line. The reservation fee will be fixed—12 euros for pre-booking and 15 for the live queue—and divided between three main actors. These include the service operator (20%), the owner of the service zone (40%), the special budget fund aimed

at developing the border infrastructure (40%). The project's authors expect it to go live in 2021-2023, bringing in at least 1,8 million euros to the special fund during this period only³⁹.

PROJECT

2.

Together with "SoftServe", Lviv Regional State Administration offered an e-queue solution at the "Krakivets" border checkpoint.

Regular cars are eligible to participate in the project, designed to be largely free (only a certain share of individuals will be required to pay for priority line). Its design enables vehicles to book the place both in advance and upon arrival.

To launch this type of e-queues, the Ukrainian government is expected to step in and help build the corresponding infrastructure.

RISKS AND CONCERNS

Even though e-queues offer plenty of benefits, several concerns should be taken into consideration. They pertain to their development and running, more particularly the initiative's slow implementation and system's malfunctioning.

33

Best Practices at Border Crossings: Trade and Transport Facilitation OSCE-UNECE Handbook
<https://www.osce.org/files/f/documents/0/e/99872.pdf>

34

Transit Guidelines. Route for efficient transit regime

<http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/transit/transit-guidelines.pdf>

35

An electronic queue is being tested at the Torfyanovka checkpoint on the border of the Leningrad region with Finland

<https://trans.ru/news/v-punkte-propuska-torfyanovka-na-granitse-leningradskoi-oblasti-s-finlyandiei-protestiruyut-elektronnyu-ochered>

36

CONNECTA starts the technical assistance for helping in establishing an electronic queuing management system on selected road border crossing points in the Western Balkans

<https://connecta-info.eu/connecta-starts-the-technical-assistance-for-helping-in-establishing-an-electronic-queuing-management-system-on-selected-road-border-crossing-points-in-the-western-balkans/>

37

On the approval of the Integrated Border Management Strategy for the period up to 2025

<https://zakon.rada.gov.ua/laws/show/687-2019-%D1%80#Text>

38

Draft Decree of the Cabinet of Ministers "Issues of implementation of the pilot project of organization of traffic queue management in front of international road checkpoints. «Electronic border crossing queue»

https://carpathia.gov.ua/sites/default/files/imce/200908_proekt_postanovu.pdf

39

Explanatory note to the draft Resolution <http://www.drs.gov.ua/wp-content/uploads/2020/11/7579-ob.pdf>

Because of multi-day-long queues, the manufacturers and transporters take substantial losses. Even though an exporter from the Volyn region, for example, estimates these losses at \$50 million a year⁴⁰, the carriers are still unwilling to bear the cost of e-queues. Moreover, the Transcarpathian project's tentative cost of e-queue services is one of the highest in Europe (see Annex 1).

Admittedly, it is unclear, from the legal point of view in particular, why individuals willing to cross the border are obliged to pay for the service. Especially

when and if e-queues are introduced at all checkpoints, becoming the only option of crossing the Ukraine-EU border. Estonia, the field's pioneer, faces these issues as well.

Besides, the robustness of e-queues is often hampered by poor communication between the stakeholders: authorities and branches of power alongside other entities. A certain competition exists between the governmental agencies when it comes to developing this project, which obstructs its fast and effective implementation.

EU COMMISSION VS. ESTONIA

The EU Commission is currently reviewing whether the Estonian e-queue initiative is in line with the Schengen Border Code. The Commission believes that the GoSwift e-queue violates Article 8.g⁴¹, which contains an exhaustive description of the requirements for checking the individual when leaving the Schengen area⁴².

Estonia, however, argues that the requirement for the travelers to register in the e-queue, pay for the spot, and entrance to the waiting zone falls into the regulatory framework on traffic management, not border crossing. Accordingly, it is not subjected to the Schengen Border Code⁴³. Peculiarly, the European Commission does not seem to be concerned by the cases of Lithuania and Finland, which both use the GoSwift e-queue system for leaving the country.

⁴⁰

«We lose millions of dollars a year», - Volyn businessman about queues at the border
<https://volyninfa.com.ua/news/2020/11/21/82404/>

⁴¹

Infringement proceedings database

https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/?lang_code=en

⁴²

REGULATION (EU) 2016/399 (Schengen Borders Code)

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0399&from=EN>

⁴³

«We believe that traffic management measures are not under Schengen border rules jurisdiction. However, the commission is of the opinion that the Schengen border rules regulate everything, including then the management of traffic on the roads approaching border crossing points» - Janek Mäggi (Centre), Minister of Public Administration and head of the interior ministry's border guard policy department

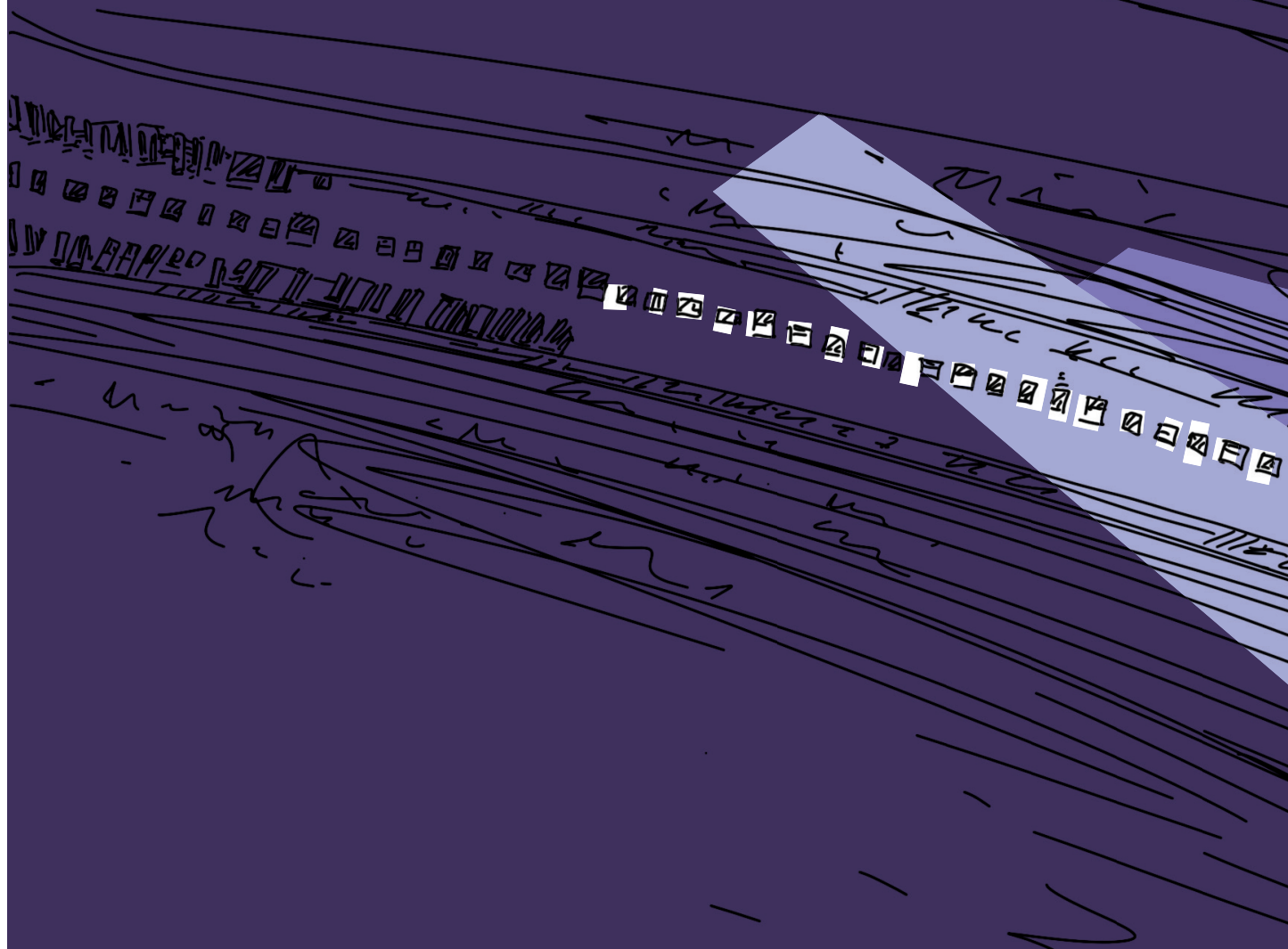
<https://news.err.ee/904928/estonia-smart-border-crossing-payment-system-in-jeopardy-from-eu>

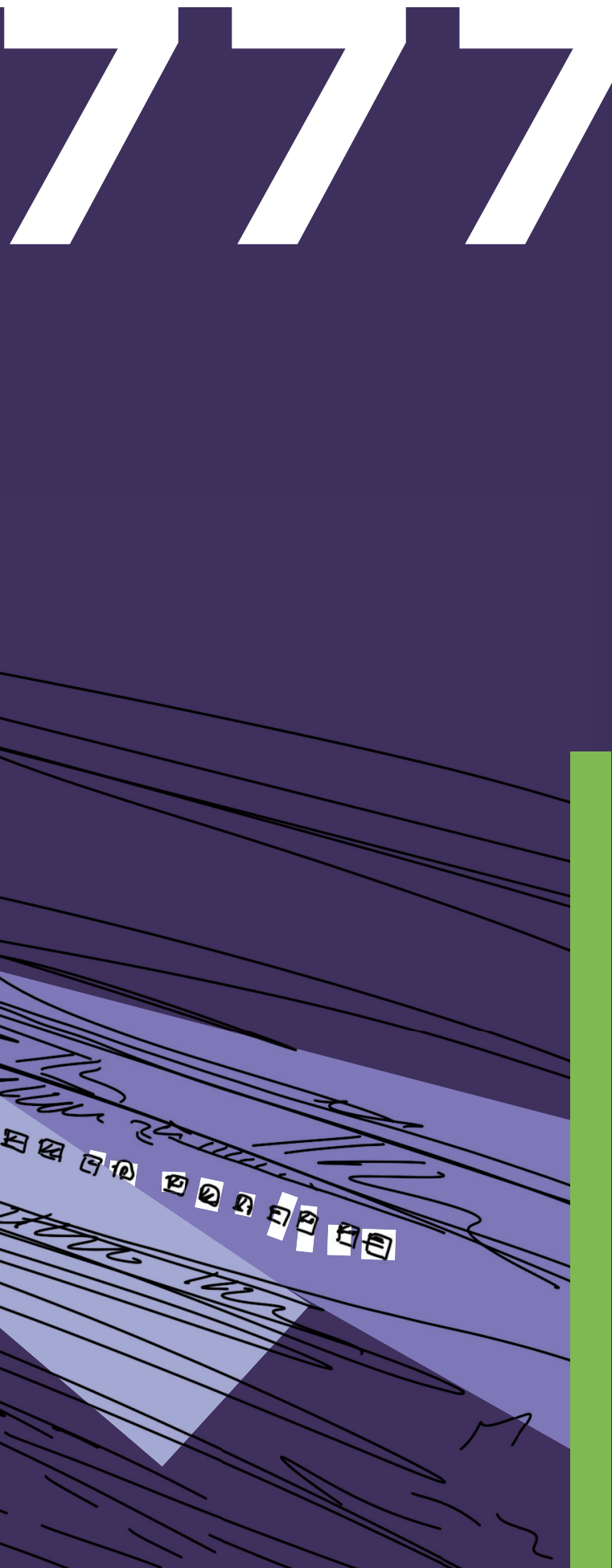
Annex 1.

Comparison of e-queue services

COUNTRY	BORDERS WITH	TYPES OF TRANSPORT	FEE	OPERATOR / LINK
ESTONIA	Russia	motorcycles, cars, trucks, buses	1.5 EUR - booking fee 1, or 3, or 14 EUR for using waiting areas depending on the type of transport 4,8 EUR - trucks 1 EUR - other cars for using the waiting area for over 1 hour	GoSwift estonianborder.eu
LITHUANIA	Belarus, Russia	motorcycles, cars, trucks, buses	4,8 EUR - trucks 1 EUR - other cars A fee for using the waiting area for over 1 hour	GoSwift lithuanianborder.eu
FINLAND	Russia	trucks	0 EUR	GoSwift evpa.fi
BELARUS	Lithuania, Latvia, Poland	motorcycles, cars, trucks, buses	27 BYN (around 8,6 EUR)	Beltamozhservis (state company) belarusborder.by
UKRAINE project 1 Transcarpathian RSA project 2 Lviv RSA	project 1 Slovakia, Hungary project 2 Poland	project 1 trucks project 2 cars	project 1 12 EUR - advance booking 15 EUR - live queue (refunded if waiting is less than 30 minutes) project 2 Free - pre-booking and live queue Paid - some types of pre-booking	project 1 the operator is determined by the international assistance donor, the project is based on the GoSwift experience project 2 the concept was developed by the Ukrainian company SoftServe in cooperation with the regional state administration, customs and the SBGS

PART IV. SERVICE ZONES





One of the biggest problems at the EU-Ukraine border is the lack of appropriate infrastructure. Independent monitoring, as well as customer feedback and several of Ukraine's program documents, confirm the statement.





WHAT SHOULD THE SERVICE ZONE HAVE

Ukrainian law allows a wide array of services “in the zones of service support⁴⁴”. They include gas stations and car services, food services, medical assistance, shops and other types of trading entities, insurance, banking, postal and telephone offices, legal advice, customs brokers, hotels, sanitary services (lavatories, showers, etc.), parking areas and other services that are not banned by Ukrainian law.

The service zones must contain informational infrastructure (tables, road signs, layouts) alongside access to the internet and the system of prior notifications about the queues at the checkpoints (cameras and/or calculators).

The service zone should have sufficient lighting, a security system, and trash bins.

Illustration 2,3

The service zone next to the Kotlovka checkpoint, Belarus. Source: grodnonews.by



Virtually everyone who has tried monitoring the situation at the border has noted the local infrastructural problems.

Responding to a survey carried out by “Europe without Barriers” in 2018, the border users most often mentioned the lack of basic sanitary services, like lavatories, and trash among the main problems encountered⁴⁵. Meanwhile, the Mostyska District State Administration, which also carried out a survey the same year, noted that the service zones lack informational signs, basic renovation of the buildings, and trashbins⁴⁶. The Association of International Road Carriers has repeatedly described the situation with the queues at the biggest checkpoints as “critical”⁴⁷.

Such a state of affairs is partially explained by **conceptual blurriness**. When referring to what should be understood as a service zone, in both legal and everyday language different actors use terms with varying definitions. The situation is all the more complicated as, according to national and regional program documents, several authorities are empowered to overlook the construction and maintenance of the service infrastructure.

At least four terms are used to refer to “service zones”: **the zone of service support**⁴⁸, the service zone, the

customs-service zone, the service infrastructure. Projects aimed at creating e-queues offer a version of their own: “the waiting zone” (see E-queue section).

The “zone of service support” is seemingly the most elaborated term. According to Ukrainian law, it is a “territory, wherein companies and private entrepreneurs provide services that are not banned by Ukrainian law”, which is located before **the checkpoint and which cannot be located in-between the checkpoint and the border**. The entrance and the exit to (from) the zone of service support must be free of charge.

However, in everyday life, in the media and some official documents as well a shorter term tends to be used: the “**service zone**”, sometimes the **customs-service zone**. Its meaning slightly differs as the term encompasses the space before entering the territory of a checkpoint, regardless of whether it has buildings and services. For example, Decree №128, which regulates the queue management at the checkpoints, uses this term.

Service infrastructure is used to refer to both the elements of service zones and the service zone per se in legal acts⁴⁹ and everyday life.

While there is no universally accepted variant of the service zone in both legal

⁴⁴

Please note that in Ukrainian the term literally reads as “zone of service service”

⁴⁵

Anatomy of the Border. An Independent Monitoring Report

https://europewb.org.ua/wp-content/uploads/2018/10/PRINT_engl_Anatomiya-kordonu.pdf

⁴⁶

Head of the district, Stepan Buniak, examined the Shehyni checkpoint’s service zones condition

<https://mostyska.loda.gov.ua/kerivnik-rayonu-vivchav-stan-servisnoyi-zoni-punktu-propusku-shegini/>

⁴⁷

Association of International Road Carriers’s letter to the Ministry of Internal Affairs

<http://www.asmap.org.ua/info/lust1.pdf>

⁴⁸

Please note that in Ukrainian the term literally reads as “the zone of service service”

and everyday speech, a certain pattern can be identified: all of them could be understood through the lens of **centralized and decentralized models**.

The former refers to a clearly defined space **buttressed by a single, holistic concept and created within one project that has an entrance and an exit**. The latter, on the other hand, refers to **space**

before a checkpoint that is not clearly demarcated, regardless of whether it provides some kinds of services and goods that travelers may need (even though this term does imply a space with services). This kind of a decentralized service zone has only one endpoint – the bar at the checkpoint.
To date, there are only two service

Table 6.
Service zones. Terms and definitions

1- TERMS

- 1 **SERVICE ZONE**
- 2 **CUSTOMS-SERVICE ZONE**
- 3 **ZONE OF SERVICE SUPPORT**
- 4 **SERVICE INFRASTRUCTURE**

2- DEFINITIONS

- 1 **SPACE IN FRONT OF BORDER-CROSSING POINT**
border guards, Directive #128
- 2 **SPACE ON THE BCP TERRITORY OR BETWEEN THE BCP AND BORDER** media
- 3 **SPACE IN FRONT OF BCP WHERE SERVICES ARE PROVIDED**
regulation on the zone of service support
- 4 **ELEMENTS OF INFRASTRUCTURE IN FRONT OF BCPS**
strategies, programs, everyday use

ed nearby. There are no pavements or lights, which was one of the reasons why an experimental pedestrian crosswalk was shut down in 2019. The locals note that the land close to the checkpoints

has been divided into privately-owned pieces, which is why it is impossible to neither create a service zone nor improve the conditions.
Both models have their upsides and

49
On the approval of the Instruction on the order of interaction between officials of divisions of the State Border Guard Service of Ukraine and territorial bodies of National police of Ukraine in the field of ensuring traffic safety in places of considerable accumulation of vehicles before check points across the state border of Ukraine
<https://zakon.rada.gov.ua/laws/show/z0346-17#Text>

50
The Anti-Monopoly Committee of Ukraine held a work meeting on the actions of “Ukrinterautoservice”
<https://amcu.gov.ua/news/v-amku-provedeno-robochu-zustrich-shchodo-diy-udpukrinteravtoservis>

zones at Ukraine-EU checkpoints out of 15, which could be classified as central service zone models. They include the Ustyluh checkpoint (Ukraine-Poland border) and Chop (Tysa) (Ukraine-Hungary).

The situation at all other checkpoints is dramatically different: the service providers are located chaotically with only some elements of service infrastructure

available. Their level of development varies as well. For example, at the Shehyni checkpoint, the state of affairs is somewhat alright while the Uhryniv and Kossyno checkpoints, which belong to the decentralized model, are almost empty.

No service zone is in place. The lavatory is absent (it used to be there, albeit highly dirty). A small village is locat-

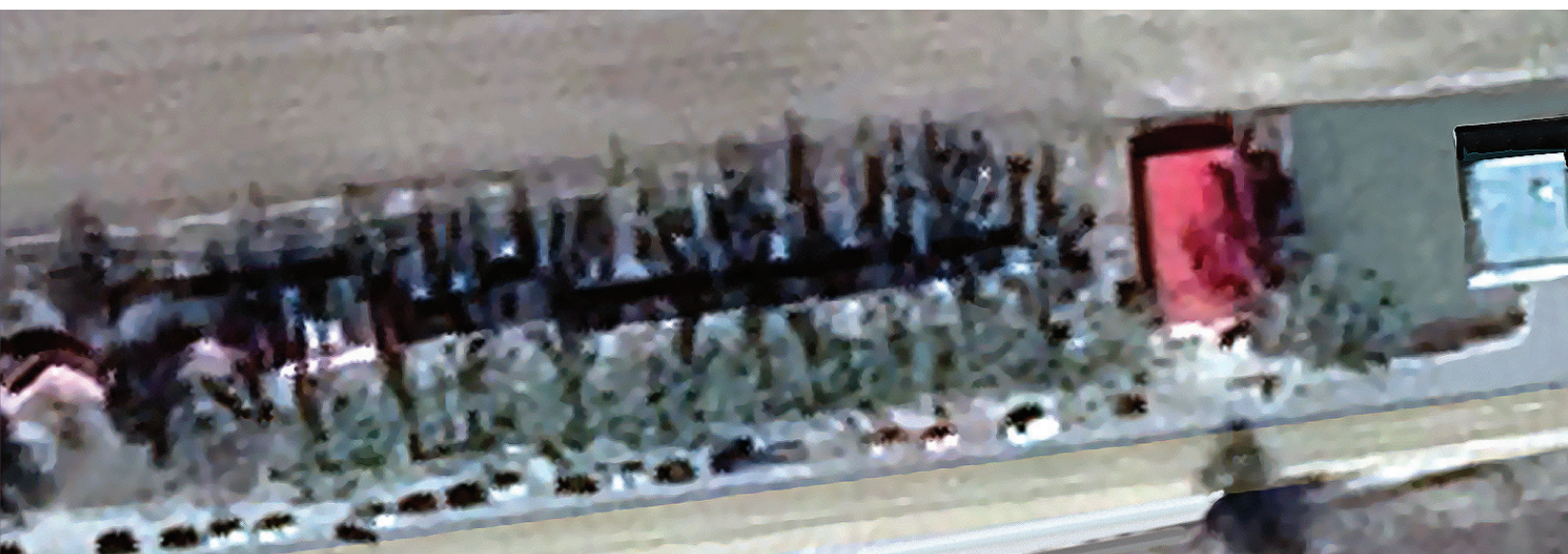


Illustration 5.

The “Ustyluh” service zone. Google Maps satellite shot

Since the Ustyluh checkpoint is located almost inside the city, its service zone stands right at the entrance to it (on the opposite side) where the queue is usually formed. The service zone has around 10 pavilions that provide various kinds of services. Several gas stations and a potential spot for finalizing the service zone’s infrastructure are located on the part of the H22 road between Ustyluh and P’yatydni (around 2,2 km-long).

Part of the queue is formed immediately before the checkpoint, which has a shop and lavatory nearby.

downsides. On the one hand, it is easier to regulate a big, centralized service zone and present it as a holistic project. Usually, e-queues are connected to these kinds of service zones.

However, it is both costly and cumbersome to build them. As a rule, it takes a couple of years, which is why some of the service zone projects never get to be implemented. Besides, when it comes to managing centralized service zones, there is always a risk of monopolization and abuse of providing services that are

indispensable for border crossing⁵⁰.

Decentralized service zones do not require such an amount of resources: in fact, some of them were “self-born” in many locations at the Ukraine-EU border. However, it is difficult to maintain and ensure the quality and availability of the necessary services. This is because one has to deal with many different entrepreneurs. Furthermore, it is tricky to understand which authority should be in charge of the decentralized service zones and their specific parts.

CONSTRUCTION, FUNCTIONING, AND MAINTENANCE

Likewise, it is difficult to decide who and how should create service zones, operate, maintain, and finance them.

According to Ukrainian law, the service zones' planning for individuals and transport is regulated by the Land Code of Ukraine, the Law on Road Traffic, the Law on Automobile Roads, and the Regulations on the Border Regime⁵¹. This means that several actors are involved in the process including local

authorities, local administrations, the State Border Guard Service of Ukraine, the State Customs Service of Ukraine, the National Police as well as goods and passenger carriers, civil society entities, and entrepreneurs. In 2018, for example, the Transcarpathian workgroup on identifying the possible locations for the service zones included representatives of the Regional State Administration, the Customs, Ukrtranssecurity, the Patrol Police, Ukrainterautoservice-Transcarpathia, the Agency for Car Roads, representatives of the District State Administration, local authorities, the Border Service⁵².



Illustration 6.

The space before the Uhryniv checkpoint. A Google Maps satellite shot

CRIMEA AND ORDLO

Following the outbreak of Russian aggression in 2014, the service zones became high on the agenda. Since the majority of administrative services on the occupied territories are unavailable, some offered to create a space for their inhabitants right at the newly-created, temporary checkpoints. However, these service zones provide services that are irrelevant to border crossing such as the issuance of passports, property registration, as well as more usual leisure activities, cafes, etc.

It is worth mentioning the allotment of duties when creating the “Kalanchak” checkpoint, for example. Back then, Ukrzaliznytsia was in charge of building it while the Regional State Administration was overseeing the reconstruction. While the Myrnska community administered the land where the zone was created, the Center for Providing Administrative Services is part of the Chaplynska community, as per inter-municipal agreement on cooperation⁵³. Perhaps this successful experience of creating service zones that cater to the needs of the local population could be replicated at the Ukraine-EU border as well.

Given that there is no clear allotment of duties and poor inter-agency communication and coordination, the engagement of such a wide array of actors could be the reason why the entire process is effectively stalled.

STRATEGIES AND PLANS

Between 2018-2020, local administrations showed interest in constructing service zones at the Ukraine-EU border.

To date, both the Lviv and Transcarpathian regions devised two large-scale, centralized service zone projects.

In 2020, Lviv Regional State Administration submitted a project proposal⁵⁴ on the creation of a service zone at the Uhryniv checkpoint worth 19,947 million hrn (approximately \$70,41 million) for a call announced by the Ministry of Communities and Territories Development. The authority asked for 16,973 million hrn (\$59,91 million) from the state budget and 2,974 million hrn (\$104,978 thousand) from the local one.

THE PROJECT AIMS TO

1.

Build a proper road infrastructure for cars and bicycles that would include a 1 Hectare-large parking space for all types of vehicles and bicycles

2.

Build rest areas next to the Uhryniv-Dolhobyczow checkpoint and P15 highway (that unites Lviv and Volyn regions) that would include gazebos, showers and lavatories, 24-hour lighting, and trash bins

3.

Engage investors on a competitive basis for the construction of the objects not included in the project cost (gas stations, hotels, supermarkets, financial structures)

Mostyska local community looks to build an industrial park “Mostyska dry port” developed by the Kyiv Project Scientific Research Project Institute at the request of the Mostyska District State Administration⁵⁵. Even though it is foremost aimed at servicing rail-road freight transportation, some of its elements could be used for servicing and regulating the ones on the regular road as well. According to the plan, a 4,47 Hectare-large (the total size of the port is 63,5 Hectare) space should be created for servicing transport infrastructure. It would include a space for TIR maneuvers, parking, a rest area for TIR drivers with lavatories and showers. The tentative time frame for the construction of the “dry port” is 5-7 years.

The e-queue projects offer to create service zones at the **Uzhgorod and Krakivets checkpoints**.

To sum up, in Ukraine, the term “service zones” is being referred to in multiple ways which may be classified in two basic models - centralized and decentralized. In recent years, both national and local authorities have shown great interest in the creation of service zones and service infrastructure. However, no effective models of their running have been created, meaning that positive practices are yet to be implemented.

⁵¹

Regulations on the service area for persons and vehicles in front of border crossings for international and interstate road transport <http://zakon.rada.gov.ua/laws/show/z1046-09#Text>

⁵²

On the working group at the regional state administration on carrying out inspection of perspective placement of automobile service zones https://carpathia.gov.ua/sites/default/files/upload/180911_600.pdf

⁵³

The Kalanchak entry-exit checkpoint service zone has been opened <http://www.ppu.gov.ua/vidkryto-servisnu-zonu-kpvv-kalanchak/>

⁵⁴

The construction of a service zone at the “Uhryniv-Dolhobyczow” checkpoint <https://sectoral.minregion.gov.ua/sectorals/f655ad30-2073-11eb-ba4a-b356ee544eea>

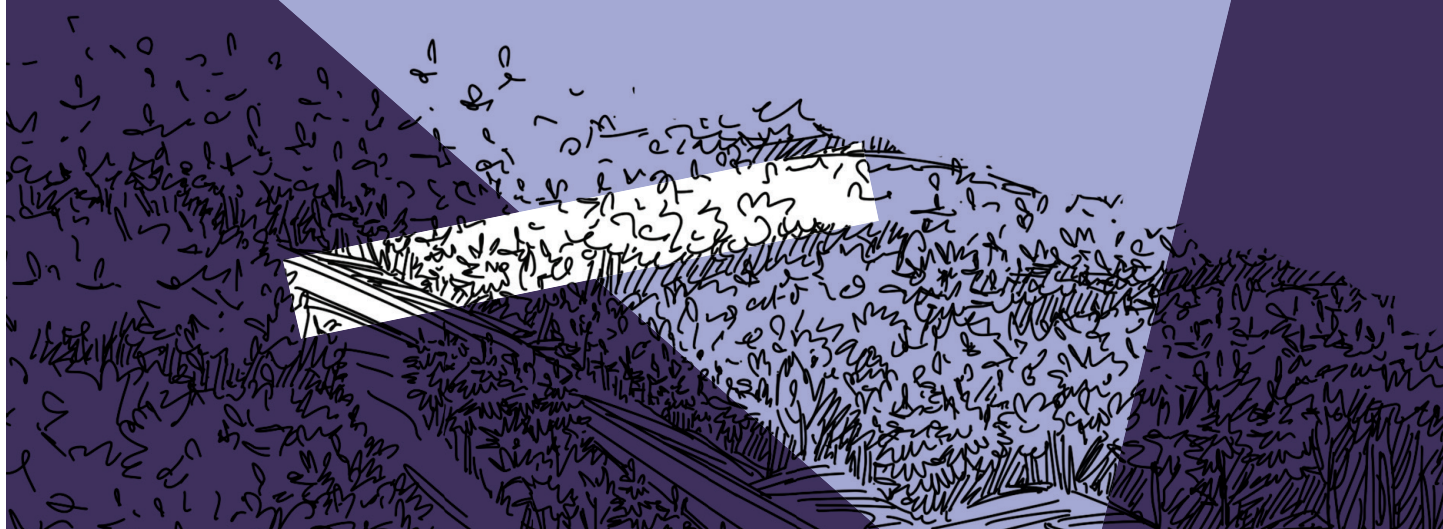
⁵⁵

The dry port in Mostys'ka is expected to be finished in seven years <https://varianty.lviv.ua/72373-sukhyi-port-u-mostyskakh-planuiut-povnistiu-zavershyty-za-sim-rokiv>

PART

V.

**CROSS-BORDER
COOPERATION
IN THE AREA NEAR
SCHENGEN
BORDER**





The development of Ukraine-EU border regions, namely Transcarpathia (Zakarpattia), Lviv, and Volyn oblast, is largely contingent on cross-border cooperation. Both border authorities and communities deem this cooperation beneficial for the region: it enhances security and trust in both Ukraine and the bordering EU member states while acting as a major source of investment for the local projects. Still the Ukraine-Schengen area communities' cooperation does have its distinctive features, and the degree of local stakeholders' engagement and experience varies.

EUROPEAN NEIGHBOURHOOD AND PARTNERSHIP INSTRUMENT (ENPI)

The European Neighbourhood and Partnership Instrument program offers two major cross-border cooperation programs

- **“Poland-Belarus-Ukraine 2014-2020” (PL-BY-UA)**
- **“Hungary-Slovakia-Romania-Ukraine 2014-2020”.**

All three border regions and their communities - Transcarpathia, Lviv, and Volyn regions - gained experience by participating in them. They were also among its main beneficiaries.

The **PL-BY-UA program** is among the key initiatives aimed at enhancing the cooperation both between Ukrainian partners in the border regions and partners on both sides of the border. Its main priorities include “heritage”, “access”, “security” and “borders”⁵⁶.

When it comes to border management, the project’s beneficiaries include border guards, customs and other agencies working at the border alongside multi-level authorities, including local ones. The program enables its participants to carry out training for the representatives of all border management-related agencies, provides technical support to corresponding agencies, and supports the creation of pedestrian and bicycle border crossing checkpoints for boosting tourism.

Size-wise the projects supported by this program fall into three categories: infrastructural, regular, and micro ones.

Ukrainian actors mostly participate in micro-projects. Between 2014-2020, Ukrainian local authorities were among their main beneficiaries: they secured 17 micro-projects out of 67. Lviv region holds the lead: its authorities secured 7 projects. The corresponding number for Transcarpathia and Volyn stands at 6 and 4 respectively. These projects aim to support good neighborhood policy, tourism, and culture.

At the same time, regular projects are more border management focused. Over the years, Ukrainian stakeholders won seven out of 64 projects. For example, the State Border Guard Agency of Ukraine received two border management-focused projects with the goal of improving the surveillance system at the Ukraine-Poland border. Meanwhile, the Agency of Automobile Roads in Lviv Oblast secured a project for modernizing the road infrastructure⁵⁷.

It is noteworthy that authorities are much more interested in participating in the program than, for example, the civil society. Overall, the Ukrainian stakeholders do not seem to be sufficiently engaged in the program while the border management issues within the cross-border cooperation framework, remain largely unpopular.

This claim is further supported by the results of PL-BY-UA’s 2020 survey that sought to shed light on the priorities of the program in 2021-2027⁵⁸. The largest part of survey participants were local authorities, number of Ukrainian participants was the smallest, respondents identified heritage as the main priority of the previous program while borders bottomed the list⁵⁹.

⁵⁶

PBU Belarus-Ukraine-Poland <https://www.pbu2020.eu/ua/pages/251>

⁵⁷

Regular projects <https://pbu2020.eu/ua/projects2020/allpriority>

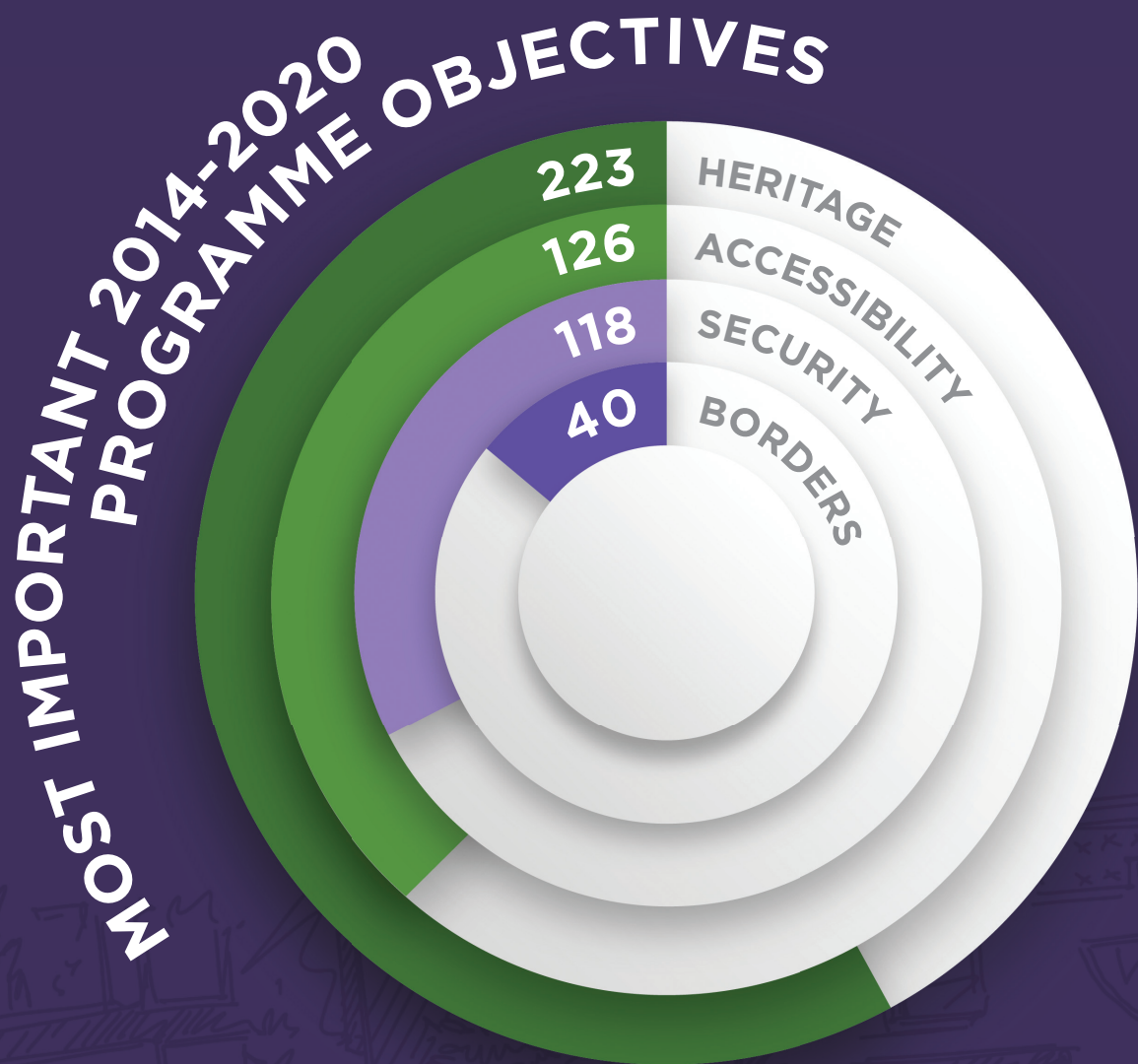
⁵⁸

The participants who responded mostly included local authorities (175 out of 507 questionnaires). Compared to other countries, Ukraine provided the fewest amount of participants (75 out of 507).

⁵⁹

Updated results of the public opinion poll on the thematic coverage of the Program NEXT PBU 2021-2027 pp. <http://pbu2020.eu/ua/news/1740>

Chart 3.
Survey result regarding Programme's objectives for 2021-2027



COUNTRY OF REGISTRATION

318	POLAND
111	BELARUS
75	UKRAINE
3	OTHER

The joint program “Hungary-Slovakia-Romania-Ukraine 2014-2020” encompasses socially important activities in 10 regions of the four participants. In Ukraine, these regions include Transcarpathia, Ivano-Frankivsk, and Chernivtsi ones. The potential of this program for cooperation in border-related areas is promising as it covers areas like:

- **ACCESSIBILITY AND TRANSPORT**
- **RESISTING NATURAL AND TECHNOLOGICAL CATASTROPHES**
- **IMPROVING THE HEALTHCARE INFRASTRUCTURE, SOCIAL SECURITY SERVICES**
- **SAFEGUARDING WATER RESOURCES**
- **INCREASING ENERGY EFFICIENCY**
- **COMBATING SMUGGLING AND CRIMINAL ACTIVITY**
- **PROTECTING CULTURAL HERITAGE AND BOOSTING TOURISM**

The governmental offices in beneficiary countries oversee the program. In Ukraine, the Ministry of Finance is in charge of its implementation

MODEL OF CROSS-BORDER COOPERATION WITH SCHENGEN COUNTRIES: CASE OF TRANSCARPATHIA

Since Transcarpathia borders all countries that are part of this research, it could be regarded as a “perfect case study” for understanding Ukrainian

cross-border cooperation, its advantages, and pitfalls.

The association of local authorities “Euroregion Karpaty – Ukraine” was among the first cross-border cooperation initiatives in Transcarpathia. Incepted in 2007, it became a pilot project for self-governance, uniting 19 border regions in Ukraine, Poland, Slovakia, Hungary, and Romania. Between 2014-2020, “Euroregion Karpaty – Ukraine” carried out 16 projects funded by the PL-BY-UA program, the estimated worth of which reaches 7,8 million euros. To compare: the Polish partners executed projects worth 5,3 million euros.

The majority of the projects were carried out in the Lviv region, with Transcarpathian association members managing to secure only 4 projects with five partners. According to Oleksandr Ganushchyn, head of the “Euroregion Karpaty—Ukraine”, because of its location, Transcarpathia is much more capable of finding the necessary funds for cross-border cooperation than Lviv region. At the same time, he notes that it lags behind because of its past project failures that tainted its reputation⁶⁰. He refers to the 2007-2013 projects funded by the border cooperation program ENPI Hungary-Slovakia-Romania-Ukraine that allotted money for the renovation of three Transcarpathian border checkpoints, Uzhgorod (Ukraine-Slovakia border), Luzhanka (Ukraine-Hungary border), and Diakovo (Ukraine-Romania border).

Even though Ukrainian stakeholders received the funds, they failed to put this money into use, blaming the State Fiscal Service, the agency in charge of the project’s implementation that was undergoing an internal overhaul, for the failure. When the EU’s program aimed at modernizing border checkpoints had been wrapped up, the Ukrainian government deemed it optimal to bring up border infrastructure-related issues in its bilateral relations, using transborder cooperation tools to a greater extent⁶¹.

However, bilateral projects did not

bear fruit either. While the Slovakian stakeholders had completed the renovation of a pedestrian crosspoint in Uzhgorod in 2015, spending their share of the received donor funds (the total amount of the grant was 1,7 million euros), the Ukrainian side failed to deliver on its obligations. Furthermore, even though in 2020 Ukraine managed to complete its part of the pedestrian crosspoint, it built it on the opposite side of the Slovakian one. This means that either Ukraine or Slovakia will have to move its already-made infrastructure.

According to Mr. Ganushchyn, these past failures explain why EU donors lost their trust in the region and are now hesitating to fund local projects. While we agree with the critique that the Ukrainian authorities received, we would still like to note that the failure occurred at the national level. Meanwhile, local authorities are already finding new roles and seizing on novel cross-border cooperation opportunities.

In its 2020 report, the Regional State Administration of Transcarpathia states that the region is looking to complete 35 projects worth 10,4 million euros⁶⁰. The most common areas include the pre-emption of extraordinary situations; boosting tourism; improving healthcare services; promotion of local culture; preservation of historical heritage.

Yet, the areas could be expanded. The participants of the panel “Cross-border Cooperation: How Transcarpathia Could Attract More Resources”, which took place during the “Re-Open Zakarpattia” Forum, hit out at the 2016-2020 State Transborder Cooperation Program, dubbing it ineffective. The experts pointed to the *ineffective mechanism of co-financing cross-border cooperation projects as well as the limited scope of their usage*.

They also emphasized that local authorities did not participate in the development of the 2021-2027 State Transborder Cooperation Program. Accordingly, Ukraine must create local funds that would enable greater participation of representatives of the newly amalgamated communities in the microprojects’ implementation. After all, these projects are important for the region’s development.

Engaging the newly amalgamated communities’ representatives that are new to the game is especially important. Since they are learning to take advantage of the opportunities, they require help, for example, when drafting quality project proposals. To cater to their needs, a special entity has been created called the Association of Project Managers “Yadro”. It helps communities to secure international assistance funds

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Speech by Oleksandr Hanushchyn, Chairman of the Board of the Carpathian-Ukraine Euroregion Association, Re-Open Transcarpathia Forum of Ideas, thematic panel Cross-border cooperation: how to attract more resources to Transcarpathia. Solotvino, November 7-8, 2020

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Groysman on why the modernization of checkpoints on the EU border failed

https://zn.ua/ukr/POLITICS/groysman-rozpoviv-pro-prichini-provalu-programi-modernizaciyi-kpp-na-kordon-i-z-yes-270182_.html

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Transcarpathian Regional State Administration

<https://carpathia.gov.ua/storinka/evropeyskyy-institut-susidstva>

at all stages: from generating project ideas to their effective implementation. Border communities representatives tend to opt for education-, culture- and preservation of cultural heritage-related projects. Ecology and security are not as high on the agenda.

All in all, Transcarpathia is actively participating in all basic EU cross-border cooperation programs. Funds are allocated via European Neighbourhood Program, the EU Strategy for the Danube region, the Norwegian mechanism, the International Visegrad Fund. Among the specialized cross-border cooperation programs, Poland-Belarus-Ukraine and Hungary-Slovakia-Romania hold the lead. The Transcarpathian Regional State Administration states: **“As a result of the call for project proposals by the Program for cross-border cooperation “Poland-Belarus-Ukraine”, funded by the European Neighbourhood and Partnership Instrument 2014-2020, the region is implementing one large-scale project (Transcarpathian share equals 4,8 million euros), 5 regular projects estimated at 2,5 million euros (Transcarpathian share equals around 1,6 million euros) and 9 micro-projects (Transcarpathian share equals 280 thousand euros).**

Meanwhile, the projects funded by the cross-border cooperation program “Hungary-Slovakia-Romania” **the European Neighbourhood and Partnership Instrument 2014-2020 include 5**

large-scale infrastructural ones with a budget over 2,5 million euros (Transcarpathian share equals approximately 10 million euros).

The State Fund for Regional Development is one of the key financial supporters of initiatives in Transcarpathia. Since 2015, it has funded 2138 projects worth 587,812,788 hrn (approximately, \$20,787,817), the majority of which are aimed at supporting and renovating educational and cultural facilities. Moreover, the authorities are also discussing the possible diversification of funding opportunities using the border infrastructure.

RECIPES OF CROSS-BORDER COOPERATION SUCCESS FOR TRANSCARPATHIA

How to enhance cross-border cooperation in Transcarpathia and which challenges do international assistance funding's beneficiaries face? The participants of the panel «Cross-border Cooperation: How to Attract More Resources to Transcarpathia» discussed these matters alongside many others⁶³. Having analyzed how cross-border cooperation projects are being planned, carried out as well as their outcomes, the experts reached the following conclusions:

нова історія успіху України



Illustration 7.

“Re: Open Transcarpathia”. Panel «Cross-border Cooperation: How to Attract More Resources to Transcarpathia

- **THE IMPORTANCE OF A STABLE RELATIONSHIP HISTORY BETWEEN DONORS AND BENEFICIARIES.** FOR THE EU, “INSTITUTIONAL MEMORY” IS CRITICAL, WHICH IS WHY IT IS IMPORTANT TO SUCCESSFULLY COMPLETE THE ONGOING 2013-2020 PROJECTS. IT IS EQUALLY IMPORTANT TO SOLVE THE LEFTOVER PROBLEMS FROM THE 2007-2013 PROJECTS;

- IT IS NECESSARY TO EXPAND THE CROSS-BORDER COOPERATION BENEFICIARY NETWORK AND DELEGATE PARTICIPATION FUNCTIONS. NEWCOMERS SHOULD BE HELPED TO DEVELOP AND IMPLEMENT QUALITY PROJECTS;

- PROVIDE **CO-FUNDING INSTITUTION** AIMED AT HELPING PARTICIPANTS OF CROSS-BORDER INITIATIVES WHO LACK FUNDS TO FULFILL THE REQUIREMENTS OF INTERNATIONAL ASSISTANCE. IT

IS ALSO NECESSARY TO BRING IN MORE STAKEHOLDERS BY CREATING VARIOUS BUDGET “BASKETS”, FINANCED, INTER ALIA, BY LOCAL AUTHORITIES. THIS WOULD LEAD TO THE EMERGENCE OF A GREATER NUMBER OF CROSS-BORDER INITIATIVES AND DIVERSIFIED FINANCIAL OPPORTUNITIES;

- TO ADD **MORE COOPERATION AREAS AND SPECIALIZATIONS:** FROM INFRASTRUCTURAL AND EDUCATIONAL TO CULTURAL AND TOURIST ONES;

- TO ENSURE THAT **LOCAL AUTHORITIES CAN INFLUENCE THE ALLOCATION OF FUNDS BY THE STATE FUND OF REGIONAL DEVELOPMENT** FOR REGIONAL DEVELOPMENT PROGRAMS AND PROJECTS;

- ADDRESS THE **VAT PROBLEM** WITHIN TRANSBORDER PROJECTS.



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The International Renaissance Foundation is one of the largest charitable foundations in Ukraine. Since 1990 we have been helping to develop an open society in Ukraine based on democratic values. The Foundation has supported about 20,000 projects worth more than \$200 million. The IRF is part of the Open Society Foundations network established by investor and philanthropist George Soros.

www.irf.ua
[www.fb.com/irf.ukraine](https://www.facebook.com/irf.ukraine)

Europe without Barriers is a Kyiv-based think tank, founded in 2009, and dealing with issues of mobility, in particular, migration and border management. Activities of the organization are aimed at supporting human rights for free movement and reforms in the sphere of European integration, rule of law, countering discrimination, migration policy, and transport.

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