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Monitoring European Border-crossing
points on the EU's Eastern Border:
Estonian and Russian Case Studies

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PREFACE

Borders are imaginary landmarks in the geographical landscape. They are institutionalised by state authorities and mark different political actors' extent of power. In a globalising world the meaning of borders is becoming vaguer and people's freedom of movement increases their importance. One can in particular observe the process of blurring the borders inside the European Union. At the same time the strength of the EU's external borders is perceived as one of the key aspects to facilitate the internal freedom of movement. Therefore, the protection of external borders is crucial for the EU.

The image of the border is also important because it plays a significant role in the definition of a political unit's image. External borders are foreigners' first contact with the political unit and it plays a crucial part in the construction of the unit's external image. The EU presents itself as a stronghold of democratic principles and human rights, which are also defined as one of the main criteria for further enlargement of the EU. Therefore the protection of the EU's external borders should be developed hand in hand with lawful, transparent and fast procedures, which take into account human rights and equal treatment of people. Today, in the context of the institutional changes at the Eastern EU border, it is appropriate to evaluate the quality of the services and technical conditions involved. Through promotion of better procedures and practices at the EU's Eastern border it is possible to prevent an outcome in which feelings of isolation and discrimination become prevalent in the societies of Eastern European countries and to fasten active cooperation between the EU and non-EU countries.

The current publication presents the results of an international research on the quality of the EU's Eastern borders, conducted in the framework of the *External EU Land Border Monitoring Project 2006/2007*. The objective of the project was to get a detailed picture of the practical operation of border-crossing points in each of the seven countries participating in the project and consequently make recommendations for changes as well as a compilation of best practices. The project was initiated and managed by the Stefan Batory Foundation since 2001 within the Friendly EU Border Project and financed by the Soros Foundation's East-East Program and the Batory Foundation. The research was conducted simultaneously by all the project partners, using the same methodology, at various sections of the EU external border from Finland,

Estonia, Poland, Slovakia, and Hungary to Romania and Bulgaria. The project also required cooperation with partners from third countries neighbouring the EU – Belarus, Russia, Ukraine, Moldova, and Turkey.

The final report by the Center of Migration Research in Poland summarises the results of the seven case studies and it was published by the Stefan Batory Foundation in April 2008. The report defined how travellers are treated at the different border-crossing points of the EU's Eastern border and it also included recommendations for changes in border protection policy. The quality of the border-crossing points was assessed by different criteria such as condition and quality of border infrastructure, quality of communication between travellers and border guards, cooperation between border guards and customs officers and with the neighbouring country border officials, length of queues, the border control's compliance with non-discrimination rules, and level of corruption. The report concluded that the quality of the border-crossing points should be improved, discriminatory practices should be avoided and the quality of the border-crossing points should be constantly monitored. The current publication presents the methodology of the research and also the final conclusions of the report with the recommendations.

The second and third parts of this publication present two case studies: The Estonian border with Russia (Narva-1 and Koidula border-crossing points) and the Russian border with Estonia (Kunichina Gora border-crossing point – counterpart of Koidula border-crossing point). The publication of those case studies is significant because several institutions from Estonia (University of Tartu, Tallinn Technical University, Peipsi Centre for Transboundary Cooperation etc.) have in previous years been involved in a Community Initiative Interreg III project, which aimed to stimulate interregional cooperation in the EU between the years 2000–2006. Therefore several researches have also been conducted studying the impact of cross-border cooperation on the nearby regions; nevertheless so far no project has focused on the functioning of the border-crossing points that manage the daily cross-border movements.

The Estonian case study concludes the results of monitoring the functioning of land border-crossing points at the Estonian-Russian border and contributes to the comparative monitoring of the EU's Eastern border in order to prepare advocacy instruments to be used for promoting openness of EU borders. The Estonian country report will show the situation people crossing the border are facing on two studied land border points on the Estonian-Russian border. The research was conducted by

the University of Tartu research group and coordinated by EuroCollege, University of Tartu. The report offers a detailed overview of the methodology of the research in Estonia, describes the situation on the Estonia-Russian border, and defines the major problems.

The Russian case study was conducted by the Pskov Volny Institute. It tried to follow the main methodology of the research in Estonia and other countries participating in the projects to make a comparable study. However, due to lack of permission from respective Russian authorities the research group was not able to follow fully a similar research methodology. Therefore the Russian report is focused only on one border-crossing point in Pechory and it includes also media monitoring and an analysis of comprehensive sets of legal norms for regulating the border-crossing to Estonia.

The current publication is valuable material for everybody who is interested in the quality of the EU's external borders and it is an especially important footstep in the Estonian border studies. The published research is helpful material for further studies as well as for policy shaping and quality assurance. The publication is financed by the Open Estonia Foundation East-East Program.

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Gateways to Europe Border-crossing points on the EU External Land Border – Monitoring Report¹

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Introduction

This Report is the result of cooperation between Stefan Batory Foundation and 7 institutions from EU Member States: Bulgaria (European Institute), Estonia (Euro College, Tartu University), Finland (Finnish Institute of International Affairs), Hungary (Contemporary Research Foundation), Poland (Centre of Migration Research, Warsaw University) Romania (Desire Foundation), and Slovakia (Research Centre of the Slovak Foreign Policy Association). It presents the results of the monitoring of the border-crossing points situated on the EU's external land borders. During the study, which was carried out from July to September 2007, nineteen border-crossing points on the borders with EU neighbours – Belarus, Macedonia, Moldova, Russia, Serbia, Turkey and Ukraine were monitored (*see the map of the monitored border-crossing points*). Although not all the EU external borders were included in the study, the borders of the research partners' home countries currently constitute a significant part of the EU external land border. Research was

¹ The report was published by Stefan Batory Foundation (April, 2008) and it was prepared in collaboration with Remus Anghel, Romanian Institute for Researches of National Minorities, Cluj-Napoca; Juraj Buzalka Research Centre of the Slovak Foreign Policy Association, Bratislava; Paweł Dąbrowski Center of Migration Research, Warsaw University; Attila Dénes Contemporary Researches Foundation, Budapest; Nadya Dimitrova The European Institute, Sofia; Grzegorz Gromadzki Stefan Batory Foundation, Warsaw; Marta Kiss Contemporary Researches Foundation, Budapest; Vadim Kononenko Finnish Institute of International Affairs, Helsinki; Jussi Laine Karelian Institute, University of Joensuu; Vlad Naumescu Central European University, Budapest; Marje Pihlak EuroCollege, Tartu University; Gyöngyi Schwarcz Contemporary Researches Foundation, Budapest; Olga Wasilewska Stefan Batory Foundation, Warsaw. With permission of the publisher excerpts of the full report are published in current publication. Full report available at the webpage: <http://www.batory.org.pl/english/intl/pub.htm>

focused on conditions in which passenger traffic took place at the border-crossing points; the conditions for transport of goods were not the main point of interest. Only the EU side of the border-crossing points was the subject of monitoring.

The experience of different team members in researching topics related to the movement of persons across borders, border-crossing point infrastructure and community issues facilitated the development of a common research methodology and the assembling of important, difficult-to-obtain data. The data contained here cover a wide range of issues, from border-crossing point infrastructure and the accessibility of facilities to the overall organization of movement and the behaviour of border guards and customs officers as they carry out detailed inspections. The report is based on the opinions of travellers, border guards and customs officers, as well as on observations made by research teams at border-crossing points. This monitoring activity gave many positive examples of the functioning of border-crossing points. However, the main focus in this report is on the particular aspects of border-crossing points that need to be changed.

The objective of this report is to assess the quality of services rendered at border-crossing points on the external land border of the European Union. The focus of the political debate addressing the question of external EU borders has been on security measures. Unfortunately, much less consideration has been given to travel conditions at border-crossing points. In the current situation of border-crossing points, everyday experiences of thousands of travellers moving across borders – whether as drivers, passengers or pedestrians – indicate serious problems. Regardless of whether they are EU or non-EU citizens, no matter what their reasons for travelling are, these travellers wait in long, often uncomfortable and sometimes hazardous queues; they and their belongings are subjected to exhaustive searches; they are quite frequently hard-pressed to obtain relevant, up-to-date information about border-crossing regulations.

The attitude that border-crossing points merely demarcate the separation between EU and non-EU countries, prevailing to date, requires revision. While it is essential to prevent unwanted persons from entering EU territory, it is equally necessary to allow for the movement of persons in a way that is in accordance with fundamental European values, standards and principles. One of the main challenges is – while maintaining the distinction between EU and non-EU countries' citizens – to treat the latter with the same respect during border-crossing procedures as the former. For this reason, questions of security and protection must

be broadly conceived: not in terms of the separation between territories and persons, but in terms of the protection provided to all travellers: protection that upholds human rights and ensures fundamental freedoms to both EU and non-EU countries citizens.

The standards of travel across borders take on a good deal of significance when one considers the region's history of restricted international mobility and the stringent levels of militarization once prevailing at border-crossing points. Certainly, the countries belonging to the former Communist bloc differed in their degrees of freedom of mobility. The external border of the Soviet Union was heavily militarized and strictly controlled, allowing for very little mobility between the USSR and the so-called satellite states. The Polish-Russian border was, for example, closed until the beginning of the 1990s because of the militarization of the Kaliningrad District. Similarly, other Cold War borders, such as those between Bulgaria and Turkey, were rather difficult to cross. Other borders were practically negligible in previous years: the border between Russia and Estonia, for instance, marked only an "administrative border" within the Soviet Union before 1991. The unprecedented levels of mobility enjoyed by citizens after the fall of Communism and increased cross-border cooperation should be encouraged by enhancing the quality of operations at crossing points on EU borders.

The character of the majority of the borders is influenced by the existence of economic gaps between the neighbouring regions. Significant wage differentials constitute important stimuli for labour mobility across borders. High levels of unemployment in many of the regions along the border also impel the inhabitants to use the crossing of borders as a strategy to cope with financial insecurity. Cross-border trade continues to be profitable in almost all of the countries researched here, though different states respond differently to this phenomenon.

Frequently, the areas where border-crossing points are located are inhabited by heterogeneous populations, consisting of ethnic groups that were separated by newly drawn state borders. Socio-political transformations such as the collapse of the Soviet Union and the war in former Yugoslavia also influenced the substance and character of different states' borders.

Similarities between border sections can be found mainly in legal regulations introduced during the EU accession process. The countries researched in this study began the accession process at different moments. Finland joined the European Union in 1995 and thus, of all the countries considered here, has the longest history of maintaining an

external EU border. The Finnish experience with controlling an external EU land border substantially influenced the “blueprint” of border control in the European Union. Estonia, Hungary, Poland and the Slovak Republic joined the EU in 2004. These countries differed with regard to the introduction of policy changes at the border: Hungary and Poland, for example, were last to introduce the visa requirement for entry. Bulgaria and Romania, whose accession processes began in 2000, joined the EU in 2007. During the research period of this study, only Finland was part of the Schengen area, while the other countries were preparing to join in the near future². Minor differences between the countries also arose with respect to the time at which EU legislation in the field of Justice and Home Affairs was adopted. In general, however, EU legal requirements represent a common feature of this otherwise highly diversified – historically, politically and geographically – set of external borders.

1. Method of the research

In light of the substantial differences between the border-crossing points considered in this study, a series of comparative case studies was carried out. This method was chosen in order to most effectively elicit good and bad practice of border-crossing points located on the external EU land border. Given the sheer complexity of the institutions involved, quality control analyses of the practices applied at border-crossing points necessitated the use of lengthy and intricate research techniques. The data contained in this report are the results of field work completed at selected border-crossing points from the beginning of July 2007 to the end of September 2007. A variety of research techniques was implemented, including secondary data analysis, field work and a survey.

1.1. Sampling

Extensive qualitative and quantitative research was carried out in 7 EU Member States (Bulgaria, Estonia, Finland, Hungary, Poland, Romania and Slovakia), all of which share borders with non-EU third countries (Belarus, Macedonia, Moldova, Russia, Serbia, Turkey, Ukraine). In cases where the number of border-crossing points was small, the

² Estonia, Hungary, Poland and Slovakia entered the Schengen area in December 2007.

selections were made using the “object-oriented” method. The selection key comprised the following elements: the scale of cross-border movement (*high/medium/small*), the type of movement (*personal/private, trade, tourism, or “minor” cross-border movements*), the type of terminal (*roadways for pedestrians and/or private or commercial vehicles; railway; airport; river port or seaport*), and, in the case of Slovakia, the availability of border-crossing points³. Due to the large number of and substantial differences between border-crossing points, one of the research teams (Polish) made use of a more random sampling method, i.e., cluster analysis.

1.2. Research techniques

The research required the application of qualitative and quantitative methods as well as secondary data analysis. In practice, this allowed for the application of the “triangulation procedure”, which involves the use of more than one method of data-collection to test the same hypothesis.

1.3. Secondary data analysis

In the first stage of research secondary research were conducted that drew from two main data sources: (a) statistical data (obtained from border guards), and (b) legal and customs regulations effective in areas of cross-border movement. Data pertaining to cross-border movements – with a special focus on the nationalities of travellers and the scale/volume of traffic at border-crossing points – was collected by border guards on EU borders from 2000 to 2006 and made up the bulk of preliminary analyses. The results of these analyses were used for on-site research at selected sample border-crossing points, as well as in order to prepare detailed descriptions of selected cross border points. Assessments and analyses of legal regulations most frequently employed by border guards and custom officers at selected border-crossing points were carried out simultaneously. During fieldwork only two surveyed border-crossing check-points were open.

³ During fieldwork only two surveyed border-crossing checkpoints were open.

1.4. Field work

Field work was conducted from July to the end of October 2007 at 19 border-crossing points. All field work was carried out by researchers with prior training. Once again, a variety of research techniques was employed: so-called “open” and “clandestine” observation, in-depth interviews, informal interviews, and survey administration.

The only exception was the border-crossing point in Vaalimaa at the Finnish-Russian border, where current and up-to-date research materials existed. For this reason, it was unnecessary for the Finnish team to carry out any additional extensive quantitative research, and the study was focused on the qualitative data and secondary data analysis.

Both kinds of observations mentioned above were based on a semi-structured observation questionnaire. The following elements were under particular scrutiny: the intensity/volume of border movement, the behavioural characteristics of border guards and customs officers and the overall appearance of the border-crossing points’ respective infrastructure. Clandestine observations allowed research teams to observe and obtain information about the practical aspects of customs clearance and passport control, to gain access to information about the legal and organizational regulations employed by border guards and customs officers, and to assess the general quality of infrastructure. This data was prepared in the form of field notes.

The totality of these techniques afforded the collection of travellers’ opinions about the overall quality of border-crossing points’ operation. Data obtained via open and clandestine observation techniques was complemented by informal (i.e., unrecorded) interviews with travellers encountered on site.

In-depth interviews were conducted with three main groups of respondents: travellers crossing selected cross border points, local experts with knowledge of the day-to-day operations at border-crossing points, and specialised staff members employed at border-crossing points, i.e., border guards and customs officers. These interviews were based on interview scenario guidelines adapted to different types of respondents. Interview candidates were selected randomly using the object-oriented method. To select interviewees, we drew from information gained via observations, from informal interviews and from prior consultations with border guards and customs officers. The number of interviews conducted varied at times because of difficulties encountered while seeking out particular types of respondents.

In sum, 366 recorded, in-depth interviews were completed at 19 different border-crossing points with randomly selected travellers (131 with EU states citizens, 82 with third country nationals), 89 with local authorities and 64 with officers of border guards and customs.

1.5. Questionnaire

Survey questionnaires were randomly administered on both sides of border-crossing points to individuals departing from EU countries and to those entering EU countries. The “direction” of travel was irrelevant for our research purposes as the vast majority of travellers crossed the border at selected border-crossing points with great regularity, and had thereby gained ample knowledge of and experience with the operation of border-crossing points on both sides of the border.

The sampling required by this kind of research is rendered a more difficult task because of the limited possibility to randomly select individuals. Surveying travellers at border-crossing points inherently means surveying people in movement, where the presence or absence of particular individuals at border-crossing points is a reality with a necessarily random character, and the population of travellers is neither an exclusive nor a particularly well-tracked set of data⁴. In an effort to overcome these limitations we endeavoured to take samples as randomly as possible. Thus, the first steps taken in the field were devoted to surveillance of border-crossing points. Based both on observations and on interviews with border guards and customs officers, all the research teams agreed on a fixed time of day to administer questionnaires – that is, when cross-border movements were observed to be at their highest volumes. We presupposed that, during periods of high volume, we would administer 300 questionnaires at most border-crossing points (150 among EU citizens and 150 among non-EU citizens), and, in the case of smaller border-crossing points, 200 questionnaires (100 for each group of travellers).

The survey questionnaire was administered from 2 to 5 hours per day at border-crossing points. Pollsters distributed the questionnaires to travellers to complete on their own, instructing them to bring back the completed form after approximately 20 minutes. The questionnaire was

⁴ Border guards of EU countries are obligated to collect statistical data about third country citizens, not about EU citizens. For this reason, data collected on movement of EU citizens are mostly approximated.

given to only one person per vehicle (*either to the driver or to the passenger*). The questionnaires themselves were prepared in the appropriate language of a given partner country in English for other EU citizens and in the appropriate language of neighbouring non-EU countries. In total, we administered and received responses to 4,019 questionnaires from 19 border-crossing points.

By applying the triangulation procedure⁵ to these various research techniques, it was possible to minimize some of the difficulties of conducting field work at selected border-crossing points. Despite encountering a few more endemic problems in the field, the proposed method seemed to be optimal for this kind of research.

2. Executive summary

This report presents the results of the monitoring of border-crossing points situated on the European Union's external land borders. That study was performed from July till September 2007 by research teams from 7 countries: Bulgaria, Estonia, Finland, Hungary, Poland, Romania and Slovakia. 19 border-crossing points of those countries were chosen for the monitoring, on the borders with EU neighbors: Belarus, Macedonia, Moldova, Russia, Serbia, Turkey and Ukraine.

The goal of this research was to provide politicians, policy makers and the general public with an overview of conditions prevailing at EU border-crossing points. The subject of monitoring was the EU side of the border-crossing points only. The collected data give positive examples of the way the EU border-crossing points operate, however, the main focus of this report are particular aspects that need to be changed.

The majority of individuals crossing the monitored border-crossing points on the external EU land-border are citizens of the two respective neighbouring countries, who cross the border to trade, work abroad or further other sorts of business activities. For some of the travellers, the aim of travel is shopping, tourism or family visits. The purposes for travelling and the high frequency with which individuals engage in

⁵ Triangulation is a procedure employing a number of different methods to investigate one area of research. Denzin N. (1978) identified four main types of triangulation: (1) triangulation of data, (2) triangulation of researchers, (3) theoretical triangulation, (4) methodological triangulation.

border-crossing suggest that strong regional links based on historical ties and economic interdependence exist between the neighbouring countries.

The key conclusion is that with regard to the external EU border, attention should be paid not only to security, but also to quality of services and conditions at border-crossing points. Several problems that became evident during the monitoring should be dealt with in order to improve the standards of the border-crossing points on the external EU land border.

The main problems are visible in the following areas:

- Infrastructure of border-crossing points;
- Communication: access to information about border-crossing procedures and communication between travellers and border staff;
- Cooperation between the border authorities, local municipalities and state authorities (also with the non-EU side)

The consequences of the problems in the areas mentioned above include:

- The formation of queues;
- Insufficient application of non-discrimination rules;
- Corruption practices.

2.1. Infrastructure

The layout and infrastructure, despite being among the most fundamental elements of efficient cross-border movement, were often found to be the weakest aspects of the monitored border-crossing points. Infrastructural conditions are directly related to the operational quality of the institutions responsible for the border-crossing points. Indeed, good infrastructure is a necessary precondition for border staff to be able to fulfil their duties effectively and to ensure appropriate treatment of the travellers. Insufficient infrastructure is also one of the reasons for the formation of queues.

Although according to border guards and customs officers, conditions today have improved compared to the past, they are still in pressing need of further rapid development. Some of the border-crossing points were designed for local, limited border traffic, but now handle extensive border traffic without proper conditions such as a satisfying number of lanes. This problem appears for example at the border-crossing points in Sighetul Marmatiei (Romania-Ukraine), Tiszabecs (Hungary-Ukraine), Zosin (Poland-Ukraine).

An important problem that this research indicates is the frequently underdeveloped infrastructure for travellers: insufficient restroom

facilities, waiting rooms and waiting lines for travellers, as well as services for persons with disabilities and for parents travelling with small children.

In some cases, the lack of separate terminals for pedestrians in a situation when the border-crossing point is open for pedestrians (for example on the Estonian-Russian border-crossing point at Koidula, and Hungarian-Serbian at Tompa) and buses (Polish-Ukrainian border at Zosin) was an important problem. Also, areas for customs clearance and passport control require improvements.

More attention should be also paid to the areas leading up to the border-crossing points. It is in these areas that a variety of essential services, which influence the conditions in which travellers cross the border, are often missing – such as gastronomic services, currency exchange points or restrooms. Long queues form in the areas before the actual border-crossing points, and are not managed sufficiently by the border staff, local authorities or police. The lack of roads adjusted to the scale of the traffic is visible (for example on the Bulgarian-Turkish border-crossing point Kapitan Andreevo or Bulgarian-Serbian Kalotina).

The problem of infrastructure concerns also the question of compatibility of both the EU and non-EU sides of the border-crossing points. Higher standards of buildings and lines on the EU side of border-crossing point do not solve the problem of low traffic capacity, when the other country does not have a sufficient number of terminals to carry out controls of travel documents and belongings.

Recommendations:

- The quality of infrastructure should be improved – buildings in which border guards and customs officers work, as well as places designed for travellers – especially restrooms, waiting areas and gastronomic points on the border-crossing point;
- New facilities should be built and the existing ones improved for people with disabilities and parents with small children. Establishing medical posts with first aid and emergency medical equipment at all border-crossing points is needed;
- The infrastructure of entrance areas should be improved at the border-crossing points, especially the quality of roads leading to the border-crossing points and basic facilities before border-crossing locations such as gastronomic services, currency exchange points and restroom amenities. This recommendation requires the cooperation of border

authorities and local governments; larger support for local communities from state administration should be considered:

- More attention should be paid to the compatibility of infrastructure on the EU and non-EU sides of the border-crossing point.

2.2. Communication

Problems with communication arose in the area of travellers' access to information about the legal rules and regulations for crossing the border, as well as in the somewhat unsatisfactory foreign language skills of border guards and customs officers.

The lack of clearly-presented information about customs and passport control is against the interest of customs officers, border guard officers and travellers alike. The information made available was, in some cases, difficult for travellers to acquaint themselves with and understand. Some of the border-crossing points provided only short and sparse information, while others posted long legal excerpts incomprehensible to a layperson. As a result, travellers usually resorted to the more informal method of asking other, more experienced travellers for the information they required. Insufficient knowledge of current regulations often led to misunderstandings, sometimes creating in non-EU nationals the impression of being treated unjustly.

Moreover, according to the travellers, despite the fact that border staff claimed that communication was not a problem, insufficient foreign language competences were demonstrated in interactions with travellers. Research indicates that some border officers did not speak foreign languages. Sometimes shifts of border guards and customs officers were organised with regard to the ability of border officers to speak different languages.

Recommendations:

- Due to the frequent changes in customs and passport control regulations, there is a particularly pressing need to implement a well-functioning system of information on these issues – information should be clearly presented and adapted to the needs of travellers.
- All information should be translated into the languages of neighbouring countries, and one of the languages most frequently used in the EU, such as English.

- Information should be available on both the EU and non-EU sides of the border, at the entrance areas to the border-crossing points, as well as in the wider areas of the border-crossing point.
- It is necessary to improve the border guards' and customs officers' knowledge of at least the language of the neighbouring country. Border staff should be encouraged to use languages of neighbouring countries when communicating with foreign travellers.

2.3. Cooperation

Cooperation between border guards and customs officers was positively evaluated by both border authorities, and likened to a kind of “peaceful coexistence”. Nevertheless, some misunderstandings appeared, resulting from poor work conditions and differences in wages and/or benefits. In most countries, border guards received better salaries and benefits.

As emerges from the report, the management of infrastructure at the border-crossing points and their entrance areas lacked sufficient cooperation with other institutions and organisations, such as state authorities and local governments, and the local community. Inadequate budgets and the lack of legal instruments to establish frameworks of collaboration with these institutions were obstacles to good cooperation.

Cooperation between officers across EU borders seemed more problematic: in cases where the EU and non-EU country had concluded bilateral agreements, cooperation was more frequent and effective. Cooperation was seldom efficient if no binding regulatory framework had been provided – confusion and disorganisation were common results of that situation. For instance, at the Slovak border-crossing point Vysne Nemecke, some technical documents were unacceptable by Slovakian standards, and changes in the border traffic which resulted from breaks or bank holidays were not coordinated. Together, these small impediments hindered the fluidity and efficiency of cross-border movement.

Recommendations:

- Special financial and legal instruments should be created as a basis for the development of good cooperation between border guards, custom officers from both sides of the border, as well as between local communities, state administration and other institutions or organizations important for the operation of border-crossing points.
- It is recommended not to differentiate significantly the earnings and other benefits of border guards and customs officers.

- The quality of information given to non-EU border guards and customs as well as of that received by EU border staff about border-crossing rules of the neighbouring country should be improved.
- Coordination of shift changes of EU and non-EU border guards should be improved, especially during the different holidays of the neighbouring countries.

2.4. Queues

Long waiting times seem to be the most glaring problem at most of the monitored border-crossing points. This research indicates that the longest waiting times occurred at the EU border with Ukraine and Russia. Long queues are a problem which should be addressed by the appropriate authorities in the following countries: Finland (Valimaa), Estonia (Narva-1, Koidula), Hungary (Tiszabecs) and Poland (Medyka and Bezledy). The lengthy waiting times affected not only the non-EU states citizens who were subjected to more extensive inspection procedures according to EU regulations, but also EU citizens. Uncomfortable and sometimes unsafe waiting conditions had a strong negative impact on travellers and, as a consequence, influenced their perceptions of the services provided by border staff as well as the overall operational quality of border-crossing points. Border guards and customs officers suggested that the long queues at border-crossing points were the outcome of a multitude of factors, including the increased volume of traffic during particular seasons or times of day and the lack of cooperation between EU and non-EU border authorities to better manage traffic flows. As has already been mentioned, insufficient infrastructure might also result in longer waiting times. The problem of queues at the border-crossing points is visible in the case of cargo traffic; passengers cars are processed relatively quickly.

Recommendations:

- In order to decrease the waiting times to cross the border, improved coordination of work by both the EU, non-EU border sides and local authorities is needed, as well as modernisation of the infrastructure of border-crossing points.
- It is advisable to construct new border-crossing points, well equipped with infrastructure and adapted to the scale of traffic.

2.5. Compliance with non-discrimination rules

Border guards and customs officers are obliged to respect the non-discrimination rule contained in the European Convention on Human Rights. Discriminatory treatment of travellers was manifested in: long waiting times in non-EU queues, disrespectful means of address and detailed inspections of private property.

At some monitored border-crossing points (for instance on the Polish-Ukrainian border in Medyka, on the Estonian-Russian border at Narva-1 and Koidula), the EU lane at the border-crossing point was served faster and there were shorter queues, while the non-EU lane generally experienced a considerable waiting time. Longer waiting times on non-EU lanes were not associated with longer or more detailed procedure for checking documents, but slower work of border guards and custom officers. Non-EU nationals' impressions of being treated unjustly often stem from the insufficient information provided to travellers about the different rules applicable to EU and non-EU citizens when crossing the border.

According to some travellers, there were situations where both customs officers and border guard officers engaged in discriminatory practices. Some non-EU citizens, as well as individuals who crossed the border frequently for trade or for work purposes, reported receiving condescending or even insulting remarks from officers as they inspected documents and asked questions. At some border-crossing points between the EU and Ukraine, there was a clear difference in the way customs and border guards officers addressed EU states citizens (formally) and non-EU states citizens (informally).

Moreover, travellers reported having had their luggage or vehicles damaged by the officers' indelicate handling, and in a few cases reported undergoing detailed personal inspections that bordered on harassment.

Recommendation:

- The professional attitude of border guards and custom officers towards travellers should be improved, with special focus on respect for non-discrimination rules present in international law, as well as the protection of human dignity.
- An information campaign should be prepared for travellers about their rights and ways of their protection. Equally important is the establishment of a more effective system of lodging complains about negative behaviours of border authorities, to give travellers opportunity to

protect their rights as well as to inform about the problems existing at border-crossing points.

- Mass media campaigns in the EU countries concerning travellers' rights could be carried out.

2.6. Corruption

It is worth emphasising that, compared to past scenarios, according to the travellers, customs officers and border guard officers, the phenomenon of corruption has visibly decreased. One of the likely reasons for this decrease is the recent establishment of anti-corruption institutions and the installation of monitoring systems at most border-crossing points.

Some travellers believed that “hidden” corrupt practices still persist along the borders, that is, outside the main area of the border-crossing points, which indicates changes in the mechanism of corruption. Because these practices went on outside the area of the border-crossing points, they are harder to expose. As interviewed travellers claim, for the most part of corruption situations, bribes were given by petty traders, smugglers, and, sometimes, entrepreneurs. The first two types of travellers expect that corruption of border duties would allow them to bring more of the limited goods across the border, while entrepreneurs pay to go faster through border-crossing points.

Recommendations:

- Support for anticorruption initiatives needs to be continued.
- Responsible discussion in mass media about the prevention of corruption at the border-crossing points should be carried out.
- Efficient instruments to prevent further development of “hidden” corruption at border-crossing points should be developed.

* * *

From the point of view of local communities almost all of the analysed border-crossing points play a crucial economic role in the lives of people living in close proximity to the border. Border regions are often economically underdeveloped and more attention ought to be paid to their situation. With rising prosperity in those areas, the necessity of using the border as a “survival strategy” would decrease.

From the point of view of relations between the EU and third countries, external EU land borders have the same important economic

role. It is essential to underline that the external EU borders are being used increasingly for land-transported international trade. Therefore, the quality and efficiency of operations at border-crossing points are meaningful for international trade relations.

* * *

In the light of all the information presented in this report, the operational and infrastructural quality of border-crossing points require improvements. Discussion about the conditions at border-crossing points on the external borders of the EU should be more lively and, more importantly, real change in the quality of service offered to all the travellers who choose to enter the territory of the European Union is needed. Conditions at border-crossing points ought to be systematically monitored to prevent some problems listed in this report.

Estonian Country Report¹

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The aim of this research is to assess the quality of services rendered by the border guard and customs services, and the conditions on the border-crossing points at the EU external border-crossing points Narva-1 and Koidula. The survey is to cover situations and conditions at crossing points at the external EU land border, with particular focus on their technical infrastructure, services rendered by border guards and customs services working there, and the experience of travellers moving across them (citizens of the various EU member states and of the neighbouring non-EU countries). Special attention will be given to respect for human rights, in particular to the way in which travellers are treated, ease with which the border can be crossed legally, and accessibility of information on the applicable rules.

1. Method of research

The quality of operation of border-crossing points is defined here as the condition of border-crossing point infrastructure, including the area in its proximity, as well as the standards of customs clearance and passport control, and the competence of the border guards. The infrastructure of the border-crossing point (including driveway, access to restaurants, bars, exchange offices, toilets), signing and signalling, and the number of control lines will be characterised. Attention was paid to the behaviour patterns of border guards and custom officers, especially with respect to standards of passport control and customs clearance and professional competence, including knowledge of foreign languages.

¹ Report was prepared in the framework of *External EU Border Monitoring Project 2006/2007: Better Efficiency at Border-crossing Points as a Precondition for Improved Cross-border Cooperation*. Research was conducted in cooperation with the Peipsi Center for Transboundary Cooperation, and research group from the University of Tartu: Jekaterina Matrossova, Jüri Pilviste, Kadi Silde, Marje Pihlak, Olga Tšerjomuškina, Liina Animägi (statistical analysis).

The research is based on secondary data in order to choose and describe the characteristics of the studied border-crossing points, analysis of legal acts, and data gathered from field research. The field research uses both quantitative and non-quantitative methods that in practice will enable the application of the triangulation procedure, involving the use of more than one data gathering method to test the very same hypothesis.

The research team was chosen among the students of Tartu University and Narva College, University of Tartu considering the need for basic knowledge in sociological research and ability to speak fluent Russian, English and Estonian.

The field work was conducted by a team of five people during the period from the 5th of July to the 23rd of July at two border-crossing points as observers not participating in the cross-border traffic, and from the 23rd to the 25th of July observing as travelers and members of the public. During the stay at the border-crossing points survey questionnaires and sociological interviews were carried out.

Survey by questionnaires was carried out mainly on the exit direction on the Estonian side among people crossing the border on foot, by car or tourist bus, though among the respondents were also people entering the country. The questionnaires were usually handed to a person to answer, in some cases also the questions were read out and a suitable answer was marked by the member of the research team. The results might be influenced by particularities of different terminals (passengers, light and heavy vehicles).

Time for the questioning was chosen from morning 9.00–12.00 and evening 14.00–19.00 in order to cover different groups. Based on the first day it took approximately 10 to 15 minutes for filling in one questionnaire, therefore each person in the research team questioned 6–10 people in one day and used the other part of the day for either monitoring or interviewing. Many people took up to an hour to fill in the questionnaire and tell us useful information for further monitoring. During one week it was already understandable that the same people cross the border on a daily basis, and in many cases we turned to the same person without recognising him/her at first.

Questionnaires were prepared in three languages – Estonian, Russian and English. At Narva-1 the majority of the questionnaires (90%) were in Russian and the rest either in Estonian or English. At Koidula the Estonian-speaking group was somewhat higher.

Analysis of the statistical data searched for the correlation between two border-crossing points and gave overall results of the studied border.

The total valid number of the respondents from the two border-crossing points was 406, of which 199 of the questionnaires were conducted at Narva-1 and 207 at Koidula.

Observation

Both border-crossing points were observed from the point of view of a member of the public, travelling by bus and on foot, by one of the research team members. It was complicated as an anonymous traveller to find out the real reasons why some people were taken to thorough control, if they returned, or what happened to them. For example during the monitoring at the border-crossing point – as a person not participating in the cross-border traffic – we were freer to ask for explanations from both sides, as Estonian border guards and customs officers were also willing to explain the situation.

During the stay at the border-crossing point the observation when not participating in the cross-border traffic was carried out simultaneously with questioning the travellers. The assignments in the team were divided in a way that allowed two persons to monitor, two people to question the travellers and one research team member to interview a person from the chosen target groups. The tasks were rotated according to the need and possibilities. The location was chosen according to the possibilities i.e. not to disturb the work of the border guards and custom officers.

Interviews with different target groups (travellers, experts, border guards and custom officers) were agreed and carried out during the stay at the border. Some interviews were also made after the border monitoring as new questions came out from the previous information. In total 42 people were interviewed based on three different scenarios.

Table 1. The number of interviews by category

Interview scenario	Narva-1	Koidula	Total
Local expert	7	5	12
Traveler EU	6	10	16
Traveler non EU	3	1	4
Border Guard	4	2	6
Custom officer	1	3	4
		Total	42

Travellers were interviewed outside the border control zone, for example at the bus stop or café. Many interviews with travellers were also done later at an agreed time. For identifying experts in the area, people working in the travel agencies, police, tour guides, at the local university, shops were asked for contacts, and the interviews were carried out in a place appropriate for the interviewee. Interviews made in the Russian language were later translated to Estonian. From that only relevant quotations were later translated to English in order not to lose the original meaning in the double translation of texts.

The given methodology supports the aim of the project to assess the quality of the service and infrastructure at the land border-crossing points on the external EU border. Combining quantitative and qualitative methods provides a degree of representation through questionnaires and allows supporting the interpretation with the answers resulting from analysis of the in-depth interviews.

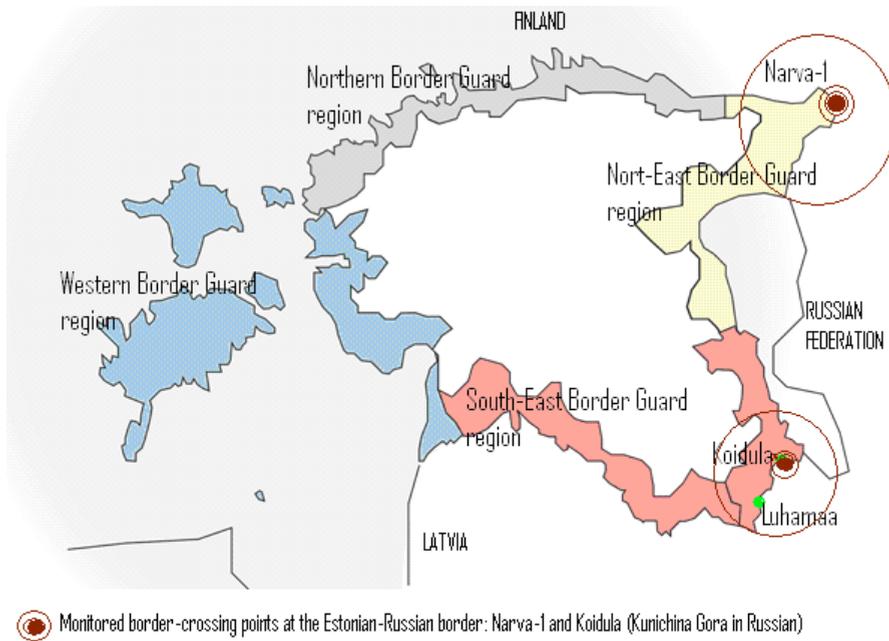
2. Basic characteristics of the studied border-crossing points

The total length of the governed borderline of the Republic of Estonia is 1450, 2 km, of which 768, 6 km run along water and 681, 6 km over land². As the given project focuses on the EU external border, the studied border-crossing points were chosen among the land check-points on the Estonian – Russian border. The length of the governed land border with the Russian Federation is 333, 6 km of which 76, 4 km runs along Narva River and 124, 2 km along Lake Peipsi³.

Out of the three lands border-crossing points opened for international traffic (Narva-1, Koidula and Luhamaa) the external EU land border monitoring project in Estonia was carried out at two border-crossing points on the Estonian-Russian border. The study was conducted at the Narva-1 border-crossing point in the North-East Border Guard region and at the Koidula border-crossing point in the South-East Border Guard region.

² Homepage of Estonian Border Guard
[<http://www.pv.ee/index.php?page=314&PHPSESSID=99a2caeba2a2fcd66d87f27c5846c489>] 06.06.2007

³ Homepage of Estonian Border Guard
[<http://www.pv.ee/index.php?page=314&PHPSESSID=99a2caeba2a2fcd66d87f27c5846c489>] 06.06.2007



Graphic 1. Estonian Border Guard regions and land border-crossing points opened for international movement on the Estonian-Russian border

a. The reasons for the selection of the studied border-crossing points

It was suggested by the leading partner of the project to apply a cluster method for the selection of border-crossing points. But as there are only 3 land border-crossing points open for international movement on the Estonian-Russian border the selection was made on the scale of traffic intensity, importance according to the aim of the project and the location of the border-crossing points for representative geographical comparison. As the survey aimed primarily at providing a description of the ways in which external EU land border-crossing points operate, and found it appropriate to look at the respect for human rights in the way which travellers are treated, the selection of the border-crossing points in Estonia was mainly based on the number of people crossing the border.

From the two Border Guard regions governing the Estonian-Russian border one border-crossing point was chosen from each region. In the North-East region there is only one land border-crossing point open for

international movement and one smaller check-point open only for the citizens of the Estonian Republic and the Russian Federation. Therefore the study was conducted at the Narva-1 border-crossing point that services approximately 69 %⁴ of the total number of people crossing the Estonian-Russian border in 2006.

Table 2. Number of border-crossings by people in the years 2003–2006

Border-crossing point	2003	2004	2005	2006
Luhamaa	354 543	354 740	429 073	358 863
Koidula	384 035	365 978	460 364	415 999
Narva-1	2 231 854	2 445 354	2 704 524	2 753 538

The second border-crossing point was chosen from the two border-crossing points in the South-East Border Guard region – Koidula and Luhamaa. In terms of the scale of movement those border-crossing points are very similar in comparison with Narva-1. Over the years the number of persons and vehicles crossing the border has steadily increased in both in Koidula and Luhamaa. The Koidula border-crossing point serviced approximately 10% of the overall number of people crossing the Estonian-Russian border in 2006 and Luhamaa app. 9%⁵.

Table 3. Number of border-crossing by vehicles in the years 2003–2006

Border-crossing point	2003	2004	2005	2006
Luhamaa	243 545	280 279	377 719	299 533
Koidula	190 547	204 306	244 949	221 817
Narva-1	331 335	372 523	474 787	424 547

According to the statistics, the Luhamaa border-crossing point is more used for transport of goods and Koidula serves more people crossing the border. Therefore Koidula was chosen as the second border-crossing

⁴ According to the statistics of Estonian Border Guard 09.10.2007 answer nr 12.1-23.2/6232-2

⁵ Ibid.

point relevant for conducting the survey for comparative research on the external EU border.

b. The intensity and scale of the movement at the border-crossing points

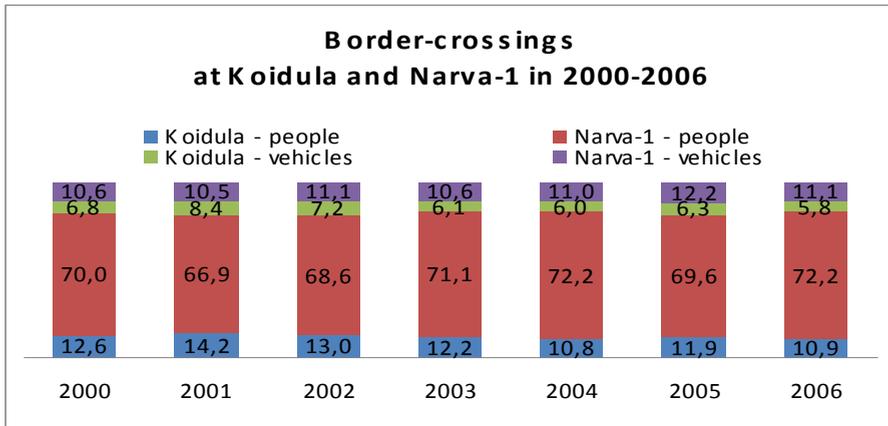
Developments in the South-East Estonian Border Guard region can be traced back to the year 1991, when on the 15th of November control procedures were started at the check-points of the new economic border and on the trains passing through Orava train station. The control was implemented according to the government's order on the 31st of October 1991 establishing the temporary regulation *Obligation to Leave and Prohibition to Entry* to the Republic of Estonia. Koidula was among five other⁶ check-points where according to the visa regime established on the 1st of July 1992 foreigners could cross the border through the given check-points, while other border-crossing points remained for the use of local inhabitants. That marked the beginning of the professional border control on the Estonian-Russian border. The statistics of the South-East Estonian Border Guard region during the years 1995–1999 indicate constant growth in cross-border traffic until the year 1999 when the overall number of border-crossings doubled.

The geographical location of the Estonian-Russian border region Narva is perceived as an important asset for cross-border-cooperation, being at the crossroads between the East and the West, close to large important cities, such as St. Petersburg and Tallinn⁷. According to the statistics, the Narva-1 border-crossing point in the North-East Border Guard region has serviced more cross-border traffic over time than all the other check-points at the Estonian-Russian border combined.

After 1st of May 2004, when Estonia became a member of the European Union, people and vehicles from the European Economic Area and Switzerland are no longer fixed in the border-crossing data. Therefore the actual number of border-crossings is somewhat different and the given statistics should be taken as a set of data.

⁶ Luhamaa, Koidula, Saatse, Võru and Orava border-crossing points

⁷ Venesaar, Urve. Staritsõna, Ludmila. 2007. *'Profile of Case Study Region in Estonia: North-East Estonia (Ida-Viru County, Narva Town)'*. In project: Challenges and Prospects of Cross Border Co-operation in the Context of EU Enlargement. Tallinn University of Technology. Unpublished material.



Graphic 2

The intensity and scale of movement through the Narva-1 and Koidula border-crossing points has been gradually increasing. Rapid change can be noticed in 2005 which can be due to the minimum control applied to the citizens of EU. The increase in border-crossing movement after 2004 can also be explained by overall growth in tourism and the difference between Estonian and Russian prices on goods with excise tax like fuel, tobacco and other. The decrease in the cross-border traffic in 2006 can be due to the stabilization of prices in the border regions, especially for fuel and tobacco.

3. Characteristics of the people crossing the border

Based on the observations, interviews with the travellers and experts, and answers given to the questionnaire at the Narva-1 and Koidula border-crossing points, the main nationality groups crossing the border were Estonians and Russians, but also people from Japan, Senegal, Ukraine, Switzerland and some of the EU member states' citizens. The majority of the respondents (61, 7%) marked Estonia as their permanent place of residence (Q40). In comparison between the two border-points 60,4% more Estonians crossed the border at Narva-1 than at Koidula. At the latter border-crossing point there were 74,3% more people of Russian nationality crossing the border than at Narva-1. All together, of the

people questioned at the Estonian-Russian border 49,7% were from the EU, and 50,2% were residents of non EU countries, mainly living in the Russian Federation.

Due to possession of double-citizenship (Estonian-Russian) the given statistics could be biased. Among the respondents who marked Estonia as their permanent place of residence (Q40) a majority answered the questionnaire in Russian and could be of either Estonian or Russian nationality. According to the observation results by the border guard officers approximately 70% of the people crossing the border have both Estonian and Russian passports, and therefore do not have a visa in either of them and show the suitable passport at the appropriate border-crossing point.

Of the 406 respondents to the questionnaire on the Estonian – Russian border 74,4% belonged to the age group 26–65 years, 15,2% of the respondents were under 25 years old, and 10,4% of the people questioned were older than 66 years. In comparison between the two studied border-crossing points 70,7% of the people crossing the border at the Narva-1 border-crossing point were over 66 years old, at the same time the age group under 25 year was 60% higher in Koidula. That is due to the elder generation in the Narva-1 and Ivangorod twin towns, who have permission to cross the border according to the simplified visa regime introduced in 2000. The same conditions also apply for the cross-border region around the Koidula border-crossing point, but as it is distant from towns, the relative importance of elderly foot-passengers is also lower.

56,4% of the respondents at the Narva-1 border-crossing in comparison with Koidula marked the distance from their home to the border as less than 50 km. The majority of the people crossing the border at Koidula live more than 100 km from it.

The overall dominant aim of travelling was to visit one's family (33,1%) or for other reasons (31,4%). Nevertheless the differences in the purposes for crossing the border were notable between the two studied border-points. Based on the answer given to the questionnaire, 57,1% of the people crossing the border at Narva-1 in comparison with Koidula border-crossing point marked their aim as "to fulfil official duties assigned by their employer", whereas in Koidula 87,1% of the people crossing the border in comparison with Narva-1 said that their aim is "to further their own business interest". That proves the fact that the majority of the people crossing the border at Narva-1 are local habitants who cross the border on a daily basis with the purpose to go to work. The Narva-1 border-crossing point is also an important gateway to Russia and St.

Petersburg for tourists, whereas the Koidula border-crossing point is used more for personal business interest or visiting the cemeteries of people's families on Orthodox holidays.

The different locations of the two studied border-crossing points - Narva-1 at the centre of the town and Koidula ca. 30km from the nearest settlement – also create different atmospheres for the border guards' and customs officers' activities and also influences the behaviour of the people crossing the border. Common features influencing the behaviour of the travellers are waiting time and presence of suitable infrastructure for basic needs, such as using the toilet, having a place to eat, exchange money, declare the needed products and make the insurance.

Based on the observations, the behaviour of people depended on the obstacles they faced during the procedures. The majority of the people were law-obedient and prepared for the time necessary to wait for their turn. Pedestrians at the Narva-1 border-crossing point were tired from the long walk between the Estonian and Russian border-crossing points and mainly complained about the absence of toilets on the Estonian side and suggested the possibility of providing some benches for elderly people waiting in the line after over 1, 5 km walking.

Overall, people crossing the border were willing to answer the questionnaire, which took approximately 10–30 minutes depending on the additional information given by the traveller, and felt free to being interviewed about the conditions and performance of the border guard and custom officers at the given border-crossing points.

4. Quality of work at the external EU border-crossing points

The quality of work at the studied border-crossing points – Narva-1 and Koidula – is described and analysed with respect to technical conditions and the services rendered by the border guards and customs officers.

a. Technical conditions at the border-crossing

The assessment of the technical conditions at the chosen border-crossing points on the Estonian-Russian border aims to evaluate if the infrastructure on the EU side ensures a smooth flow of cross-border traffic

and the proper access to information (appropriate information signs, boards, and leaflets). The analysis reflects the following themes:

- access to information on laws and regulations;
- characteristics of the place of customs clearance and passport control;
- lines organisation and waiting time;
- access to and standard of - toilets, bar/restaurant, foreign exchange office;
- marking of buildings and lines;
- the situation on the way before the border-crossing point.

i. Access to information on laws and regulations

All information on the current laws and regulations is accessible via internet on the Border Guard⁸, Estonian Tax and Customs Board⁹ and Citizenship and Migration Board¹⁰ homepages. Online information is accessible in the Estonian, English and Russian languages.

From the travellers' point of view the need for and accessibility of information at the border-crossing point depends also on the means of travelling. A traveller at Koidula stresses that *“people coming with cars need the most attention, because truck drivers usually know what to do because due to their job they cross the border frequently anyway”*¹¹. They form a separate group who *“have their own booklets from where they can read what is allowed and what is forbidden. Customs officers give out information as well if needed. It is just easier to read it yourself. But they remind them of certain thing, such as how many cigarettes and how much vodka it is allowed to take over the border”*¹².

Other groups crossing the border are usually locals visiting relatives or the cemeteries and therefore are familiar with the regulations. *“Tourist buses have tour guides and they get the necessary information from them. People coming with cars on their own do not have someone explaining the regulations to them and that should be addressed somehow”*¹³. It is

⁸ Estonian Border Guard homepage [http://www.pv.ee/index.php?page=38&PHPSESSID=4b2029833455f5e6a4e94ba7dc2cbbfd] 10.06.2007

⁹ Estonian Tax and Customs Board [http://www.emta.ee] 10.06.2007

¹⁰ Citizenship and Migration Board [http://www.mig.ee/est/] 10.06.2007

¹¹ Interview with a traveller at Koidula 18.07.2007

¹² Interview with a truck driver at Narva-1 08.07.2007

¹³ Interview with a traveller at Koidula 18.07.2007

also assumed by the car driver that “*people crossing the border on foot have better access to such information at the border-crossing point*”¹⁴.

Therefore, it might be relevant to address the access to information for different groups of people crossing the border. Special attention should be turned to third country citizens who are not from the neighbouring country and do not cross the border frequently. “*There was, in principle, too little information given out by the border guards. We had a tour guide in the bus (it was a pre-organised tour) and we were explained everything in advance due to that. But people who come on their own would not have enough information, especially foreigners.*”¹⁵

According to the Schengen Borders Code the written information on the procedure, and the purpose of the procedure, for third-country nationals subject to a thorough second line check¹⁶ ‘*should be available in all the official languages of the Union and in the language(s) of the country or countries bordering the Member State concerned and shall indicate that the third-country national may request the name or service identification number of the border guards carrying out the thorough second line check, the name of the border-crossing point and the date on which the border was crossed*’. In both studied border-crossing points, travellers are orally explained and notified about the thorough checks and given all the necessary information if asked¹⁷.

That also reflects the situation travellers are facing at the border-crossing points. According to an interview with a traveller at the Koidula border-crossing point he has “*done enough research on his own about the legislation concerning crossing the border and the customs regulations.*” At the same time he finds that the situation is quite bad for those crossing the border for the first time. Not so much because of what they have to know to get through the Estonian side of the border-crossing point but because they are not well prepared enough for what is waiting for them on the Russian side.¹⁸ For example he suggests that “*there should be more information about what the Russian side expects from travellers i.e. some instructions about filling in the migration card.*”¹⁹

¹⁴ Ibid.

¹⁵ Interview with a traveller at Koidula 17.07.2007

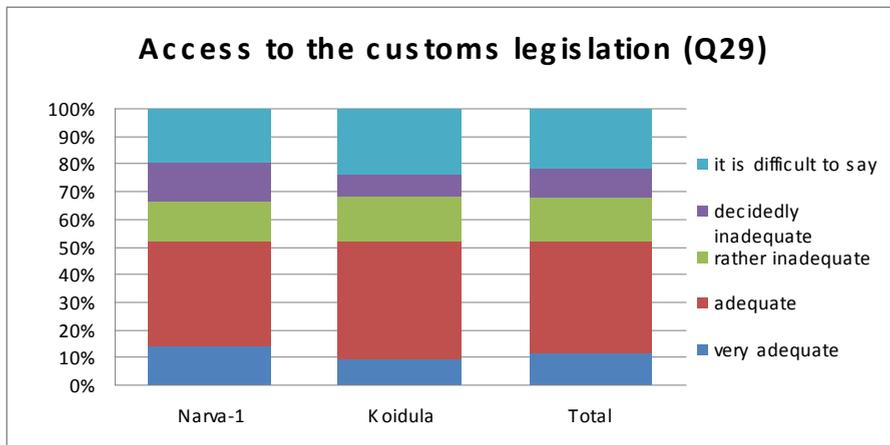
¹⁶ According to the Schengen Borders Code Article 7 ‘Border checks on persons’

¹⁷ Interview with the head of the Tax and Customs Control point at Koidula Tanel Allas 18.07.2007

¹⁸ Interview with a traveller at Koidula 18.07.2007

¹⁹ Ibid.

At the studied border-crossing points tax and customs regulations are available in three languages (Estonian, Russian and English) on the table-boards inside the pedestrian border-crossing area. Both border points are also equipped with computers to allow travellers to search for additional information on current tax and customs regulations and also to fill in the online tax declarations. *“As at the moment tax and custom regulations are changing it has not been possible to constantly provide hand-outs at the border-crossing point. But in case of solid interest from the traveller, regulations covering tax and customs provisions can be printed out”*.²⁰ Therefore the necessary information is visible for people crossing the border and they have the possibility to acquire more knowledge from the customs officers.



Graphic 3

The majority of travellers at the two border-crossing points feel that they have adequate access to information on the customs legislation on the Estonian side of the border-crossing point. At the Koidula border-crossing point in comparison with Narva-1 57% more of the correspondents answered that *“it’s difficult to say”* if the accessibility of the information is sufficient or not. That is due to the fact that a majority of the people travelled by vehicles and they did not have the need to go inside the building. Rating the accessibility on the customs legislation at

²⁰ Interview with the head of the Tax and Customs Control point at Koidula, Tanel Allas, 18.07.2007

Narva-1 in comparison with Koidula it received both the higher percentage of respondents who found that the accessibility of the information was “*very adequate*” (58, 3%) and also that it was “*decidedly inadequate*” (63, 6%). It can be due to the fact that the majority of the respondents, who cross the border frequently, were familiar with the regulations and were able to respond more critically than people at the Koidula border-crossing point who did not express so extreme opinions. Based on the interview with a traveller in Narva “*customs officers do not provide enough information on customs provisions*”²¹. A traveller using the Koidula border-crossing point also found that, in her opinion, there is not enough information, and one time she was told by a customs officer that she should know about the rules herself²².

There was no written information available at the border-crossing points on the rules governing entry. Neither was there any relevant correlation found among the answers rating the accessibility of information on the immigration provisions. The opinions from the answers to the questionnaire are divided equally between all the given choices for answers. That proves the fact that immigration issues are not dominant in the everyday functioning of the border-crossing point on the Estonian-Russia border. People crossing the border are either aware only of the rules governing the requirements for their own entry, or they do not even make the difference between the laws and regulations governing the customs regulations or immigration provisions. An interviewee at the Narva-1 border-crossing point assumes that “*the information on the immigration and customs arrangements is not easily accessible. People usually find out such kind of information from the local newspapers but at the same time not all people receive them*”²³.

Overall, the opinions on the accessibility of the information on legal provisions vary according to the means of travelling. A majority of the people crossing the border found the accessibility of the information at the border-crossing point adequate, but at the same time they raised concerns that it might not be enough for third country nationals.

²¹ Interview with a traveller at Narva-1 8.07.2007

²² Interview with a traveller at Koidula 18.07.2007

²³ Interview with a local expert at Narva-1 09.07.2007

ii. Characteristics of the place of customs clearance and passport control

Characteristics of the place of the customs clearance and passport control differ according to the functions of the terminal. The Narva-1 border-crossing point has 3 terminals²⁴: Check points for pedestrians, cars and buses, and lorries. The Koidula border-crossing point does not have separate terminals for pedestrians and heavy vehicles, but the division is made between the exit and entry directions.

At the Narva-1 border-crossing point there are two lines for cars and one separate line for the buses on the exit-direction and one common line on the entry. In the pedestrian terminal people have place to wait in line outside of the building both on the exit and entry direction. Inside the building there is a small room (suitable for a queue of 15–20 people) on both sides, and two control-booths one for EU and another for non-EU citizens. Customs control takes place in the same building. Currency exchange and insurance companies also have their cabins inside the pedestrian terminal. Overall, the whole territory for the border-crossing point facilities is limited to a small area surrounded by the old city walls.

At the Koidula border-crossing point the place for the customs clearance and passport control is in a better condition than at Narva-1. That is due to the larger territory of the border-crossing point and the fact that it is not situated in the centre of a town. In the exit-direction the Koidula border-crossing point has one outdoor passport control-booth for lorry-drivers and one for pedestrians, cars and buses. There is also one indoor passport control-booth for pedestrians. There are 3 lines for cars and buses and 2 for lorries. Lines can be changed according to traffic intensity. On the entry-direction there are the same number of lines and conditions for the travelers. As the thorough customs control is carried out on entry to the EU, there is a separate area for the check after the passport control for pedestrians and people crossing the border by bus. There is also a separate room for thorough control, where customs officers accompany the border guards' control. The control on the lane is also carried out as joint cooperation between border guards and customs officers in order to avoid double control.

Thorough customs control was carried out only on entering the EU. Facilities for passport control were outside for the cars and buses, so that according to the Schengen Borders Code people do not have to leave their vehicles, and indoor control-booths for the people crossing the border on foot.

²⁴ Annex II Scheme of the Narva-1 border-crossing point

iii. Waiting time and lines organization

1. Waiting time

According to the answers given to the questionnaires, the average waiting time is between 30 minutes and 3 hours depending on the season, day of the week, hour, and way of travelling. An extra category is formed by lorries, who at least two times a year, during the summer and winter months, have waiting time of up to 4–5 days at both of the border-crossing points.

Many factors affect the waiting time in the queue, for example “*the efficiency and promptness of the work of the border guards or customs officers (especially on the Russian side), the number of officers serving the travellers, the officers’ mood etc.*”²⁵ It is known by the travel agency officer that the waiting time for crossing the Estonian border on foot can be up to 3 hours during rush hour. Traveling by bus is more practical as it usually takes 25–50 minutes. The expert supposes that the waiting time is affected by the time of day, the number of working border guard booths and the Russian border guards’ and customs officers’ promptness.²⁶ “*Travellers with Russian passports usually wait longer than the ones with Estonian passports. Travellers with little children, disabled people and transit carriers with quickly perishable goods are privileged in this respect*”.²⁷ Some other aspects influencing the waiting time at the Estonian-Russian land border-crossing points were, according to the interviews, “*...due to people trading with vodka/petrol/etc (speculators) one has to wait much longer than would normally be the case*”²⁸.

According to the questionnaire, in comparison between the two studied border-crossing points the waiting time is longer at Narva-1 than at Koidula. For example 70, 9% of the people crossing the border at Koidula found that it takes them approximately 30 minutes. At Narva-1 the normal waiting time varied from 30 minutes to three hours.

There is also a relevant correlation between the waiting time and the evaluation of the efficiency of the border guards’ and custom officers’ work. Longer waiting time brought out lowers opinions on the officials’ efficiency, except the very long waiting time where people acknowledge that the long waiting lines are not formed due to the work at the border-

²⁵ Interview with a local expert at Narva-1 09.07.2007

²⁶ Interview with a local expert (travel agent) at Narva-1 10.07.2007

²⁷ Interview with a local expert at Narva-1 09.07.2007

²⁸ Interview with a traveler at Koidula 17.07.2007

crossing point. Waiting time also influenced opinions about the adequacy of foreign exchange points, cafes etc at the border-crossing points.

The main tendency in both of the two studied border-crossing points indicates that the exit-direction from Estonia to Russia is most problematic, as waiting lines are long in spite of the level of transfer capacity.

2. Lines organization

In accordance with Article 9 of the Schengen Borders Code “*at land borders, Member States may, where they deem appropriate and if circumstances allow, install or operate separate lanes at certain border-crossing points*”. That has been followed at Narva-1 and Koidula in keeping with the circumstances at the border-crossing point. As mentioned before, the limited territory for the Narva-1 border-crossing point does not allow expanding the area and installing more separate lanes. At the Koidula border-crossing point the lines are very well organized for efficient transmission.

Both border-crossing points have established additional systems for regulating traffic intensity arriving at the check-point on the Estonian side. At Koidula there is installed traffic light approximately 200m away from the entry to the border-control waiting zone, before the railway tracks. From there, vehicles can line up to the 5 lines according to the indicating signs (cars –EU citizens, cars – all passports, buses – all passports, lorries – all passports, lorries – EU citizens). Nevertheless it does not solve the problematic situation of the waiting conditions for lorries. They are lined up on the road-side at a distance of 5 to 8 km from the border-crossing point.

At Narva-1, buses and lorries are directed to the parking ground managed by OÜ Narva-1 Transiit²⁹. In order to service transit vehicles and drivers in Narva-1, OÜ Narva-1 Transiit offers a parking place for transit transport - 4700 sq.m. of asphalt covered, fenced and guarded territory. AS Transservis-N schedules the movement of transport to the border on the territory of Narva-1 and protect the goods. They provide hotel, café and other services. The main activities are maintenance of customs warehouses and terminals, customs clearance of goods, service of customs broker and principal and goods forwarding by railway and auto transport.³⁰ Nevertheless there is not enough space for all the lorries

²⁹ Homepage of Transserve-N AS at Narva-1
[<http://www.Narva-1transiit.ee/eng/index.htm>] 06.09.2007

³⁰ Ibid.

waiting in the line and the queues are formed also at the roadsides outside the town.

Overall, the Narva-1 border-crossing point territory is very limited, but at the same time it serves twice as much traffic than Koidula. The overall number of pedestrian border-crossings is several times higher than at Koidula, for example 83% of the people crossed the border through Narva-1 border-crossing point in comparison with Koidula in 2006. It thus faces problematic issues that influence lines organisation and waiting time. The given circumstances are also expressed in the opinions of the people crossing the border by foot at Narva-1. The Schengen Borders Code suggests that *“In order to reduce the waiting times of persons enjoying the Community right of free movement, separate lanes, indicated by uniform signs in all Member States, should, where circumstances allow, be provided at border-crossing points”*, and though those provisions are met at the border-point, the reality remains different. For example at the Narva-1 border-crossing point, where long pedestrian queues are formed outside of the indoors control area, there might not be clear indication signs for Community persons to enjoy the right for free movement. Concern expressed about the lines organisation in the pedestrian terminal was that *“if all the people form the same queue outside the terminal, then nobody directs EU-citizens to go ahead, or vice versa. There are people who can go into hysterics if anyone passes without waiting. Meanwhile there are no toilets, bathrooms or at least benches to sit on for those travelling with children”*.³¹ This last remark leads us to the access to facilities at the studied border-crossing points.

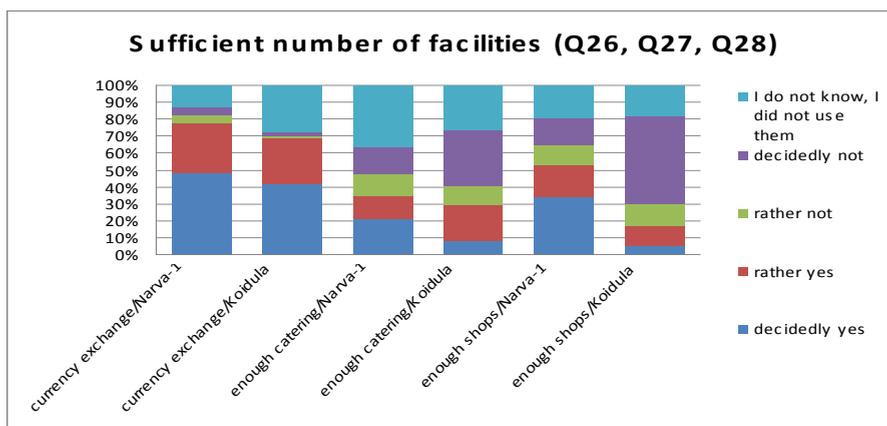
iv. Access to and standard of – toilets, bars/restaurants, foreign exchange offices

Answers given to the questionnaire bring out high differences between the two studied border-crossing points. Correspondingly 15% of the respondents at Narva-1 and 85% of people at Koidula found the standard of the sanitary facilities on the Estonian side of this border-crossing point ‘*very high*’ (Q25), whereas 30% of the respondents at Koidula and 70% of the people at Narva-1 found that there are sufficient numbers of bars, restaurants, and other food/drink serving facilities on the Estonian side of this border-crossing point (Q27). Based on an interview with a traveller *“the situation at the Koidula border-crossing point is fairly good, the*

³¹ Interview with a local expert (travel agent) at Narva-1 10.07.2007

facilities are modern and in good condition. However, there are not enough shops and cafes/restaurants.”³²

Many people at Narva-1 complain about the absence of toilets at the border-crossing point. One traveller says that “he would not care if he had to pay to use the toilet. He just wishes the conditions were better.”³³. Main concern is expressed about the elderly travellers and children using the pedestrian terminal. “The situation is the same for the travellers by car. Think if you go to search for a toilet outside the border-crossing point, then your place in the queue is taken. But at the same time, as you can see, the border-crossing point is not a luxury-hotel – everyone tries going quickly through the check-point and leave the control area”.³⁴ Given results are influenced by the fact that the Narva-1 border-crossing point has limited territory for developing the services at the border-crossing point and as it is situated in the centre of the town people have extra access to given facilities outside the border-crossing point. As the Koidula border-crossing point is situated outside the local settlements, more people (67, 6% of the respondents in comparison with Narva-1) feel that the number of such facilities is ‘decidedly not adequate’.



Graphic 4

³² Interview with a traveller at Koidula 17.07.2007

³³ Interview with a truck driver at Narva-1 08.07.2007

³⁴ Interview with an expert at Narva-1 07.07.2007

Both border-crossing points have currency-exchange offices and an insurance company inside the pedestrian terminal. Nevertheless 56, 8% of the respondents at Koidula answered that they *'do not know, they do not use them'*. Therefore the necessity of those facilities is stronger at the Koidula border-crossing point.

v. Marking of buildings and lines

The principles laid down in article 9 of the Schengen Borders Code regulate the providing and marking of separate lanes and information signs. Such lanes are differentiated according to the infrastructural possibilities at both of the studied border-crossing points on Estonian side of the border bearing the indications set out in the Annex III of the Schengen Borders Code. The indication signs are displayed in the Estonian and English languages. According to the Estonian Border Guards Act, the Border Guard is responsible for monitoring the condition of signs marking the frontier and separation lines on the check points.³⁵

Both of the studied border-crossing points have separated vehicle traffic into different lanes for light and heavy vehicles and buses by using signs as shown in Part C of Annex III of the Schengen Borders Code. In light of local circumstances it means that the Narva-1 border-crossing point holds 3 lines for lorries at a separate terminal, 1 lane for buses and heavy vehicles, 2 lanes for light vehicles on the exit-direction and 1 common lane for all the transportation except the lorries. *"When approaching the Koidula border-crossing point after the sign 'Koidula' you arrive to the border-zone where all the schemes and things are very well drawn and traffic lights are up there. It is completely understandable and there is nothing complicated"*³⁶.

The Koidula border-crossing point has 5 separate lanes (as described in 'lines organisation') on both directions and indicating signs are electronically regulated in the event of a temporary imbalance in traffic flows. Even though the Schengen Borders Code appoints the completion date for adapting the existing signs to the provisions as the 31th of May 2009, the Koidula border-crossing point met the provisions already before the year 2004.

³⁵ Estonian Border Guards Act (RT I 1994, 54, 903)
[<https://www.riigiteataja.ee/ert/act.jsp?id=12808158>] 4.09.2007

³⁶ Interview with a traveller at Koidula 3.08.2007

vi. The situation on the way before the border-crossing point

According to the questionnaire (Q24) 91, 1% of all the respondents at the Estonian – Russian border did not find any problems with getting to the studied border-crossing points. This question was mainly asked in reference to additional charges or check-points on the road and also in relation to the simplicity of approaching the border-crossing point from the Estonian side, and the overall opinion is highly positive.

Nevertheless it is necessary to indicate some of the trouble-spots based on the semi-formal interviews and observation results. Issues mentioned by various sources are related to the long waiting time and queues formed by the lorries on the roadsides ca 5–10 km before both of the studied border-crossing points and current state of service providing facilities.

As mentioned earlier *OÜ Narva-1 Transiit* manages the parking service together with a hostel, café etc on the edge of the town. All vehicles are directed through the parking place, where they receive the coupon that proves their turn in the queue. Traffic intensity arriving when at the border is regulated between the parking place and border-crossing point. Despite the overall good functioning of the given system there are still certain malpractices. Based on the monitoring team's notes, some of the people who either work for *OÜ Narva-1 Transiit*, or who know the people of the same company checking the coupons at the border-crossing point, are let into the border control zone without waiting in the queue as the other travellers. Based on comments from car drivers inside the Narva-1 border-control zone, those coupons for the queue that are ordinarily given for free are sold in the nearby gas station for ca 500 EEK. That said, the monitoring team did not manage to buy any.

Even though the extra parking places at Narva-1 somewhat eases the waiting conditions for lorry drivers, there is not enough room for all the trucks and the queue still remains. Therefore truck drivers find that *“there should be more toilets and also rubbish bins on the road because right now there is so much trash by the roadside – there is simply no place to put it so drivers just throw it on the ground. I also wish there was a cafe by the road.”*³⁷ Before the Koidula border-crossing point there are no extra parking places for lorries and the situation caused by the long queues of lorries parking in some places on the roadside create potentially dangerous situations for other cars passing by in both directions. *“What if someone had an emergency? Considering that there*

³⁷ Interview with a truck driver at Narva-1 08.07.2007

are always a lot of people waiting, it is not inconceivable and therefore there should definitely be someone who could give medical help until help reaches the border-crossing point."³⁸

Due to the taxes on the Russian side many people prefer to cross the border on foot. There are two small parking places before the Koidula border-crossing point where it is possible to leave the vehicle at one's own responsibility. People who arrive at the border by local bus find that *"the bus stop close to the border-crossing point is in awful state – there is no bench to sit on, no shade in case of rain (just a tiny cafe/shop), no rubbish bins, no decent toilets!"*³⁹.

In cooperation with the Border Guard, local regional administration and also the Estonian Road Office Board action is being taken to ease the situation – for example reducing the speed limit (from 90km/h to 70 km/h) and providing mobile toilets on the roadside. As the situation and the length of the queues are constantly changing a suitable solution has yet to be found.

b. Services rendered to travellers at the border-crossing

The services rendered at the border-crossing points by border guards and customs officers are analysed with respect to the inviolability and personal freedom⁴⁰ of travellers and travellers' right to information during the applied procedure⁴¹. Officials' attitude and behaviour towards travellers and personal qualification is based on the opinion of people crossing the border in the studied border-crossing points.

i. Services rendered by the Border Guard

The EU 'common policy' on the external border in Estonia is managed by the Border Guard under the administration of the Ministry of Internal Affairs. The Border Guard Act⁴² and the Border Guard Service Act⁴³ constitute the main legal basis for Border Guard function and

³⁸ Interview with a traveller at Koidula 17.07.2007

³⁹ Ibid.

⁴⁰ Article 5 of the European Convention on Human Rights

⁴¹ Article 10 of the ECHR, Article 7 of the Schengen Border Code

⁴² Border Guard Act (RT I 1994, 54, 903)

[<https://www.riigiteataja.ee/ert/act.jsp?id=12808158>] 4.09.2007

⁴³ Border Guard Service Act (RTI, 16.03.2007, 24,126)

[<https://www.riigiteataja.ee/ert/act.jsp?id=12802617>] 06.06.2007

responsibilities, as the Customs Act⁴⁴ does for customs control. Border guards and customs officers work on the basis of the Public Service Act⁴⁵. According to the Estonian Border Guard Act border guards are obliged to follow the Schengen Border Code and manage the control function on the border in correspondence with current laws and regulations. In addition the Border Guard operates according to several national legal acts⁴⁶.

According to the Schengen Borders Code (7) border checks should be carried out in such a way as to fully respect human dignity. The overall framework for public service standards was provided by government decision nr 43 of the 19th of September 2000 and with government decision nr 1 of the 2nd of January 2001. The Estonian Tax and Customs Board and Border Guard act according to the common public service standards that provide an overview of the offered services, rights and obligations according to the current regulations, and mediate additional sources for information. Border control should be carried out in a professional and respectful manner and be proportionate to the objectives pursued.

1. Attitude of border guards towards EU and non-EU citizens

Article 14 of the ECHR sets forth the non-discrimination rule⁴⁷ to secure the enjoyment of the Community rights and freedoms. Results from the questionnaire do not show that different groups - border traders, tourists, entrepreneurs, carriers in transit etc – would have been treated differently. Treatment towards EU citizens and citizens of non-EU countries also follow the common guidelines. Based on an interview with a traveller “*he has not noticed any difference between the way Estonians, Russians and other foreigners are treated.*”⁴⁸ Overall people who find the border guards work efficiently also say that travellers are treated equally. One interviewee assumes that he has been treated in the same

⁴⁴ Customs Act (RT I 2004, 28, 188)

[<https://www.riigiteataja.ee/ert/act.jsp?id=12803324>] 06.06.2007

⁴⁵ [http://lex.andmevara.ee/estlex/kehtivad/AktDisplay.jsp?id=13738&akt_id=13738] 06.06.2007

⁴⁶ Border Guard homepage [<http://www.pv.ee/index.php?page=188>] 06.06.2007

⁴⁷ “*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*” Article 14 of the ECHR

⁴⁸ Interview with a traveller at Koidula 17.07.2007

way as his other colleagues despite their nationality or citizenship.⁴⁹ Still, a somewhat more negative evaluation of the Border Guard's work comes from respondents who feel that their own and other countries' citizens are treated differently. For example according to one explanation *"there is a long wait in the general queue while EU citizens often cross the Estonian side of the border more quickly in a separate window. That creates such situations where citizens of the non-EU countries are obliged to stay in a queue for a longer time while the border guard officer at the EU booth is free."*⁵⁰ Nevertheless this situation is constantly regulated by the border guard officers at the check-point.

A majority of the respondents from both of the studied border crossing points rated the border guards' politeness towards travellers (Q16) with the highest choices: *"they are very polite"* (36, 2%) or that *"they are rather polite"* (50, 7%). As a traveller notes *"customs officials and border guards have both been polite. My car has been searched with assistance and everything has been done in a very professional manner. If they have wanted to examine something they have asked me to show it, not opened something without my permission."*⁵¹ No valid correlation was found in comparison of the two border-crossing points. That shows the common level of the public service rendered on the Estonian-Russian border. A common tendency in the behaviour of the border guards towards travellers was the way they usually address travellers. All together over 60% of the respondents (Q17) found that they are not addressed on either first or last name basis, but greeted in an ordinarily common fashion, such as *"Tere!"*⁵². Based on the interviews, the usual manner of controlling the travelling documents is also to do it silently without greetings or any words at all. *"Border guard officers do not address travellers anyhow, just greet "Tere!" or ask "could you..." to be polite. They never introduce themselves as their ID badges inform travellers about that issue"*⁵³.

Travellers who have had problems with the use of languages on the border are not satisfied with the efficiency of the border guards' work. Those people who rated highly the politeness of the border guard and customs officers also found their work to be more effective or vice versa. For example one traveller notes that *"the border guards can from time to*

⁴⁹ Interview with a truck driver at Koidula 20.07.2007

⁵⁰ Interview with a traveller at Narva-1 07.07.2007

⁵¹ Interview with a traveller at Koidula 18.07.2007

⁵² „Tere!” means „Hello!” in Estonian

⁵³ Interview with a truck driver at Narva-1 08.07.2007

*time be very cold-blooded. For example if a person has a problem, either he did something wrong or does not know how to handle the situation, then they do not help, but stiffly observe the situation. The general attitude is very official and polite.*⁵⁴

2. Personal qualifications of border guards

From the traveller's point of view the personal qualifications of the border guards are efficient and they are believed to fulfil their duties very professionally. *"It is enough; totally, it just takes 1–2 minutes for them to check my passport. They are dressed correctly and have name tags."*⁵⁵ In several interviews, people crossing the Estonian-Russian border describe that the passport control is carried out in the same way as everywhere, no differences mentioned: *"You give a border guard officer a passport, after a while it is returned to the holder if there are no problems or taken for a further inspection in case of something suspicious being found."*

According to the Schengen Borders Code the *Member States shall ensure that the border guards are specialised and properly trained professionals. Member States shall encourage border guards to learn languages, in particular those necessary for the carrying-out of their tasks.* At the Estonian-Russian border the most needed languages for border guards' and customs officers' everyday work are Russian, Estonian and also English.

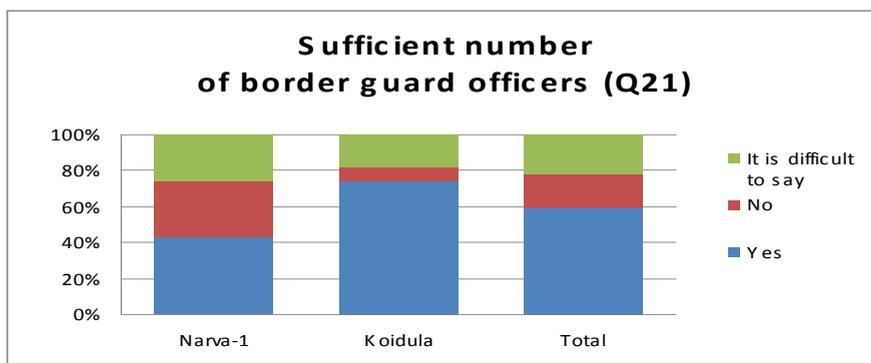
The majority of the respondents (81, 3%) among travellers at the two studied border-crossing points found that they have never had any language problems when communicating with Estonian border guard officers (Q14). That can be due to the fact that the majority of the respondents were either from Estonia (55,4%) or Russia (40,1%) and found the means of communication suitable for them. Nevertheless *"all border guards should also know English"*, but the interviewee himself has not heard them speaking English.⁵⁶ That could create further fears or misunderstandings at the border-crossing points. *"It is one of the unpleasant aspects for the foreigners who are already very frightened of crossing the Russian side of the border, and now there is again a second border control on the Estonian side where nothing is explained. All the people will survive, but it is evident from the faces of the elderly ladies that they are not happy."*⁵⁷

⁵⁴ Interview with an expert at Narva-1 07.07.07

⁵⁵ Interview with a traveller at Narva-1 09.07.2007

⁵⁶ Interview with a truck driver at Koidula 19.07.2007

⁵⁷ Interview with an expert at Narva-1 07.07.07



Graphic 5

As mentioned previously, many people find the information on the applicable provisions inadequate. *“Such information should probably be on the information board but it is not eye-catching anyway. In case of violations border guard officers sometimes point to the applicable provisions but not often.”*⁵⁸

3. Behaviour of border guards during passport control

The behaviour of border guards and customs officers towards travellers is very different. The expert suggests that *“the border guards’ or customs officials’ behaviour mostly depends on the features of their characters. There are some to whom it is pleasant to speak, others can be so rude that it can cause low spirits for the rest of the day.”*⁵⁹ Nevertheless, the woman has not heard of cases where people officially complain about the border officers’ behaviour or their rude treatment.

*“There was a period when there were incidents on the Estonian border of a border guard or customs officer being bribed. This usually concerns the customs officers as they deal with smuggled goods. Border guards have another orientation in their work. Bribes are definitely being given not by all travellers, only by some of them who convey forbidden goods through the border.”*⁶⁰ According to the questionnaire carried out in summer of 2007 94, 3% of the respondents have not witnessed an

⁵⁸ Interview with a traveller at Narva-1 07.07.2007

⁵⁹ Interview with a local expert (travel agent) at Narva-1 10.07.2007

⁶⁰ Interview with a local expert at Narva-1 09.07.2007

Estonian border guard or customs officer receiving money or other gifts from travellers (Q23). Many of the interviewed people confirm that „*they have not noticed any corruption on the Estonian side*“⁶¹. „*There is no doubt that Estonian border guards and customs officers are honest or then they just do not dare to act against the norms*“⁶².

Border guards' behaviour during the enforcement of penalties, refusals of entry or verification process of the amounts of money necessary for staying in the EU is, according to the interviews, carried out in a polite and official manner. Nevertheless, there are also opinions that the information about crossing the border and what to do in case of trouble is really scarce. „*One time I was stuck in Russia – had some problems with my documents and they did not want to let me go back to Estonia. I had no idea what to do or whom to contact. This kind of information should be made available in a more efficient manner.*“⁶³

ii. Services rendered by customs officers

Customs officers render their services according to the Customs Act and the Code of practice that regulates their work at the border-crossing point. According to article 18 in the Estonian Customs Act customs officers have the right to control a person's ID, examine the cargo, vehicle, person and his personal belongings and arrest the person or vehicles in accordance with the current law.

Based on the questionnaires, interviews and observations at the studied border-crossing points the quality of service depends highly on the dialogue between the traveller and the customs officer. The behaviour of customs officers during the customs clearance is said to depend on the traveller's behaviour. „*Impoliteness or rudeness from the one side results in the same things from the other side.*“⁶⁴ Overall people understand the means of inspection and questions asked of them about their belongings and either having money or products to declare. Interviewing the clients seems to be the most challenging part of the inspection. Some travellers express their concern about the way they were assumed by the customs officers to be carrying something forbidden or were looked at as if they could be criminals. Nevertheless, it seems that even being in the control zone makes many people feel uncomfortable.

⁶¹ Interview with a local expert at Narva-1 07.07.07

⁶² Ibid.

⁶³ Interview with a traveller at Koidula 17.07.2007

⁶⁴ Interview with a traveller at Narva-1 07.07.2007

According to article 18 in the Estonian Customs Act customs officers have a right to control the person's ID, examine the cargo, vehicle, person and his personal belongings and arrest the person or vehicles in accordance with current law. One traveller notes that "*A customs officer carried out luggage inspection by touch.*"⁶⁵ Common practice seemed to be identifying the possible mistakes by questioning the traveller about his luggage without opening it, looking at it through the x-ray and, if needed, asking the persons to open their luggage in a separate room. During the necessary proceedings "*not everyone is searched thoroughly. And thorough searches (i.e. with x-rays, dogs) are usually done when something seems suspicious to the customs officers.*"⁶⁶ Different intensity of the custom provision is applied on the exit and entry direction from Estonia. "*When leaving Estonia they barely did anything, it was different when coming back though. Then they were more thorough but it still did not take a lot of time. A couple of people were asked to show what was in their bags.*"⁶⁷ Based on the interviews "*the vehicle inspection procedure is usually carried out efficiently. The time of the procedure varies: from 5 up to 40 minutes. It depends on how thoroughly vehicles are controlled at this period of time. The procedure of the bus control is carried out then (sometimes also inside the bus with a special dog). In case of suspicious items in the luggage, their owner is asked for a detailed luggage inspection.*"⁶⁸

Concern and misunderstandings were expressed by an elderly traveller who told of having had an unpleasant incident with customs officials when she was trying to bring a bag of apples back to Estonia. "*They did not allow me. As far as I know, it is only food such as milk and meat that is forbidden, not fruit.*"⁶⁹ That proves either lack of information on the travellers' side or insufficient explanation of applicable provisions from the officials' side.

1. Attitude of customs officers towards EU and non-EU citizens

All together 83% of the respondents rated the work of the customs officers in terms of their politeness towards travellers with answers '*they are very polite*' or '*they are rather polite*' (Q16). The way of addressing travellers according to the questionnaire was '*some other way*' (64,8%)

⁶⁵ Interview with a traveller at Narva-1 07.07.2007

⁶⁶ Interview with a traveller at Koidula 18.07.2007

⁶⁷ Interview with a traveller at Koidula 20.07.2007

⁶⁸ Ibid.

⁶⁹ Interview with a traveller at Koidula 17.07.2007

not by 'Sir/Madam' or 'first name bases' (Q17). Common practice of approaching the travellers was either greeting 'Tere!' or without any unnecessary emotions just asking politely 'would you please... '.

In respect of non- discrimination rules it was difficult to notice constant malpractices towards people from different nationalities, gender, religion etc. The majority of respondents (61, 8%) did not know if the citizens of other nationalities are treated differently (Q18). According to the interview "*as far as I remember from observing the others they were treated with respect. I suppose they might be treated differently because obviously foreigners would not know the regulations as well as Estonians (or Russians for that matter).*"⁷⁰ That indicates positive discrimination in a way of offering help to the group of people where it is most needed. Nevertheless there are also experiences where "*people coming from EU countries are not searched as thoroughly as people originating from Russia. Also, generally the border guards trust Estonians more. On the border foreigners are searched much more thoroughly than Estonians.*"⁷¹ At the same time a person from Russia says that "*there is no rudeness, blames or swear-words heard from Estonian customs officers. He assumes to be treated in the same manner as other travellers do.*"⁷²

2. Personal qualification of custom officers

The personal qualification of customs officers is in accordance with the needs of the border-crossing point. Based on the expert interview with the travel agent in Narva, passengers feel that "*Estonian customs officers are well prepared to fulfil their official duties as they know foreign languages, use modern technical equipment and know the applicable legal provisions.*"⁷³. Overall opinion about the customs officers' personal qualifications, according to the interviews, was that "*they are polite and professional like the border guards.*"⁷⁴

Same evaluation is also given of the knowledge and practice of foreign languages as of the border guards. 79, 4% of the respondents feel that they have never had any language problems with Estonian customs officers (Q20).

Overall satisfaction with customs officers' work arrangements shows also in the fact that 61,7% of the respondents found the number of

⁷⁰ Interview with a traveller at Koidula 19.07.2007

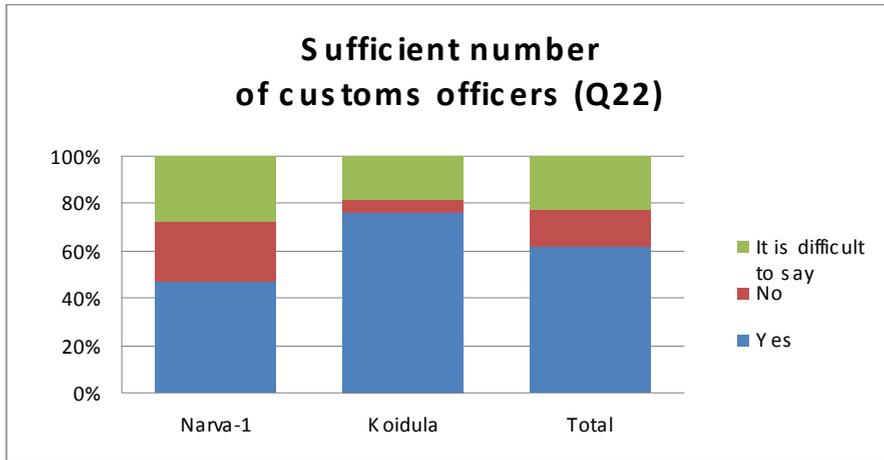
⁷¹ Interview with a traveller at Narva-1 09.07.2007

⁷² Interview with a truck driver at Koidula 19.07.2007

⁷³ Interview with a local expert (travel agent) at Narva-1 10.07.2007

⁷⁴ Interview with a traveller at Koidula 20.07.2007

custom officers working at the studied border-crossing points being sufficient (Q22). That depends also on the working provisions rendered at the border-crossing point. *“I suppose if they only check the bags of a couple of people then the number of customs officials is enough.”*⁷⁵ It is also possible that travellers might have referred to the fact that it would be easier to get through the border control zone when there are no officers at all.



Graphic 6

Nevertheless it is possible to clearly distinguish differences between the travellers evaluation of sufficient number of custom officers at the Koidula and Narva-1 border-crossing points. Comparing border-crossing points: At Koidula 62, 8% of the people feel that there is sufficient number of custom officers, whereas 81% of the respondents at Narva-1 find the number of customs officers insufficient.

3. Behaviour of customs officers during customs clearance

Customs officers come across goods and cargo that might invite more malpractices and non-law-obedient behaviour than the work of the border guards. Some travellers feel that custom officers *“do not perform their duties as they should. My son, who is a policeman, once told me that a customs official told him that unless he/she gets 500 dollars per day in*

⁷⁵ Interview with a traveller at Koidula 17.07.2007

bribes, the day is not a success (what they do quite often is that trucks are allowed to go through without a search being performed)”.⁷⁶

As mentioned before *“there was a period when there were incidents on the Estonian border of a border guard or customs officer being bribed”⁷⁷*, but the situation is believed to have improved after changing the majority of the customs officers based on criminal charges of corruption in the three border-crossing points on the Estonian- Russian border. According to the questionnaire carried out in summer 2007 94,3% of the respondents have not witnessed an Estonian customs officer receiving money or other gifts from travellers (Q23). Many of the interviewed people confirm that *„they have not noticed any corruption on the Estonian side”⁷⁸*. *„There is no doubt that Estonian custom officers are honest or then they just do not dare to act against the norms”⁷⁹*.

People react to the enforcement of penalties without any necessary emotions and accept the charges. *“In case of carrying goods in a greater amount than allowed or any forbidden items, the border officers confiscate these goods otherwise they cannot let them pass.”⁸⁰*

In order to ease the cross-border movement the Customs Act and the Code of Practice set common guidelines for the quality of customs services at the border-crossing points on the Estonian side of the Estonian-Russian border. Even though governing the security on the border is officially the responsibility of the state and implemented by the Ministry of Internal Affairs through the Border Guard in co-operation with the Tax and Customs Board and other relevant institutions, it is also the role of the citizens to respect the current legal provisions and act according to them.

iii. Cooperation and relations between border guards and customs officers

According to the Schengen Borders Code member states should *“designate the national service or services responsible for border-control tasks in accordance with their national law. Where more than one service is responsible in the same Member State, there should be close and constant cooperation between them”*. In Estonia the Border Guard and the Customs Board both constitute legal protection at the

⁷⁶ Interview with a traveller at Koidula 17.07.2007

⁷⁷ Interview with a local expert in Narva 09.07.2007

⁷⁸ Interview with a local expert in Narva 07.07.07

⁷⁹ Ibid.

⁸⁰ Interview with a traveller at Narva-1 07.07.2007

border and cooperate according to the cooperation agreement.⁸¹ *“As far as I have noticed the border guards and the customs officers cooperate well.”*⁸²

People crossing the border at both of the border-crossing points assume the relations between the border guards and customs officers to be good. One traveller thinks that *“their cooperation is fine - they work together in the same (geographical) area in the border zone so that makes it quite easy to work together obviously.”*⁸³

When some of the travellers did not even distinguish the border guards from the custom officers, then one of the persons found that *“border guards are usually a bit politer than customs officials. The customs officials feel like they are the bosses and act accordingly. But again, if you are polite with them then usually they are polite with you.”*⁸⁴

Analysing the officials' personal qualification, attitude and behaviour towards travellers based on the opinion of people crossing the border proved the challenge for institution engaged in control of crossing to find a balance between law enforcement and client service approach. In the studied border-crossing points the overall majority of travellers highly evaluated the officials' competence and performance on duty. Altogether the services rendered at the border-crossing points by border guards and custom officers proved to be respectful to the inviolability and personal freedom of the travellers. Nevertheless, it is useful also to turn attention to how the work on the land border is seen from the border guards and customs officers' point of view.

5. Work of the external EU border-crossing points in the opinion of the border guards and customs officers

The previous chapter analysed the functioning of and services rendered at the external EU border-crossing points in Estonia – Narva-1 and Koidula – from the travellers' point of view. This part of the report will introduce the functioning of the border-crossing points based on official data and interviews with border guards and customs officers working at

⁸¹ Estonian Border Guard and Tax and Customs Board co-operation agreement 2006

⁸² Interview with a traveller at Koidula 17.07.2007

⁸³ Interview with a traveller at Koidula 19.07.2007

⁸⁴ Interview with a traveller at Narva-1 09.07.2007

different administrative levels in the Estonian Border Guard or Tax and Customs Board.

a. Factors determining waiting time at the border-crossing point

Factors determining waiting time are twofold – technicalities at the border-crossing point that can be changed and external influences on cross-border traffic and intensity on the scale of the movement of and type of people that should be taken into account when managing the border-crossing points.

The main external factors determining the waiting time are traffic intensity, type of people crossing the border and the transmission capacity on the Russian side of the border-crossing point. *“For example the queue of transit vehicles in the exit direction from Estonia does not depend only on our work efficiency. It is also influenced how well does the Russian side operate.”*⁸⁵ *“If they have increased the level of customs control on the goods coming from the EU and carry out thorough control on approximately 90% of the vehicles, then it is a time consuming activity taking into consideration that their human recourses are also limited”*⁸⁶.

Factors determining the **traffic intensity** are different by terminals. Longer queues of transit vehicles is formed at least twice a year - at the end of the year and in the summer months; increased tourism interests in Russia raise the number of busses, but also the number of people crossing the border by car or on foot during the summer; local religious holidays determine the higher border-crossing intensity among local people. *“People from the border areas prefer to cross the border on foot, because of the additional tax on a car from the foreigners on the Russian side (120rbl + 140rbl). They usually go to visit their families or cemeteries on the other side of the border”*⁸⁷. All together it shows that *“the waiting time is longest at the end of the year and during the summer”*⁸⁸.

The waiting time is also influenced by the **type of people** crossing the border. For example *“at Narva-1 every second person who crosses the*

⁸⁵ Interview with a border guard officer at Narva-1 08.07.2007

⁸⁶ Interview with the head of the Tax and Customs Control point in Koidula, Tanel Allas 18.07.2007

⁸⁷ Interview with a border guard officer in Koidula, Ilmar Tager 16.07.2007

⁸⁸ Interview with the head of the Tax and Customs Control point in Narva-1, Aleksei Ponomarjov 6.09.07

border is a Russian citizen”⁸⁹. They cross the border either according to the special visa regime, have a permanent residence permit in Estonia or double citizenship. That creates possibilities for speculation on their purpose for border-crossing and demands efficient control carried out sometimes on the same person more than once during the day. *“If there is a person who has trouble with documents then it slows down the process also for the others, because of the limited human resources”*⁹⁰.

The main internal factors that set boundaries to the operation of the border-crossing point are the given infrastructure, the place of the border-crossing point and personnel in the Border Guard and Customs Board. *„Much is determined also by our own possibilities: We have limited personnel and territory at the border-crossing point at Narva-1. The latter determines the development of ‘green tunnels’ for EU citizens as we are forced to function in the territorially limited frames.*”⁹¹ As mentioned before, the Koidula border-crossing point has more advantages when adjusting its infrastructure to the traffic intensity than Narva-1 because of their different location on the road and in the centre of the town.

Nevertheless the waiting time is one of the noticeable and measurable facts that indicate the functioning of the border-crossing points, but the reasons behind it need more detailed analysis in light of the following aspects.

b. Adjustment of the infrastructure on the border-crossing point to the passenger traffic

The waiting time could be eased through adjustments of the infrastructure to the traffic intensity. Keeping in accordance with the EU regulations for efficient control on the Unions’ external border has resulted in developing and reconstructing the land border-crossing points’ facilities and increasing the level of infrastructure even higher than needed. The level of development is different between the two studied border-crossing points. *“The issue of the transmission capacity has been solved more effectively in Koidula than in Narva-1”*.⁹² At the Koidula border-crossing point *“we are currently servicing about 150 cars, we could deal with*

⁸⁹ Ibid.

⁹⁰ Interview with a border guard officer at Narva-1 08.07.2007

⁹¹ Interview with a border guard officer at Narva-1, Andres Kangro 07.07.2007

⁹² Interview with the head of the Tax and Customs Control point in Koidula, Tanel Allas 18.07.2007

*about 250–300 cars (a day) so that is not a concern. One problem that might surface though is human resource deficiencies for the customs”.*⁹³ Fortunately also the customs officers evaluate its capabilities as higher than required today. *“We could service more. For example last year we registered 180 cases, today it is 80. But it also meant that everything went quite quickly also on the Russian side. Nevertheless compared to the other border-crossing points on the Estonian-Russian border (Luhamaa and Narva-1) at Koidula the Russian side is working well.”*⁹⁴

Somewhat more troublesome are the infrastructural developments at the Narva-1 border-crossing point where the preliminary construction project did not foresee Estonian integration to the EU. *„The current facilities date back to the year 1994–1997, but work according to the acquirements in 2007. We can provide the use of WC for passengers, but we are not able to offer catering even for our customs officers”*⁹⁵. As the Narva-1 border-crossing point is situated in the town, many of the additional services such as WC, café, and restaurant can be eased by using the nearby facilities already existing in the centre of the town.

In comparison with Koidula *„the current transmission capacity is already 2–3 times higher than nominal standard”*⁹⁶ at the Narva-1 border-crossing point. *„Nevertheless there are nearly no standstills in the traffic caused by the Estonian Border Guard or Customs work.”*⁹⁷ That proves the fact that the infrastructure is adjusted to the traffic intensity keeping in the frames of territorial limits and its functioning speed and waiting time depends highly on the neighbouring countries’ activities.

c. Plans for border-crossings developments and reconstructions

In order to ease the intensity of the border traffic and offer efficient service two extra international border-crossing points exist only for the citizens of the Estonian Republic and the Russian Federation⁹⁸. At the second border-crossing point in Narva-1 *“only Estonian side was*

⁹³ Interview with the head of the Koidula Border – Crossing point, Valmar Hinnon 20.07.2007

⁹⁴ Interview with the head of the Tax and Customs Control point in Koidula, Tanel Allas 18.07.2007

⁹⁵ Interview with the head of the Tax and Customs Control point at Narva-1, Aleksei Ponomarjov 6.09.2007

⁹⁶ Interview with the head of the Tax and Customs Control point at Narva-1, Aleksei Ponomarjov 6.09.2007

⁹⁷ Ibid.

⁹⁸ „Border-crossing points opened for the international traffic” (RT I 2002, 54, 343)

renovated, but the obstacles still exist on the Russian side"⁹⁹. This additional border-crossing point for the citizens of the local regions does not reduce the number of people using the border-crossing point in the centre of the town. One of the reasons is „*the convenient location of the border-crossing point in the centre of the town, where people can do their shopping and necessary errands and do not need to cover very long distances. Another reason is probably that in the second Narva-1 border-crossing point Russian side does not allow to bring in declared goods.*“¹⁰⁰ In southern Estonia the Saatse border-crossing point acts more according to the means for establishing extra possibilities for the local inhabitants during the religious holidays.

The Narva-1 and Koidula border-crossing points both have plans for further developments. The common reason for this is the situation of transit vehicles on the roadsides that need parking places and hostel services when the scale of movement is not going to change.

All the traffic at the Narva-1 border-crossing point goes over the bridge between the Estonian-Russian twin-cities Narva and Ivangorod. That limits the flow of the traffic and also invites to find more suitable solutions for its direction. One of the seemingly everlasting plans between Estonia and Russia has been the construction of a new bridge outside the town. *“The Narva-1 border-crossing point has long used up its capacity and cardiac changes are only possible by constructing a new bridge for transit vehicles including smaller cars.*“¹⁰¹ Currently the plans for constructing the new bridge have still not entered into force mainly because of the negotiations with Russia.

At the Koidula border-crossing point there is enough room for actual implementation of development plans and the process is somewhat quicker. *“The construction of the railway terminal will commence at the end of this year or in the beginning of the next year. Also an extra terminal for cars might be constructed as well. Also there are plans (from the local government) to build a centre of logistics in the adjacent area. The development of the infrastructure was really down to that decision. But the realization of the centre of logistics is dependent on how well the local government can prepare the project because they need extra resources. The Värskä local government has been pretty proactive in this*

⁹⁹ Interview with a border guard officer at Narva-1, Andres Kangro 07.07.2007

¹⁰⁰ Ibid.

¹⁰¹ Interview with the head of the Tax and Customs Control point at Narva-1, Aleksei Ponomarjov 6.09.2007

matter.”¹⁰² Implementation of the development plans would ease the situation that travellers face on the EU-Russian border at the moment. Nevertheless the functioning of the border-crossing point also depends highly on human resources.

d. Sufficiency of the number of officers working on the border-crossing point and their qualifications

The behaviour and motivation of the people working on the border greatly determines the travellers' satisfaction with the functioning of the border-crossing point. *“Estonian Customs have enough professional equipment, but it will become effective when it is used by morally motivated officials.”*¹⁰³ The number of officers working on the border-crossing points either on the Border Guard and Customs side has been one of the troublesome issues in border control activities. According to the Estonian Ministry of Internal Affairs development plans further attention should be paid *„to increasing the number of officers and to offer more various possibilities for additional training among officials”*¹⁰⁴.

One of the main problems in the Border Guard activities is related with personnel, for example frequent changes in employment and corruption caused by low salaries in the public sector. According to the Ministry of Internal Affairs the movement between the work places has increased since the year 2001 from 5, 1% to 10, 4% in 2005. Some of reasons for leaving are for example *‘on one's own free will’* (2003.a 60, 2004.a 93, and 2005.a 135) or *‘because of age’* (during 2005 – 2010 approximately 250 persons will be released from duty)¹⁰⁵. That shows the overall situation on the Estonian external border.

At the studied border-crossing points the common tendency is that more work is done with a lower number of people. *“The Number of border guards and customs officers at Narva-1 is in accordance with the infrastructural possibilities at the given border-crossing point. On the customs side the positions are at the moment filled 90%. Most of the*

¹⁰² Interview with the head of the Koidula Border – Crossing point Valmar Hinno 20.07.2007

¹⁰³ Interview with the head of the Tax and Customs Control point at Narva-1 Aleksei Ponomarjov 6.09.2007

¹⁰⁴ Ministry of Internal Affairs development plan [http://www.siseministeerium.ee/public/5_ptk.pdf] 7.08.2007

¹⁰⁵ Ibid.

*people working here have years of experience.”*¹⁰⁶ The situation at the Koidula border-crossing point in the customs area reflects the same situation, where sometimes 2 people manage the workload for 3–4 employees. The Border Guard also needs additional attention in the human resources area. *“The structure actually has not been filled to their true extent. Actually we should have two officials for each track but to be frank, that is not realistic – there is just no need for so many people. But today I am not too worried – we are not lacking that many people and there are enough graduates to fill in the empty spots.”*¹⁰⁷

Somewhat more attention needs also additional training of language skills. *“All the officers are fluent in Russian and many younger people also have good level of English knowledge.”*¹⁰⁸ As a majority of the people crossing the Estonian-Russian border speak the local languages the current situation is suitable for them, but could create misunderstandings for foreigners.

e. Cooperation between border guards and customs officers and with the officers of the neighbouring country

Effective functioning of the border-crossing points depends among other factors on the cooperation between the border guards and customs officers on the Estonian side with the officers of the neighbouring country. The development plan for the Estonian Border Guard for 2007–2008 states the importance of close cooperation with all the partner organisations at all the administrative levels, including local governments, and highlights the necessity to regulate information exchange and ability for operative reaction in crisis regulation.

Cooperation between the Estonian Border Guard and Customs Board is regulated by the cooperation agreement and everyday work at the border-crossing point is supported by *“regular meetings, information exchange and sharing of the equipment”*¹⁰⁹. Cooperation between the Estonian legal protection organisations is *“very good and in everyday*

¹⁰⁶ Interview with the head of the Tax and Customs Control point at Narva-1 Aleksei Ponomarjov 6.09.2007

¹⁰⁷ Interview with the head of the Koidula Border – Crossing point Valmar Hinno 20.07.2007

¹⁰⁸ Interview with the head of the Tax and Customs Control point at Narva-1 Aleksei Ponomarjov 6.09.2007

¹⁰⁹ Interview with the North-East Border Guard region’ head of staff, Harri Kattai 10.07.2007

*work at the border the support to one another is high. Maybe the aspect of cooperation seems to be forgotten when it comes to distributing resources, planning the state budget.”*¹¹⁰ The fact that salaries are higher for custom officers than for border guards working at the same area is determined by political decision and nevertheless influences the human resources management possibilities in both organisations.

International cross-border cooperation is one part of the integrated border control model¹¹¹. According to the Estonian Border Guard development plan for 2007–2008 international cooperation is implemented with bi- and multilateral agreements between Finland, Latvian, Lithuanian and Russian border guards and customs boards.

Cooperation with the Russian Border Guard is officially very good according to the opinion of the officers at the Koidula and Narva-1 border-crossing points. *„Daily cooperation is pretty good, for example the long truck queues are down to the Russian customs, not the border guards who are relatively quick in their daily tasks.”*¹¹² In north-east Estonia *„we have constant communication between the Narva-1 and Ivangorod border-crossing points. Information is exchanged between the persons on duty and heads of the shifts.”*¹¹³

Overall cooperation between Estonian and Russian border guards and customs officers is official, but some issues both in documents and goods control could be carried out more efficiently when both countries would be working according to the same regulations. For example one aspect in border guard work is assuring your citizens' safety in a foreign country. *„It is sad that the Russian side does not hinder their citizens to leave the country even though they do not have necessary documents for entering Estonia. On our side we make sure that our citizens have the given basis for entering the Russian Federation”*¹¹⁴. From the customs side one time consuming issue is the double control of persons and vehicles in both check points on the Estonian and Russian border. *„We should cooperate with the Russian side so that there would not need to be double control on every aspect.”*¹¹⁵

¹¹⁰ Ibid.

¹¹¹ *Catalogue of recommendations for the correct application of the Schengen acquis and best practices; Frontiers +Removal and Readmission; Part A p 2.2*

¹¹² Interview with the head of the Koidula Border – Crossing point, Valmar Hinno 20.07.2007

¹¹³ Interview with a border guard officer, Andres Kangro, at Narva-1 07.07.2007

¹¹⁴ Interview with a border guard officer, Andres Kangro, at Narva-1 07.07.2007

¹¹⁵ Interview with a customs officer, Ilmar Tager, at Koidula 16.07.2007

Even though every day communication between the neighbouring countries border guards and custom officers working at the same border-crossing point exist, the main international cooperation and official information exchange is centralised. „*At the border-crossing point we should not have any official meeting with Russian customs for example. Of course we keep in contact via phone, but on our level we do not have regular meetings. We do not even have visas for that*¹¹⁶“.

A challenge for close international cooperation with Russian border guards and customs officers is also their personnel policy. “*Also people change quite often on the Russian side: during two years when I have been working here they have had five different people managing the Customs Board at the border-crossing point*“¹¹⁷.

f. Travellers’ behaviour and attitude towards Border Guards and Custom Officers

The border control zone itself produces a more strict and official atmosphere. People crossing the border are usually aware of somewhat different norms and codes of conduct shown by the state authorities. “*Usually, ordinary people do not make the distinction between border guards and customs officials and blame it all on border guards since they are the first ones they meet.*”¹¹⁸ At the same time the overall attitude towards the officials wearing the uniform is respectful. “*Overall attitude towards the officials working at the border-crossing points is also positive.*”¹¹⁹

Communication with travellers is seen as one of the challenging aspects of border guards’ and custom officers’ everyday work. “*Most difficult is to explain to the person that he or she has broken the law. The majority of them start to emphasise their citizens’ rights, point out that they are in the hurry or do not want to communicate with the officers at all. It takes lot of energy to make people understand that for example they*

¹¹⁶ Interview with the head of the Tax and Customs Control point at Koidula, Tanel Allas 18.07.2007

¹¹⁷ Ibid.

¹¹⁸ Interview with the head of the Koidula Border-crossing point, Valmar Hinno 20.07.2007

¹¹⁹ Interview with the North-East Border Guard region’ head of staff, Harri Kattai 10.07.2007

have exceeded the allowed limit and have to declare the goods.”¹²⁰ Given example illustrates the need to inform people beforehand of the current provision in order to ease the explanation part afterwards. Nevertheless the attitude towards the border guards and customs officers is influenced also by the way people are treated on the Russian side. Overall, control procedures at the border-crossing point are time consuming and when people are tired of travelling and waiting, they are interested in not initiating any more trouble and just leave the border control zone as quickly as possible.

g. Identification of corruption practices and the way they are dealt with

The Estonian Anti-Corruption Act¹²¹ establishes limits at the working place and reservations for officials’ activities and procedures that also direct border guards and customs officers work at the border-crossing point. *“The Estonian eastern border is one of the places where officials might feel a temptation to accept the offered bribe. Dishonest officials influence the Customs Board trustworthiness among its clients and wider public¹²².”* Therefore corruption practices constitute a broader influence to the economic stability and state security. *“Criminals or groups who deal with petty trade or cross-border tax-evasion are interested in the existence of such people at the customs control who would let their goods over the border without control¹²³”.* It is also legally possible, because according to the current provisions customs officers are not obliged to carry out thorough inspections of every person and vehicle. *“Also quite frequent are the cases where for tax-evasion purposes the Customs Board only inspect the documents for shipment and declarations¹²⁴”.*

The most extensive practices of corruption on the Estonian- Russian border were in one of the Southern Estonian border-crossing points, in Luhamaa (close to Koidula), during the years 2004 to 2005. *“All together 18 custom officers were convicted in September 2006 for taking bribes at a value of approximately 18 600 EUR during November 2004 until May*

¹²⁰ Interview with the head of the Tax and Customs Control point at Koidula, Tanel Allas 18.07.2007

¹²¹ Anti-corruption act (RT I 1999, 16, 276)

¹²² Vares, Jüri. 2007. „Custom officers’ work efficiency analyses on the eastern border during 2006- 2007“ Sisekaitseakadeemia Finantskolledz, final dissertation.

¹²³ Ibid. Vares.

¹²⁴ Defence Police Yearbook 2003, Europrint pp.23

2005¹²⁵”. At other border-crossing points the number of convicted people was lower: correspondingly 15 officials in Koidula and 2 persons in Narva-1. “Yes, it is now known to the public that many experienced officials received bribe for letting the cargo through without control. Inspections and investigations took many months and no one knew when their colleague was taken away by the police. In some cases the entire shift was involved in the corruption scheme, sometimes without the head of the shift having known.”¹²⁶

Table 4. Corruption cases among customs officers in the years 2005–2006¹²⁷

Customs point	Convicted	% from total number of employees during 01.01.05–31.12.06
Luhamaa	18 officials	62 % 01.01.2005
Koidula	15 officials	62,5 % 01.01.2005
Narva-1	2 officials	4 % 31.12.2006

Today corruption practices are hopefully left behind as during recent years nearly 2/3¹²⁸ of the customs officers on the eastern border were changed due to convictions. „During 16 years approximately 10 people have left the Narva-1 border-crossing point’s customs services under accusation of corruption, but I do not see that it has influenced our work results much¹²⁹.“ Nevertheless according to the work place efficiency analysis by the customs officers at the Koidula border-crossing point “the motivation, effectiveness and results have improved after the wide range of corruption charges at Koidula border-crossing point”¹³⁰. A more optimistic opinion on the current situation is stated from the Border Guard’s side. “The last instance of corruption at the Koidula border-crossing point was in august 2005. After the recent clamping down on

¹²⁵ Vares, Jüri. 2007. „Custom officers’ work efficiency analyses on the eastern border during 2006- 2007“ Sisekaitseakadeemia Finantskolledz, final dissertation.

¹²⁶ Interview with a customs officer, Ilmar Tager, at Koidula 16.07.2007

¹²⁷ Ibid. Vares.

¹²⁸ Interview with a customs officer, Ilmar Tager, at Koidula 16.07.2007

¹²⁹ Interview with the head of the Tax and Customs Control point at Narva-1, Aleksei Ponomarjov 6.09.2007

¹³⁰ Vares, Jüri. 2007. „Custom officers’ work efficiency analyses on the eastern border during 2006- 2007“ Sisekaitseakadeemia Finantskolledz, final dissertation.

*corruption, I doubt that there is much corruption right now. But you can never rule it out because obviously there are temptations in this area of work*¹³¹”.

h. Most common problems concerning legal issues and organisational aspects of work at the border-crossing points

Adoption of the Schengen Borders Code (Regulation (EC) No 562/2006) and its entry into force in Estonia in the forthcoming years has initiated complementation of the current legislation. “*So far the process has been resultant*”¹³². Nevertheless the most common legal issues raising difficulties at the border-crossing points concern double citizenship and permanent residence permits for non-nationals in Estonia. It is mainly caused by “*insufficient regulation or the possibility for doubling the legal provisions between the Border Guard, Police and Citizenship and Migration Board*”¹³³“. Work at the border-crossing point is also influenced by more technical changes according to the Schengen Borders Code where travellers are not obliged to leave their vehicles during the control.

Issues of double citizenship and permanent residence permits for Russian citizens in Estonian dominated in the interviews with the Border Guard officials at both the studied border-crossing points on the Estonian-Russian border. As the majority of the people crossing the border belong to the above mentioned nationalities, these troublesome issues are most visible in the border guards’ everyday work.

“*A person should only be a citizen of one country*”¹³⁴. According to the Estonian Citizenship Act¹³⁵ article 28, people can be released from Estonian citizenship if he or she is a citizen of another country. “*The Russian Embassy does not give out information about persons who might be of both Estonian and Russian citizenship. At the same time we do not have the right to hold the grey passport (Estonian passport for*

¹³¹ Interview with the head of the Koidula border-crossing point, Valmar Hinno 20.07.2007

¹³² Ibid.

¹³³ Interview with the North-East Border Guard region’ head of staff, Harri Kattai 10.07.2007

¹³⁴ Interview with the head of the Koidula border-crossing point, Valmar Hinno 20.07.2007

¹³⁵ Estonian Citizenship Act (RT I 1995, 12, 122)

foreigners) if we identify that the person also has Russian citizenship”¹³⁶. “Both countries are in that aspect protecting its own citizens and do not share that information and the Russian Federation will not release their citizens living in Estonia on the basis of a permanent residence permit from Russian citizenship and I would not think that the Estonian government would do that either”¹³⁷. That creates the situation on the border where many people violate the restriction on having citizens’ rights in both countries. „There are cases where people have different names in documents proving Estonian and Russian citizenship”¹³⁸. In those cases „the Border Guard constitutes only a control function and can draw the Citizenship and Migration Board’s attention to the existing problem and that has been done in many cases, but it has not been found a satisfactory solution”¹³⁹.

Another problem concerning legal issues at the border-crossing point is „the absence of an efficient solution in case a Russian citizen living in Estonia on the basis of a residence permit has lost it outside Estonian territory. They could apply for a new residence permit in Estonia, but first they have to have the residence permit in order to enter the country”¹⁴⁰. „If a person loses his residence permit he can receive the necessary documents from the embassy in order to return to the country and restore his permit. When in some cases there are persons who have not managed to receive temporary documentation of their residence status in Estonia, we have possibilities to identify the person through the databases and we now have a basis not to allow him into the country. Traditionally those persons who are not Estonian citizens, or have declared that they are not in citizens of any country, but at the same time might be the citizens of the Russian Federation.”¹⁴¹

The Foreigners in Estonia Act¹⁴² regulates the rights and obligations of foreigners permanently (at least over 183 days in a year) living in

¹³⁶ Interview with the head of the Koidula border-crossing point, Valmar Hinno 20.07.2007

¹³⁷ Interview with the North-East Border Guard region’ head of staff, Harri Kattai 10.07.2007

¹³⁸ Ibid.

¹³⁹ Interview with the head of the Koidula border-crossing point, Valmar Hinno 20.07.2007

¹⁴⁰ Interview with the head of the Narva-1 border-crossing point, Jaanus Lumiste 09.07.07

¹⁴¹ Interview with the North-East Border Guard region’ head of staff, Harri Kattai 10.07.2007

¹⁴² Foreigners in Estonia Act (RT I 1993, 44, 637)

Estonia. According to article 10¹³ (1) in the Foreigners Act, a foreigner has the right to apply for a visa at the border-crossing point if objective circumstances prevented him from applying for it in the Estonian embassy in Russia. „Until we have identified his identity, the person is a potential immigrant“¹⁴³. “In case of losing the document we have taken a clear position that if he has a permanent residence permit, he has same the rights as Estonian citizens and we have made exceptions for re-entering the country”.

One of the common provisions in the Schengen Borders Code influence more directly on the everyday work at the border-crossing point. “For us the most problematic thing is that people do not have to get out of their cars any more – it makes our work much more difficult because people can stay in the environment where they feel safe while being questioned. It is hard to read their body language when they are comfortably sitting in their cars. It is quite a strict rule and people can be asked to step out of their car only when there is reasonable doubt that something is wrong. In that case the travellers must be given an explanation about why they need to leave their car. If they refuse to leave their cars, however, they can be forcefully removed from it.”¹⁴⁴ At the same time many people leave their car out of old habit and move along with the officers around the car. “We are not going to force them back into the vehicles in those cases.”¹⁴⁵

Given perspective of the functioning of the border-crossing points reflect the overall understanding compiled from the officials’ opinion working at different administrative levels in the Estonian Border Guard or Tax and Customs Board. It is possible to bring forward several factors influencing the effective management on the border. For example the twofold factors determining the waiting time: technicalities at the border-crossing point and the intensity in the scale of movement. As the border control zone itself produces a stricter atmosphere and it is necessary to turn attention to the behaviour and motivation of the people working on the border, as it determines greatly the travellers’ satisfaction with the functioning of the border-crossing point. Though the corruption problems on the border is hopefully left behind, there are still challenges with problems concerning legal issues and organisational aspects of work at

¹⁴³ Interview with the head of the Narva-1 border-crossing point, Jaanus Lumiste 09.07.07

¹⁴⁴ Interview with the head of the Koidula Border-crossing point, Valmar Hinno 20.07.2007

¹⁴⁵ Ibid.

the border-crossing points. Among other factors the effective functioning of the border-crossing points depend also on the cooperation of the border guards and customs officers on the Estonian side with the officers of the neighbouring country. Overall, people crossing the border are aware of the somewhat different norms and codes of conduct shown by state authorities, and officials working at the border follow the required norms to perform their duties.

6. Conclusion

This report analysed the situation people crossing the border are facing at two studied land border-points on the Estonian-Russian border. The main focus of the analysis was on the quality of work at the border-crossing points in chapter five, and, in chapter six, on the main problems and their reasons at the external EU border-crossing points in the opinion of the border guards and customs officers. The following points conclude the key findings of the research conducted on the Estonian – Russian border.

Technical conditions:

- The adequate number of service facilities such as cafés, shops etc., are influenced by the differences in the possibilities for infrastructural developments at the studied border-crossing points on the Estonian side.
- Even though the overall accessibility of information was rated adequate by the respondents on the Estonian-Russian border it might be relevant to address the access to information for different groups of people crossing the border. Special attention should be turned to third country citizens who are not from the neighbouring country and do not cross the border frequently.
- The situation before the border-crossing points is troublesome because of the long lines of trucks parked on the road-side.
- The possible level of transfer capacity is higher at both of the studied border-crossing points on the Estonian side than what is actually used in every day work. It would be possible to service more people.
- The main tendency at both of the two studied border-crossing points is that the most problematic is the exit-direction from Estonia to Russia, where waiting lines are long in spite of the level of transfer capacity on the Estonian side.

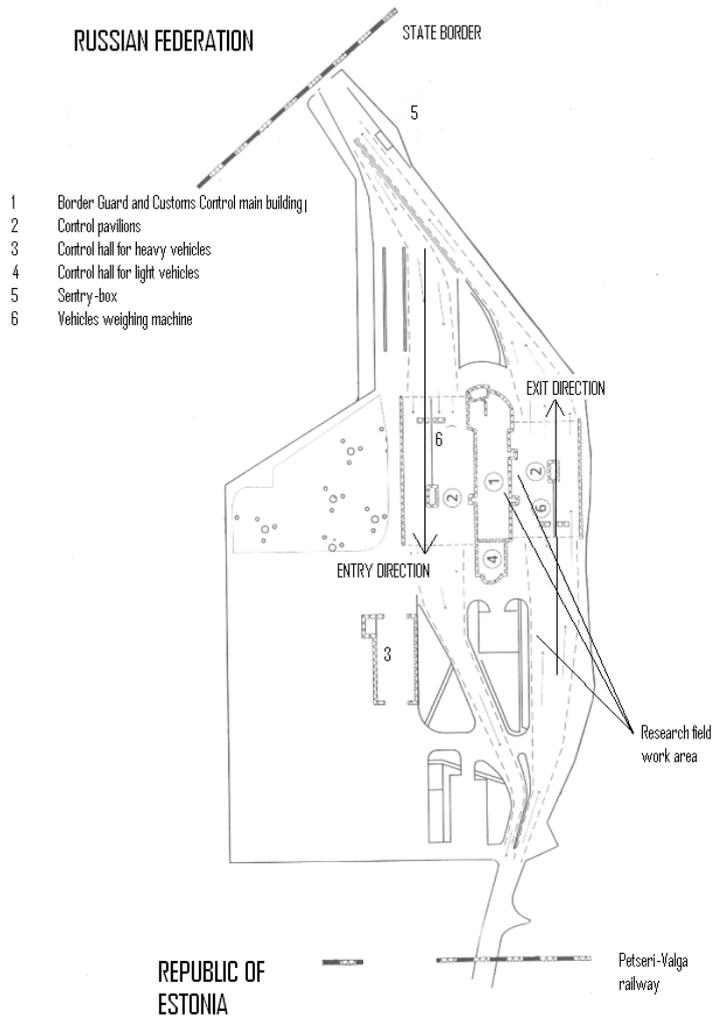
Services rendered at the border-crossing point:

- The evaluation of the efficiency of the border guards' and customs officers' work was in correlation with the waiting time at the border. Longer waiting time brought out lower opinions of the officials' efficiency, except the very long waiting time on days where people acknowledge that the long waiting lines are not formed due to the work at the border-crossing point. It also influenced the opinions about the adequacy of foreign exchange points, cafes etc. at the border-crossing points.
- Despite the limited number of border guards and customs officers working at the studied border-crossing points people crossing the border are satisfied with their quality of work, attitude and respect for human rights during the control procedures.
- Personal qualifications of border guards and customs officers are in accordance with the Public Service Act and the needs of the border-crossing points.
- Today it is hoped that corruption practices are left in the past, as during recent years nearly 2/3 of the customs officers on the eastern border of Estonia were changed due to corruption convictions.
- The scale of immigration and asylum practices on the Estonian-Russian border is very low, having app. 5 cases per year.

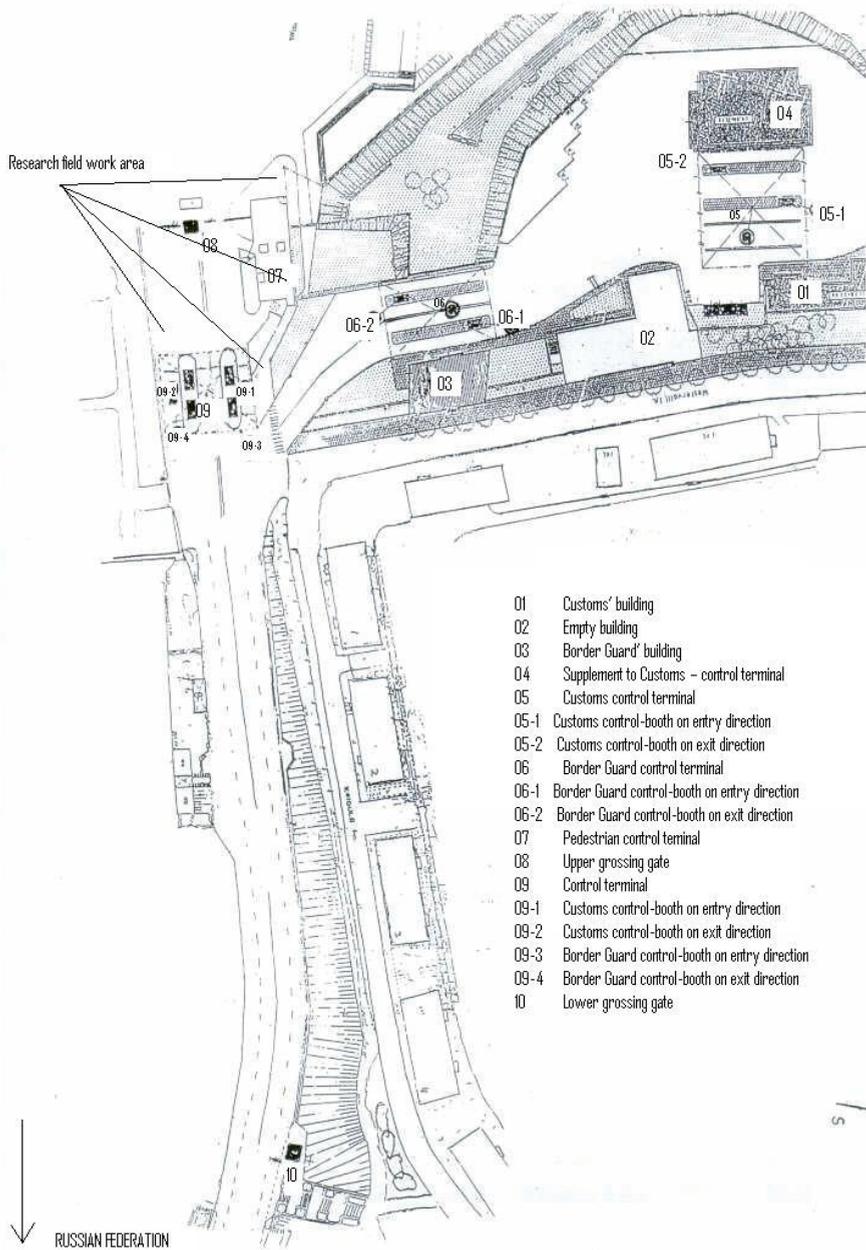
Legal provisions:

- The quality of work at the studied border-crossing points – Narva-1 and Koidula – analysed with respect to technical conditions and the services rendered by the border guards and customs officers proved to be in line with the Community law on the external EU border. The Schengen Borders Code leaves enough flexibility for the EU member states to adopt suitable and effective national provisions for assuring the efficient functioning of a secure external border.
- Attention should be paid to the aspects regulating cross-border movement of people with double citizenship.

Annex I. Scheme of the Koidula border-crossing point



Annex II. Scheme of the Narva-1 border-crossing point



ANNEX III. Questionnaire for Travellers

This survey is to identify operational conditions at border crossing points. Its results are to be used to propose changes to improve them, and in turn to make better the situation of travellers involved. Could you please, answer the questions below by either underlying correct, or writing your own, answer. As the information provided will be used solely for scientific purposes, we guarantee your anonymity.

1. How often did you cross the Estonian – Russian border via this border crossing point in the last three years?	1. I am crossing the border for the first time 2. Once a week or more 3. Once every two weeks 4. Once a month 5. Less than once a month 6. It varies, infrequently
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If the answer to the first question is: “I am crossing the border for the first time” there is no need to respond to the other ones.

2. What other crossing points at this border did you use in the past? <i>(We show the CHART with the names of the border crossing points involved)</i>
3. Where are you coming from?	a. Country..... b. Locality.....
4. Where are you heading?	a. Country..... b. Locality.....
5. Are you travelling:	1. To fulfil official duties assigned by your employer 2. To further your own business interests 3. As a tourist 4. To visit your family 5. For other reasons (please specify)
6. Are you travelling:	1. Alone 2. With a family member 3. With a business partner(s) 4. With a fellow worker(s) 5. With an acquaintance(s), a friend(s) 6. With other person(s) (please specify)
7. How much time does it take you on average to cross the border between Estonia and Russia?	Hours..... Minutes.....

Could you please answer now few questions relating to this border crossing point?

<p>8. How much time in total does it take you on average to go through the immigration and customs on the Estonian side of this border crossing point?</p>	<p>Hours..... Minutes.....</p>
<p>9. How would you rate Estonian border guard officers in terms of their efficiency/promptness?</p>	<p>1. They are very efficient/prompt 2. They are rather efficient/prompt 3. The are rather inefficient/incompetent 4. The are decidedly inefficient/incompetent 5. <i>It is difficult to say, it varies</i></p>
<p>10. How would you rate them in terms of their politeness towards travellers?</p>	<p>1. They are very polite 2. They are rather polite 3. They are rather impolite 4. They are decidedly impolite 5. <i>It is difficult to say, it varies</i></p>
<p>11. How do they usually address you?</p>	<p>1. Sir/madam 2. On first name terms 3. Some other way (please specify)) 4. It varies</p>
<p>12. Do they address travellers from countries other than your own differently that your countrymen?</p>	<p>1. Yes 2. No 3. I do not know</p>
<p>13. How do they usually address travellers from countries other than your own?</p>	<p>1. Sir/madam 2. On first name terms 3. Other way (please specify)) 4. It varies</p>
<p>14. Do you ever have any language problems in communicating with Estonian border guard officers?</p>	<p>1. Always 2. Often 3. Sometimes 2. Never 3. It is difficult to say</p>
<p>15. How would you rate Estonian customs officers in terms of their efficiency/promptness?</p>	<p>1. They are very efficient/prompt 2. They are rather efficient/prompt 3. The are rather inefficient/incompetent 4. The are decidedly inefficient/incompetent 5. <i>It is difficult to say, it varies</i></p>

<p>16. How would you rate them in terms of their politeness towards travellers?</p>	<p>1. They are very polite 2. They are rather polite 3. They are rather impolite 4. They are decidedly impolite 5. <i>It is difficult to say, it varies</i></p>
<p>17. How do they usually address you?</p>	<p>1. Sir/madam 2. On first name terms 3. Some other way (please specify)..... ) 4. It varies</p>
<p>18. Do they address travellers from countries other than your own differently that your countrymen?</p>	<p>1. Yes 2. No 3. I do not know</p>
<p>19. How do they usually address travellers from countries other than your own?</p>	<p>1. Sir/madam 2. On first name terms 3. Some other way (please specify)..... ) 4. It varies</p>
<p>20. Do you ever have any language problems in communicating with an Estonian customs officer?</p>	<p>1. Always 2. Often 3. Sometimes 2. Never 3. It is difficult to say</p>
<p>21. In your opinion, is there a sufficient number of border guard officers working at this border crossing point?</p>	<p>1. Yes 2. No 3. <i>It is difficult to say</i></p>
<p>22. In your opinion, is there a sufficient number of customs officers working at this border crossing point?</p>	<p>1. Yes 2. No 3. <i>It is difficult to say</i></p>
<p>23. Did you ever see an Estonian border guard or customs officer receiving from traveller money or other gifts?</p>	<p>1. Yes, often 2. Yes, rarely 3. No, never 4. <i>It is difficult to say</i></p>
<p>24. Did you have any problems with getting to this border crossing point (e.g. additional charges)?</p>	<p>1. Yes 2. No 3. It is difficult to say</p>

<p>25. How would you rate standards of the sanitary facilities on the Estonian side of this border crossing point (in terms of equipment, cleanliness)?</p>	<p>1. Very high 2. Rather high 3. Rather low 4. Decidedly low 5. There are no such facilities 6. <i>It is difficult to say</i></p>
<p>26. In your opinion are there sufficient numbers of foreign exchange facilities on the Estonian side of this border crossing point?</p>	<p>1. Decidedly yes 2. Rather yes 3. Rather not 4. Decidedly not 5. I do not know, I did not use them</p>
<p>27. In your opinion, are there sufficient numbers of bars, restaurants, and other food/drink serving facilities on the Estonian side of this border crossing point?</p>	<p>1. Decidedly yes 2. Rather yes 3. Rather not 4. Decidedly not 5. I do not know, I did not use them</p>
<p>28. In your opinion, are there sufficient numbers of shops on the Estonian side of this border crossing point?</p>	<p>1. Decidedly yes 2. Rather yes 3. Rather not 4. Decidedly not 5. I do not know, I did not use them</p>
<p>29. How would you rate the accessibility of information on the customs legislation on the Estonian side of this border crossing point?</p>	<p>1. Very adequate 2. Adequate 3. Rather inadequate 4. Decidedly inadequate 5. <i>It is difficult to say</i></p>
<p>30. How would you rate the accessibility, on the Estonian side of this border, of information on the rules governing the entry (immigration provisions)?</p>	<p>1. Very adequate 2. Adequate 3. Rather inadequate 4. Decidedly inadequate 5. <i>It is difficult to say</i></p>
<p>31. How would you rate in general this border crossing point as compared to other ones on the Estonian-..... border?</p>	<p>1. This is the best border crossing point for travellers 2. This is the worst one 3. They are all alike 4. I do not know other ones (<i>see question 33</i>)</p>
<p>32. Why do you think so?</p>	

33. In your opinion, is there anything that needs to be changed on the Estonian side of this border crossing point?	1. Yes 2. No
34. If yes, what needs to be changed the most?	

In closing, please provide some information about yourself.

35. Sex	1. Male 2. Female
36. Age Years
37. Education	1. Primary 2. Incomplete secondary (including trade) 3. Secondary 4. Incomplete higher 6. Higher
38. What do you do?	1. I work 2. I study 3. I am an (old age) pensioner 4. I am a housewife 5. Other (please specify).....
39. If you are currently employed, what profession/trade are you involved in?	
40. Where is your permanent residence?	Country (State).....
41. How far from this border do you live?	1. Less than 50 km 2. 50 to 100 km 3. More than 100km

Thank you for your cooperation!

Russian country report: Kunichina Gora border-crossing point, Pechory¹

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Introduction

In the course of research the following activities were held:

- 7 semi-structured interviews with people experienced in border-crossing via the border-crossing point studied;
- 3 semi-structured interviews with 4 experts, possessing expertise in the sphere of the border-crossing point's impact upon the local community;
- content analysis of digital news agencies' postings having to do with the border-crossing point studied;
- analysis of the legislation concerning Russian-Estonian border-crossing points.

Alongside with the activities mentioned, it was planned to hold a qualitative questionnaire survey among the people crossing the border at the border-crossing point in question, as well as expert interviews with representatives of the border guard service and customs. Unfortunately, the Pskov Regional Federal Security Service Border Guard Administration refused to give permission to conduct these activities.

The research conducted resulted in obtaining a number of various points of view on the border-crossing point studied, namely:

- what the border-crossing point should be like from the point of view of the Russian legislation?
- how do the people crossing via the border-crossing point perceive it?
- how does the local community hosting the border-crossing point evaluate it?

¹ Report was prepared in the framework of *External EU Border Monitoring Project 2006/2007: Better Efficiency at Border-crossing Points as a Precondition for Improved Cross-border Cooperation*. Research was conducted in cooperation with the research group from the Pskov Volny Institute: Evgeny Anfimov, Artem Grigoryev, Alexander Matrunch, Vadim Postnikov, Denis Cooguy.

- what messages do mass media post on the border-crossing point, i.e. what can a person who has never been to the border-crossing point potentially know about it, given that he/she follows the context of the regional events?

1. Review of legislation in the sphere of customs regulation of the Russian Federation and Estonian state border-crossing procedure²

1.1. Fundamental enactments

A fundamental normative legal enactment in the sphere of regulation of the legal procedure defining the routine and forms of the Russian Federation State border-crossing is the Law of the RF of 01.04.1993 no. 4730-1 (version of 26.06.2007) 'ON STATE BORDER OF THE RUSSIAN FEDERATION'. According to article 9 of the stated law 'the state border inland crossing shall be meant for persons and transport vehicles on international railway and highway communication lines or at other places defined by international agreements of the Russian Federation or decisions of the Government of the Russian Federation' at corresponding border-crossing points which stand for the 'territory (water area) within a railway depot, a highway station or a railway station, sea (trade, fishery, special-purpose), river (lake) ports, an airport, military airfield open for international communication (international flights), as well as other dedicated areas in close proximity to the state border, where according to the legislation of the Russian Federation persons, transport vehicles, cargoes, goods and animals cross the state border', are under the immediate control of border guard authorities. Norms of the stated law define grounds for border-crossing which, in particular, are valid documents giving right to enter Russia. In particular, the state border shall not be crossed by foreign citizens and stateless persons who according to the RF legislation are not allowed to enter our country, as well as persons forbidden to exit the RF according to the ruling passed in compliance with the RF legislation (for example if a person became a subject to a criminal case).

The content, the means and methods of control, and the routine of its execution at state border-crossing points, as well as the routine to

² Analysis made by Natalya Zakharova

establish, open, functioning (operational), reconstruction and closure of state border-crossing points, the general requirements to construction, reconstruction, equipment and technical features of the corresponding premises, buildings and structures, necessary to organise border-crossing, customs and other types of control implemented at state border-crossing points, shall be set by the Government of the Russian Federation. In particular, the Ruling of the RF Government of 02.02.2005 No. 50 'ON PROCEDURE OF APPLICATION OF MEANS AND METHODS OF CONTROL DURING THE RF STATE BORDER-CROSSING BY PERSONS, TRANSPORT VEHICLES, CARGOES, GOODS AND ANIMALS' defines means (particularly engineering structures and obstacles, service animals etc) and methods of control (particularly inspection of documents, observation, oral enquiry, body search, getting explanations etc) which are used by subdivisions of federal executive authorities when executing border-guard, immigration, quarantine and sanitary, veterinary, phyto-sanitary and transport control at the RF state border-crossing points, as well as their application procedure.

1.2. Sanitary and epidemiological rules

According to the Ruling of the RF Chief state health inspector of 30.05.2003 N 108 'ON IMPLEMENTATION OF SANITATION AND EPIDEMIOLOGICAL RULES SP 3.4.1328-03' (along with 'SANITATION AND EPIDEMIOLOGICAL RULES 'SANITARY PROTECTION OF THE TERRITORY OF THE RUSSIAN FEDERATION SP 3.4.1328-03', adopted by the RF Chief state health inspector 25.05.2003) (registered in the RF Ministry of justice as of 19.06.2003 N 4754) (cl.4.1) The state border-crossing points provide for:

- appropriate sanitary state of the territory and objects within the territory;
- premises for temporary isolation of citizens under suspicion of disease, with access to a means of transport (marine or riverside wharfs, a landing field, a platform and an apron or a station) and a near-station area;
- allocation and equipment in marine and riverside wharfs, airports, railway and highway stations and stations open for international communication of ambulance wharfs, parking places, dead ends and sites for conducting sanitary-and-epidemiological (preventative)

measures, including disinfection, disinsectisation and rat destruction on transport means;

- protection of the transport organisation territory and premises, structures and transport vehicles within the territory from penetration and contamination with rats, insects and conduction of measures aimed at fighting rodents, mosquitos and other disease-transmitting arthropods (hereinafter insects) according to normative documents;
- efficient systems of disposal and decontamination of excrements, wastes, waste water, rejected food products and other substances dangerous for health;
- organisation and conduction of disinfection, disinsectisation and rat destruction on transport means in case of epidemic indications;
- obtainment according to the prescribed procedure from the state transport sanitary and epidemiological inspection or territorial department of state sanitary and epidemiological inspection a rat destruction certificate or a rat destruction relief certificate – for outbound sea-, fishing- and river-crafts <International health regulations 1969 > etc.

At the same time, according to cl. 4.2.7 the departure of transport vehicles on highway and railway stations, stops, and passages is allowed without quarantine and sanitary control if no other decision was adopted due to sanitary and epidemic indication.

1.3. Border-crossing arrangement patterns

The sequence of the necessary types of state control – border-guard, sanitary and quarantine, customs, migrational, veterinary, and quarantine phytosanitary – in respect of persons, vehicles, cargoes, goods and animals crossing the RF State border on the international railways is regulated by the Decree of the RF Ministry of Communications no. 26 of 29.05.2002 (RF Ministry of Justice ref. of August 14, 2002 no. 3691) ‘On establishment of typical RF state border-crossing arrangement patterns for persons, vehicles, cargoes, goods and animals on the international railways’. In particular, according to the Letter of the RF State Customs Committee of 26.04.2001 no. 01–06/16540 ‘On the execution by the customs agencies of the decree by the Russian SCC of 15.12.2000 ‘On export and import of alcohol and spirits-containing food products’ (RF SCC letter version of 06.06.2001 no. 01–06/22193, amended by RF SCC letter of 03.07.2002 no. 01–06/26228) and in accordance with the Russian SCC Decree of 15.12.2000 no. 1170 ‘On export and import of

alcohol and spirits-containing food products’ (RF Ministry of Justice ref. of 27.12.2000, no. 2511) the customs agencies permit import (export) to (from) the RF customs territory of alcohol and spirits-containing food products only to those organisations, which hold license to perform the activities, stipulated in articles 18 and 21 of the Federal Law of 22.11.95 no. 171-FL ‘On state regulation of production and sales of ethyl alcohol, and alcohol and spirits-containing products’ (Federal Law Edition of 07.01.99 no. 18-FL). Customs agencies immediately inform the Russian SCC HAFTR on all cases of violations. In the event customs agencies of the region hosting RF customs border-crossing points discover facts of non-observance by organizations importing alcohol and spirits-containing food products of requirements of clause 1 of Russian SCC Decree of 15.12.2000 no. 1170, in particular importers lacking a correctly certified (notarially) license copy, such products shall become subject to either export beyond RF borders, or placement into a temporary storage warehouse, located within the region of the acting customs agency. Alongside with this, Russian SCC Decree of 27.11.2000 no. 1070 (RF Ministry of Justice ref. of 09.01.2001, no. 2522) established the list of border-crossing points, which are allowed to throughput alcohol production and individual brands of spirits-containing food products.

1.4. Activity near or on the border

Agricultural, trade or other activity connected to the state border-crossing or otherwise affecting interests of the RF or foreign states and carried out by Russian and foreign legal entities including joint activity directly on the State border or nearby in the RF territory (within the area of five kilometres) shall not:

- damage health of the population, harm environmental and other safety of the Russian Federation, adjacent and other foreign states or pose a threat to such damage;
- create obstacles to the state border maintenance and task fulfilment by border authorities;

1.5. Border violators

Foreign citizens and stateless persons not residing in RF territory who crossed the state border from a foreign state and showed in their activities elements of crime or administrative violations shall be subject to liability under RF legislation.

In events no criminal or administrative cases may be filed against the violators of the state border, and such violators do not exercise the right for political refuge, in accordance with the RF Constitution the border guards shall officially transfer them to the authorities of the state from whose territory they have crossed the state border. If such transfer of violators to the authorities of a foreign state is not provided for by a relevant agreement between the RF and the state in question, the border guard service convoys them beyond the RF borders to areas identified by the border guard service. Of such convoying of foreign citizens and stateless persons beyond the RF borders through border-crossing points notification shall be given to the authorities of the state, to (or via) whose territory such convoying is undertaken, in the event this is stipulated in the agreement between the RF and the state in question.

1.6. Loss of documents

RF citizens arriving at state border-crossing points having lost documents permitting their entry into the RF during their stay abroad are retained at the border-crossing points for the time necessary to identify them, yet such time shall not exceed 30 days.

1.7. Vehicle parking

Parking lots and periods at state border-crossing points for transboundary vehicles are identified by administrations of airports, airfields, sea and river (lake) ports, railway and motorway stations and stops, as well as other transportation enterprises, as agreed by the border guard and customs services.

Access of persons to and on board transboundary vehicles in duration of customs and other types of control is restricted or prohibited when necessary.

Passenger boarding on to vehicles when exiting the RF and alighting upon arrival to the RF, as well as loading (unloading) of luggage, mail and cargoes is performed on permission by border guard and customs services.

1.8. Peculiarities at the Russian-Estonian border

The procedure of direct crossing of Russian-Estonian border is additionally regulated by the Ruling of the RF Government of 14.02.2002

no. 107 ‘On signing of agreement between the RF Government and the Government of Estonian Republic on Russian-Estonian border-crossing points’, which in particular stipulates:

- The routine of financing, whereby the financing of complex construction (reconstruction), improvement, technical equipment of Russian-Estonian state border-crossing points, and creation of transport, engineering and social utility infrastructure is performed at the expense of the administrations of the Leningrad and Pskov Regions.
- The list of bilateral and multilateral border-crossing points.

By the Decree of the Federal Customs Service of 22.11.2006 no. 1208 (RF Ministry of Justice ref. of 20.12.2006 no. 8642) the ‘Routine of tacit declaration of goods by persons’ was established, which stipulates peculiarities of declaration of goods subject to oral declaration, through performance of actions evident to the absence of goods subject to written declaration in the luggage and accompanied baggage of the person, as well as the absence of such goods in the unaccompanied baggage. The routine also establishes the peculiarities of improvement and signage at the special passage sites for persons who have chosen to tacitly declare the goods carried. In particular, for persons transferring goods across the RF customs border to utilise the tacit declaration principle, at the RF state border-crossing points human transit passageways are provided – the ‘red’ and the ‘green’ channels (two-channel system) – where the special signage allows a person crossing the RF customs border to independently choose the form of declaration and the relevant channel for customs clearing and control of the goods transferred by this person. The procedure of import and export of certain goods to and from Estonia is determined by the legislation of Estonia.

1.9. Transfer of foreign currency

The routine of transfer of foreign currency and other currency values across the RF customs border is regulated by the legislation of the Russian Federation on foreign currency regulation and control, and by the Customs Code of the Russian Federation.

According to clause 3 article 15 FL of 10.12.2003 no. 173-FL ‘On foreign currency regulation and control’, in the event of non-recurrent export from the RF by persons (residents and non-residents) of foreign currency cash in the amount equal or not exceeding the equivalent value of US \$3,000, the foreign currency cash exported shall not be subject to declaration to a customs agency. In the event of non-recurrent export

from the RF by persons (residents and non-residents) of foreign currency cash in the amount exceeding the equivalent value of US \$3,000, the foreign currency cash exported shall be subject to declaration to customs agency through filling in of a written declaration of the entire foreign currency cash sum exported.

Article 286 of the RFCC stipulates the routine to declare goods transferred by persons across the RF customs border, whereby the goods carried by a person younger than 16 years shall be declared by one of the parents, a foster parent, a custodian or a trustee accompanying such person, and upon an organised departure (arrival) and return (departure) of a group of persons underage not accompanied by parents, foster parents, custodians or trustees – by the supervisor of such group.

In the event a person younger than 16 years is traveling not accompanied by persons specified, he or she shall have the right to transfer across the RF customs border goods and cash not subject to compulsory written declaration.

Thus, according to the Federal Law of 10.12.2003 no. 173-FL ‘On foreign currency regulation and control’, and by the Customs Code of the Russian Federation, persons younger than 16 years crossing the RF customs border unaccompanied by adults shall have the right to export foreign currency cash in the amount not exceeding the equivalent value of US \$3,000, which is reflected in the Letter of the Federal Customs Service of 22.03.2005 no. 01–06/8497 ‘On transfer of foreign currency cash by persons under the age of 16’.

1.10. Personal search

The form of personal search of human traffic crossing the RF state border is stipulated in article 373 of the RFCC and approved by the Decree of the RF State Customs Committee of 20.10.2003 no. 1165 (RF Ministry of Justice ref. of 13.11.2003 no. 5226). In particular, personal search as an exceptional form of customs control may be performed on decision the head of the customs agency or his or her deputy, when there are grounds to assume that a person crossing the RF state border and transiting through the customs control zone or an open or international airport transit area is concealing and is not voluntarily disclosing goods prohibited for import into the RF customs territory or export from this area, or goods transferred in violation of the routine established by the current code.

The decision to conduct a personal search is made the head of the customs agency or his or her deputy in written form through a resolution to the report of the customs official, or is filled out as a separate enactment. Prior to the personal search the customs official is obliged to announce the decision to conduct the personal search to the person, to familiarise the person with his or her rights and responsibilities during such search and to offer to voluntarily disclose the goods concealed. The fact of the person's familiarisation with the decision as to conduct personal search is confirmed by the person to be searched via his or her written confirmation on the decision to conduct such a search. In the event the person refuses to be subjected to such actions, this is marked on the decision to conduct the personal search, certified by the signature of the customs official who announced the decision to conduct a personal search. A personal search is conducted by a customs official of the same sex as the person subject to the search and in the presence of two line-up witnesses of the same sex in an isolated venue corresponding to sanitary and hygienic requirements. Access of other people to the said venue, as well as opportunity for other people to watch the process of personal search must be excluded completely. Examination of the body of the searched must be performed solely by a medic, who shall not be entitled to refuse to perform according to the decision of the customs official or his or her deputy to conduct the personal search.

A personal search of a person underage or a disabled person can be participated in by his or her legal representatives (parents, foster parents, custodians or trustees) or persons accompanying the searched. A personal search must be performed in a correct form barring humiliation of dignity or inflicting lawless harm to health and property of the searched within the limits necessary to disclose the goods concealed by the person.

The person searched (his legal representative) in the course of personal search shall perform as legally required by the customs official running the search, and be entitled to:

- demand announcement of the decision of the head customs official or his/her deputy as to conduct a personal search;
- be familiarised with his/her rights and responsibilities;
- explain and petition;
- familiarise with the deed of personal search on completion of its compilation and make claims to be integrated into the deed;
- use native tongue, as well as utilise an interpreter's services;
- appeal against actions of customs officials upon completion of the personal search, if the said person considers his rights and lawful

interests to be impaired in the course of the personal search. The personal search is summarised in the deed, which is signed by the customs official who performed the search, the person subject to the search (or his/her liable representative), line-up witnesses, and in the event of examination of the body – by the medic. The second copy of the deed is to be transferred to the person searched (or his liable representative).

1.11. General conclusions

Resulting from the legislation monitoring performed in the sphere of RF state border-crossing regulation it should be noted that the border guard and customs control in Russia is executed in strict accordance with the international norms of human and civic rights' observance within the context of the existent bilateral Agreement between Russia and Estonia following the principle of parity of national legislations.

To identify the 'vicious circles' in the sphere of regulating this issue, as well as to inform of the issues and problems in the course of the direct procedure of border-crossing, and consequently to introduce proposals to improve the current mechanism of this legal procedure is not viewed as possible due to the absence of instances of negative legal precedents within this scope.

2. Local community

Four residents of the town of Pechory were interviewed as experts: Deputy Head of Pechory district administration, Deputy Head of Pechory district administration for social issues, Head of the Pechory Culture Club and a guide from this club.

The expert interviews produced a number of viewpoints on the impact of the Kunichina Gora border-crossing point on the town of Pechory. The experts interviewed may be divided into two groups by their attachment to the municipal authority. Group one are representatives of the executive authorities of Pechory district, and group two are regular townfolk. Members of the different groups perceive the border-crossing point differently. Such differences are obviously conditioned by the extent of the expert's involvement in the activities connected to the border-crossing point.

The regular townsfolk often recall the soviet times, when there was no border: *“We had it as one, and there was no division – be it Estonia, its closest parts, or our district – it all was one. We went to those forests to pick mushrooms and berries, or for recreation – like go swinging. We went bathing there too, because they have spring-water there, and it’s cold; here all water is warm, so we seasoned our kids there”*.

One of the experts, the one who works at the monastery as a guide and possesses broad social capital in the local community, in her interview demonstrated a parasitical approach to solving her own problems connected to the crossing point. She is accustomed to having no dividing lines whatsoever; any complication when travelling to her relatives abroad she takes as a problem without trying to solve it. For example, one of the problems is the impossibility to cross the border with the international passport that has expired. Another problem is the impossibility, in her words, for her sixteen-year old son to cross the border without her. Apparently, she has not accessed the information on the opportunity to issue a power of attorney for her son.

Indeed, an opinion of just one expert may not serve as a representative assessment of the societal status, yet it does reflect certain attitudes with some of Pechory residents.

The representatives of the authorities, in contrast to the regular citizens, perceive the newly formed state border and the border-crossing point as something inevitable and as of today necessary for the society and the state. Therefore, their perception of the border, and approach to cooperation with the staff of the Kunichina Gora border-crossing point are more positive.

The Kunichina Gora border-crossing point, according to the experts, impacts the town of Pechory both positively and negatively. The main positive aspect in the field of infrastructure is the renovation of the town’s communications. *“It’s the new communications; in the town’s centre a large part of them has been replaced. Sewage and water supply, these engineering networks have been replaced. They (the border-crossing point builders) placed pipelines from the town’s boilers to the Kunichina Gora border-crossing point passing near the residential areas, so these buildings got their new communications”*. Alongside, several five-storied buildings were constructed in Pechory.

Demographically, the border-crossing point also produced positive effects. Upon the opening of the border-crossing point, people from various regions came to Pechory for permanent residence. Economically, the town gained a considerable amount of new jobs.

Among the negative aspects are the issues of the town's infrastructure use. Once the border-crossing point appeared, the transit traffic rocketed. There is a bypass road for it, but a significant part of the traffic flows through the town, which leads to deterioration of road surfaces in Pechory. Besides, there is a toll road, but no revenues from it come to the town's budget.

The issue of neighbour relations with Estonia, where the level of economic development is significantly higher than in Pechory district, is complex and multifaceted. Many district residents have an opportunity to frequent Estonia, as they have relatives beyond the border, and it results in simplifications when obtaining visas. At the end of each year, the Pechory district administration compiles the lists of residents who have their family members residing, or burial sites of their relatives located, across the border. About one and a half thousand applications in Pechory district are filed to obtain visas in the simplified mode.

Regular visits of Pechory residents to Estonia enable them to compare the living standards of the two territories. In most cases the odds are strongly against the Russian side. Indeed, such situation leads to tensions in Pechory district.

Besides, many residents orient towards obtaining work in Estonia: the number of enterprises in neighbouring Rāpina municipality is higher, as is the salary level, and the social bonus package is way more interesting. These factors force Pechory residents to seek jobs in Estonia; moreover, Estonian enterprises themselves publish job announcements in the Pechory press. The outflow of workforce leads to problems at the enterprises on the Russian side of the border. On the other hand, the Pechory resident who works in Estonia spends his wages at home, thus raising the living standards of his/her family.

Another important consequence of Pechory having the border-crossing point in its area is the practice of profiteering in prices on consumer goods in the Russian and Estonian markets. Most of the profiteers are pensioners obtaining visas via the simplified mode. *“It's mainly pensioners; they get two bottles of vodka and two cigarette blocks into their bag, like every day. I have this acquaintance; she spends 35 – 40 minutes one way, an hour maximum, and they make 70 – 80 roubles per trip.”* A few years ago, such profiteering used to be more frequent. Now, due to the increased prices in Russia, this practice ceased to be so profitable as to attract many people.

The border-crossing point itself, as a large organisation, impacts on the local community hosting it. According to the experts, the border-

crossing point takes part in all large town festivals and events. *“They [customs officers and border guards] are great; they participate in everything – even in amateur festivals. Say, this year we held this ‘Soldier’s Camp’ on the Town’s Day. The first day is the Memorial Day commemorated to the liberation of Pechory. So we held this Soldier’s Camp together with the customs and the border guards. And they sang the songs of the war times for the veterans. This was interesting for the veterans. It was interesting for World War soldiers to talk to young soldiers. Bridging the gap, common interests – it really went smoothly, and people liked it.”*

On the whole, the effect of the Kunichina Gora border-crossing point on the town of Pechory is rather positive. It is linked to the rising number of functions, which started to be implemented in the town and the district, once the border-crossing point was opened. The border-crossing point required improvement of the territorial infrastructure, created new jobs, and attracted people from other regions. The negative effects of the border-crossing point are also mainly in the field of infrastructure. Traffic load on local roads grew with the opening of the border-crossing point.

As any large organization, the border-crossing point bears a social responsibility towards the local community and takes part in the social life. The Kunichina Gora border-crossing point is one of the largest organizations in Pechory district and in fact may become Pechory’s township-forming enterprise, whose development and status would be the main factors for the living standards of the local residents.

3. Quality of work at the external EU border-crossing points

3.1 Technical conditions on the border-crossing

3.1.1. Access to information on the laws and regulations

Information on customs issues is available in Russian and English at the site of the Russian Federal Customs Service (www.customs.ru). No information on border-crossing regulations was located at the site of the Russian Border Guard Service (<http://fps.fsb.ru/>). Instead, the border-crossing point transit process is thoroughly described at tourist-oriented websites (e.g. www.travel.ru/news/2006/06/19/90803.html).

According to travellers, at the actual border-crossing point people can access information at the special stands. The information on them is available in English, Estonian and Russian. As to the Estonian version, one respondent mentioned: *“I <...> saw this plaque on the exit, with the regulations in Estonian and Russian. And that Estonian version really had lots of mistakes, which for me as a teacher of Estonian is weird”*.

Besides the stands, the traveller may contact the shift supervisor. *“There are phone numbers of the shift supervisor, the bosses, where one can call in emergencies and all, since if you get into trouble, you’re fully able to call and clarify all the nuances with the administration”*. The simplest prompt method to obtain information on the regulations, according to travellers, is to address border guards or customs officers directly. From the traveller’s point of view, the pressing issues are the rules for transit of goods across the border, the list of documents necessary for border-crossing, and also the possible delay intervals at the border.

3.1.2. Waiting time and lines organisation

In the course of all interviews, various opinions were expressed as to the efficiency level of the Kunichina Gora border-crossing point. On the whole, the quality of the border-crossing point’s work is assessed by the travellers as satisfactory. The main travellers’ complain is that the process is too long. This problem is not pressing for pedestrians, but it does show for those who cross the border by bus, and becomes most acute for those who cross by car.

I.e. the main factor, upon which the border-crossing transit times depend, is the transport mode. The quickest way is that of pedestrians. In such instance no more than 20 minutes is required. Crossing by a passenger bus takes around one hour. While if the traveller goes by car, the procedure may take several hours. And truck drivers can queue for days.

A motor vehicle requires greater deal of attention during inspection, which shows in inspection time costs: *“The problem arises with transport, but that is again connected with the inspection process – you need to open it up, look in, climb all around it – this is why the transport passes through so slowly, and the regular citizens crossing on foot don’t have any problems”*.

The procedure of passing through the border-crossing point is as follows. Upon entrance, the traveller receives an individual pass ticket. If

it is a passenger bus, its driver receives a set of such tickets for the number of passengers. The traveller passes through the customs. After this the passport control follows, which includes visual verification of the photo in the passport with its owner's face, answering questions that may arise by the border guards as to previous border-crossing, as well as to the level of acceptability of the documents the traveller holds. On top of that come the standard questions like "Are you transferring any illegal goods?" The last link is the exit border-crossing point of the border guards, where the person crossing the border submits the ticket with validation marks from the previous control stages.

The facility employees do conduct some activities aimed at speeding this process up. For instance, respondents note that sometimes during the passport control procedure queues occur. When such things happen, border guard officers form more temporary border-crossing points: *"There were fairly many passengers on the bus, and there were two windows open, so there was a queue. And so a third representative came out and started to check the passports of the people at the end of the line, stamping and all"*.

Yet, such efforts are obviously insufficient. The conclusion is apparent: the checking procedure does not meet high efficiency requirements. One of the obstacles is the use of the ticket, which accumulates all the validation marks. There is no such procedure on the Estonian side. *"It [border-crossing point passing procedure] could be optimised only if the marks would be cancelled. This is often done in the European Union"*. *"If it weren't for that customs stamp, it would be just a passport check"*. Unfortunately, we did not manage to meet the representatives of the Kunichina Gora facility to discuss, among other things, the need for this ticket.

On the other hand, the entire pool of opinions on passport control collected also contained some critical remarks. Some respondents thought the passport control procedure was way too long and complicated, and that it could be reduced. To boost the efficiency of the procedure several steps may be taken.

One of the interviewees mentioned that there was insufficient information on behavioural patterns at the border-crossing point: *"The information stands are too few, because I had this situation myself: at the Kunichina Gora point one shouldn't use cell phones; so you get a phone call or you call some place, and they get some disturbance, and so the staff of the border-crossing point are extremely irritated with it, and people – they make calls and get told off <...> But there is no warning,*

just the reprimands post factum". Such remarks from travellers are again evident to the fact that work to improve efficiency is insufficient. The border-crossing point's personnel suppose that the greater part of their 'clients' are experienced border-crossers. Otherwise it is hard to explain, why the personnel do not try to adjust the border-crossing process to such extent, that a 'newcomer' – an inexperienced border-crosser – would not have doubts about the obvious truisms like a cell phone call. Having applied no effort to provide the information support for the border-crossing process, the personnel have to waste their time to familiarise the 'inexperienced' travellers with the everyday norms. So, on the whole, the more experience a traveller has, the more advantageous is his position.

Another such element is the inputting of passport data into the computer system. The border guard officer inputs passport data into the database every time the traveller crosses the border at the border-crossing point. It is obvious that the information from the passport is already stored in the database from the time of the first crossing via the border-crossing point. So, why not use the database search function, e.g. by passport number? Apparently, this requires upgrading the software, and that may be something the border guard service cannot accommodate at the moment.

The third such element is the paper ticket given to the traveller upon entrance, which is then used to accumulate the validation marks on clearance of all types of control, and is turned in at the exit. At the present time, the necessity of such auxiliary control effort may well be doubted, specifically so, when all working stations of the border-crossing points – both those of the border guards and customs officers – can be connected into a local area network. As soon as the traveller passes through the first border-crossing point, all of the workstations built into the chain of border guard and customs control receive a relevant entry with the information on the person crossing. All the marks in such instance are made digitally instead of on paper. This, on the one hand, will speed up the control procedure; on the other hand it will reduce the complexity of the registration procedures run by the staff. Naturally, organising this kind of procedure requires extra expenditures for additional hardware and software, as well as for staff training. But in the long run, this will positively affect the time cost for the people crossing the border, as well as reduce the human factor in control procedures.

One of our respondents characterised the status of the computer pool at the crossing point this way: "*There are these computers that halt at*

times. I don't know if it's any better now, but the computers there used to be of pretty poor quality, halting all the time".

The shifting procedure is also underdeveloped: by the time one group of staff have done their duty, the next shift have not yet started to perform their duties. Thus, shifting becomes a standby period for travellers.

There are examples indicating the insufficient quality of the border-crossing point's amenities, which results in conflicts between the travellers and the staff. One of the respondents described a situation, when the pedestrian restriction line ran right across a huge puddle. The respondent attempted to walk around the puddle, naturally violating the restriction lines of the lane, which resulted in loud warnings and even shouting on the part of the staff.

3.1.3. Access to and standard of - toilets, bar/restaurant, foreign exchange office

Among the opinions voiced on the issue of access to toilets there were no negative views. *"Concerning the toilets, they are there and they work. No customs officer or border guard would want the consequences of nonoperational toilets".* The only reprimand went to the absence of noticeable toilet signage: *"If you are walking – especially for the first time – you just don't know where the toilet is".* Thus, in order to find a water closet, one needs to address the staff of the point. Respondents also note the lack of toilets for the physically challenged at the border-crossing point. At the Kunichina Gora border-crossing point there is a foreign currency exchange, but none of the interviewees has ever experienced its service.

The question whether the border-crossing point is complete with a bar, or a café had one of the interviewees say there was no such necessity: *"Say, if a person is crossing by car, he has to queue. And you can queue a long time. But the border-crossing itself takes an hour, if no violations are found, and if he doesn't get transferred to detailed inspection – and then, there's a café before the border, the one at the gas station, and there's a café after. <...> So, it's senseless to make a café at the border".* *"The border doesn't take up so much time, as to really need some super comfort".*

A contrasting opinion also resulted: the presence of a cafeteria on the Estonian side was valued positively, whereas its absence on the Russian side was viewed as negative. Some drawbacks in the work of the Estonian cafeteria were also mentioned: it opens 9 o'clock local time. For

Russian travellers it is already 10 o'clock, and by this time they manage to cross the border, idle at the bus stop awhile, and finally leave hungry with a bus.

A respondent, who is crossing the border through the border-crossing point regularly by car, suggested organising a Wi-Fi internet access point in the area where the cars queue to pass the border-crossing point. A person may spend several hours by the border-crossing point queuing. For many people using the internet could become an opportunity to do some of their work remotely, or a good way to pass the time.

Such an opportunity could be offered for a fee, and the arrangement of the service could be outsourced to a commercial company with the compulsory condition of part of the revenues from the service to go to the account of the Border Guard Administration. That would bring about a budget relief for the state and yield additional funds to maintain and develop border-crossing points.

3.1.3.1. Personal qualification of border guards

One traveller stressed that the Kunichina Gora border-crossing point has existed already 15 years servicing travellers of completely different categories and citizenships: *"It's an international point, they go through it to the port of Tallinn, or to get on the plane in Tallinn airport, and all sorts of people go through there: cargo trucks, Poles, Swedes, Finns and Danes and...!"* Thus, in the opinion of the respondent, as of today, the personnel of the border-crossing point have accumulated vast experience in doing their duty, including complex problem-solving and emergency response. This is why on the whole the quality of work with the travellers is satisfactory in the least.

Travellers note that not all border guards speak English. Yet, in a situation requiring communication in a different language, an interpreter may be called for. Notably, at the Kunichina Gora border-crossing point it is not only translation to English – a factual international language, or Estonian – one of the two service languages – that may be conducted, but also into other European languages, for instance Dutch.

3.1.3.2. Behaviour of border guards during passport control

Among the interviewed travellers the opinion that the Kunichina Gora border-crossing point border guards treat the people crossing the border properly and politely was expressed several times. In the words of one of the interviewees, this is due to the fact that the Kunichina Gora border-crossing point is frequently used by Europeans, so the personnel simply

have to sustain the level of service adequate to the other border-crossing points along the state border.

Border guards address travellers using only the polite form of the second person pronoun, refraining from use of indicative pronouns. Respondents accentuate that no cavils are put across to travellers on the part of border guards. *“It’s because if a border guard cavils about something creating trouble for himself, it’s he who will have to write it off. And, if he is a sensible person, he will not add on extra work for himself, unless he has grounds or confidence in the results. Since that is a very long process: agreeing, writing off and other nuances – and why the hell would he want that for?”*

One of the respondents drives in an example of how the personnel agreed to soften the requirements to persons crossing in order to help. *“Among the members of our delegation there was a student, and by the moment of crossing the border she was not 18 yet, she still had 2.5 months before she’d turn 18. In such cases, according to the Russian legislation, it is required that the group leader or the actual person crossing present a power of attorney from the parents, stating that the latter allow this person to cross the border independently. In the situation with that student that had not been done – she hadn’t taken the trouble, neither had her parent, nor indeed we, so the border guards refused to let her through, but in about 10–15 minutes of my arguing and my persuasions that we bear full responsibility and so on, they agreed to accommodate us.”*

According to one of the respondents, one and a half years ago the preliminary border control started as you approached the town of Pechory. It is considered to be a border town, i.e. it requires major state security efforts. *“I got on the train and was in my seat, and there was a young man next to me – he went to have a smoke a couple of times, and then he came up to me individually, flashed his emigration service ID and asked me to show him mine.”* This case illustrates the selective control of the people arriving to Pechory. The mentioning by the interviewee of the fact that it was the only case of such individual check for him, and that, in his view, this was no longer the practice, speaks for the increase in border guard agencies’ trust in regular citizens.

3.1.4. Services rendered by the customs officers

In the course of interviewing the themes concerning the Kunichina Gora border-crossing point customs personnel were considered in comparison

to the border guard personnel. There were no particular differences identified in the attitude to pedestrians on the part of border guards and customs staff. The practice is the proper and correct treatment by customs personnel of the pedestrians crossing the border: *“if you carry a bag, he asked you a question, you opened it, there is nothing in it, and you may go”*.

In the event the border-crossing point is passed through by car, a certain difference between the border guard and the customs approaches does show. This is so primarily because for the border guards the person crossing the border is the actual object of scrutiny, whereas for the customs staff it is what this person is bringing along as baggage. When the traveller crosses the border by car, the object of scrutiny for the customs becomes much larger. This, naturally, leads to the increase in time costs of traveller-customs officer communication. *“Speaking of cars, which may be carrying contraband, they do scrutinize cars more thoroughly, hence the longer times for cars crossing.”*

It was noted that there is a category of persons crossing the border who are not inspected by the customs at all. This category’s representatives just present their ID’s, and no inspection takes place. Obviously, the persons in question are diplomats.

The customs control procedure comprises a number of questions, and in the event suspicions arise – inspection of belongings and body. And yet the procedures for pedestrians and bus passengers differ. In the case of a bus trip, several scenarios may occur. The most tiresome method from the point of view of the traveller is when all passengers have to produce their things from the bus for inspection. In such case, a customs officer gets on the bus and suggests that all passengers exit with their baggage. Then all the baggage is scanned. As some respondents noted, this procedure can get long: after the belongings are x-rayed, the passengers may yet have to wait another 15–20 minutes, while the staff checks the bus.

Another option of the customs check of a bus is selective. An officer gets on the bus and visually assesses the passengers. Alongside, the assessment criteria are only known to the customs personnel and are not disclosed. If any of the passengers possesses certain attributes, the officer suggests that this passenger demonstrates the contents of his/her bags.

The traveller passing through the border-crossing point on foot, according to the respondents, is usually subjected to an accelerated procedure: the traveller does not need to come inside, the customs officer asks whether there are any things the passenger should declare, and

sometimes asks the traveller to open the bag. If a person crosses the border by car, his motor vehicle may be thoroughly scrutinised. This may comprise inspection of the floor-pan with a special mirror, of the passenger compartment and of baggage.

Questions to any traveller concern currency carried and its sum, as well as willingness of the traveller to declare money or goods. None of the interviewees had experienced a body search at the Kunichina Gora border-crossing point. Only one of the respondents had such an experience at all, when crossing the Russian-Finnish border by train in Vyborg. In his words, the reason for the search was the large sum of money he had not declared.

Among other, at the customs border-crossing point cases of violation of elementary labour discipline take place: *“You’re standing next to this booth, and they can’t put that stamp on. Once I missed the bus, because I was waiting for a customs employee for 20 minutes. What she was up to all that time – I have no idea. If she’s the only one here, she needs to be back quickly, otherwise there should be a sub”*.

3.1.4.1. Attitude of Customs Officers towards EU and non-EU citizens

Several times the opinion was voiced that there is no difference in attitudes of customs officers to various citizens. At least, such differences are not apparent. On the other hand, there were other opinions too. The brightest experience on the issue was that of the respondent who regularly passes through the Kunichina Gora border-crossing point by car. This respondent is an Estonian citizen, but he runs his business in Russia. His frequent trips allow introducing substantial reprimands as regards the RF border guard service. The respondent himself took part in bribing an officer. The monetary ‘gift’ turned out to be inevitable when transporting a large item for the respondent’s business routine. The customs officer stated that items of that size might not be brought across the state border. After that the respondent followed the customs officer inside, where the bribe was given to the officer. Upon this, the respondent was allowed to proceed with the item.

3.1.4.2. Personal qualifications of customs officers

The travellers who took part in the interview evaluate customs officers’ qualification as equal to that of the border guards. They are fairly confident in performing their duties, but are ‘not much hasty’. One of the respondents mentioned that foreign language command of customs

officers is better than of border guards: *“It [languages] is more required with the customs staff, since part of the documents on cargo and on motor vehicles they view is in national languages also. And, say, a discrepancy of a phrase in the national and the English languages, which is compulsory as a dubbing, is a reason for inspection too, like to check accordance. So they have to master them better than those border guys”*.

3.1.4.3. Behaviour of customs officers during customs clearance

Some respondents mentioned that customs officers’ attitude to a person crossing the border in most cases depends on that person. *“I think in 90% of cases they are guided by the person. If the person is nervous, or inadequate, or dressed strangely for the season: say, it’s hot, and he’s in some woollen long-sleeves. I guess, 90% of all cases depend on human factors. And that’s global practice, because you can lock the whole perimeter with smart equipment and all, but the human factor will still be determining”*.

One of the respondents also voiced an opinion that very often the behaviour of the people crossing violates all accepted norms, and the border-crossing point’s employees, from the point of view of ethics, could take corresponding measures, but they don’t do that simply because it is not allowed by the rules. *“There are always people who talk to female border guards or customs officers as to girls. I saw it many times, when these officers, swallowing their fury, replied politely letting them know, like, ‘hey man, this exaggerated attention is unpleasant’. <...> If I were that border guard, I’d ask my colleagues to delay the young man for a half hour and give him a talk”*.

3.1.5. Cooperation and relations between border guards and customs officers

Unfortunately, we did not manage to have interviews with the personnel of the border guard and customs services of the Kunichina Gora border-crossing point. Therefore, the interaction of these services may be assessed only externally, through the words of the travellers.

The border guards and the customs officers have different spheres of responsibility, but they work at the same site. The regime at the border-crossing point and activities within the regime, e.g. inspection, is the competence of the border guards. Besides, according to one expert, only the border guards have the right to use weapons. Thus, under certain circumstances – should they arise – the customs officers may not act without the support of the border guards.

4. Mass media coverage³

One of the parts of this research is the digital mass media content analysis conducted by the Sociological Laboratory of Pskov Volny Institute. In the course of this analysis we searched for, selected and actually analyzed news pieces on the Kunichina Gora border-crossing point.

The news search tool we chose to use was the Yandex News Service (<http://news.yandex.ru>). As a search query to look for news postings, we chose to use the phrase ‘Kunichina Gora’.

All the collected data are summarized in MS Office Excel 2003 format spreadsheet. Each news piece is characterized by the heading, the body of text, the URL and the posting date.

The query resulted in over 200 news pieces over the period of 2001 to 2007. The news sources are:

- Business News Agency (<http://www.abnews.ru/>)
- All about Tourism and Traveling (<http://www.travel.ru/>)
- Gazeta.ru (<http://www.gazeta.ru/>)
- Business Petersburg (<http://www.dp.ru/spb/news/>)
- Daily Information Newspaper for Tourist Business Professionals (<http://www.ratanews.ru/>)
- Izvestiya (<http://www.izvestia.ru>)
- Au92 Information Agency (<http://www.au92.ru>)
- INFOline Information Agency (<http://www.advis.ru>)
- Regnum Information Agency (<http://www.regnum.ru/>)
- VolgaInform Information Agency (<http://www.volgainform.ru>)
- ROSBALT Information Agency (<http://www.rosbalt.ru/>)
- SeverInform Information Agency (<http://www.severinform.ru/>)
- Information Portal of the North-West Media Community (<http://www.lenizdat.ru/>)
- Kommersant (<http://www.kommersant.ru>)
- Novaya Gazeta (<http://www.novayagazeta.ru/>)
- Federation News (<http://www.regions.ru/>)
- Pskov Information Bureau (<http://newspskov.ru/>)
- Pskov News Feed (<http://www.pln-pskov.ru>)
- Pskovskaya Pravda (<http://pravda.pskov.ru>)
- Pskov Information Agency (<http://informpskov.ru/>)
- Customs Computer Service (<http://www.tks.ru>)

³ Analysis made by Anton Fomin

- Tamognia.ru (<http://www.tamognia.ru>)
- Charter97 (<http://www.charter97.org>)
- Pskov Regional Center of Business Information (<http://businesspskov.ru/>)

As is mentioned above, the query resulted in over 200 news pieces posted within the period. The news pieces from different sources, describing the same event and having the text similar to the extent of merging, were deleted. The number of unique news pieces reduced threefold finally comprising 66.

To analyse the dynamics of news occurrence, topic classification was done. The algorithm to form the classification is the following:

1. The first news is taken, and based on that the category caption is created;
2. The next news is taken, and if it does not fall within the existent category, a new one is created;
3. The next news is checked against the relatedness to one of the existent categories, and if no such relation is established, a new category is created;
4. The third step is further repeated for all remaining news pieces.

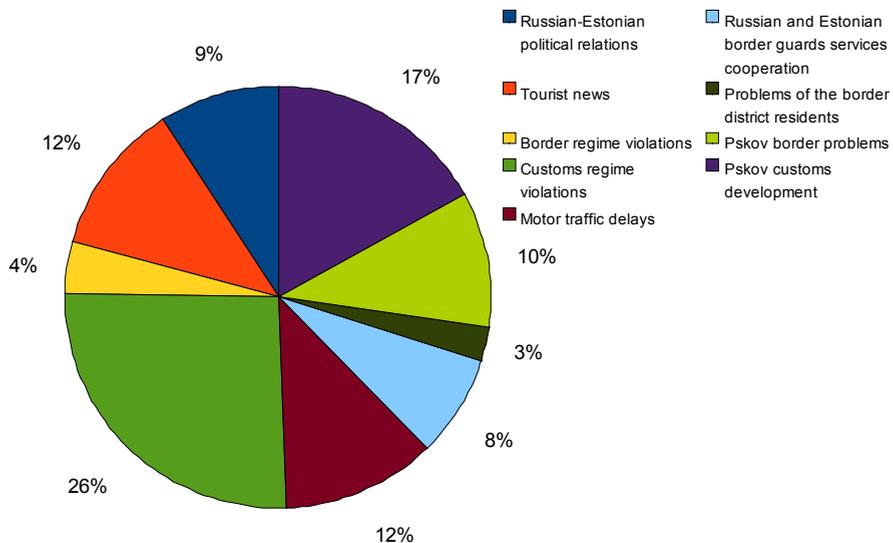
Alongside, one news piece could end up in several categories at ones. Finally, 9 news categories concerning the Kunichina Gora border-crossing point were formed:

1. Russian-Estonian political relations
2. Tourist news
3. Border regime violations
4. Customs regime violations
5. Motor traffic delays
6. Russian and Estonian border guard services cooperation
7. Problems of the border district residents
8. Pskov border problems
9. Pskov customs development

Table 1. Distribution of categories by quantity

Category	Quantity	Percent
Russian-Estonian political relations	7	11%
Tourist news	9	14%
Border regime violations	3	5%
Customs regime violations	20	30%
Motor traffic delays	9	14%
Russian and Estonian border guards services cooperation	6	9%
Problems of the border district residents	2	3%
Pskov border problems	8	12%
Pskov customs development	13	20%

We counted the number of news pieces per category within a certain time interval, which enabled us to assess as to which events are covered by mass media more, and then less intensively.



Picture 1. Distribution of categories by quantity

Having conducted the news analysis, it becomes clear that the number of news pieces related to the fourth category prevails over others – they are 4 times as many as news in other categories. This drives us to conclude

that the events related to customs regime violations at the Russian-Estonian border are covered more often and draw greater attention from the press. Alongside, the violations mostly involve attempts of transferring cargos across the border illegally. The mass media mentions attempts at illegal trafficking across the border of hydro-massage bathtubs, clothes, money and cultural valuables. Reading such news, the reader must have a very 'proper' – in terms of economic security – notion formed that it is virtually impossible to transfer anything across the border illegally at Kunichina Gora.

The second position frequency-wise is occupied by the news related to categories 8 (Pskov border problems) and 9 (Pskov customs development). These issues can directly relate to the interests of the people crossing the border, e.g. possibility of digital cargo declaration, as well as they generally form a positive image of the border-crossing point with the reader.

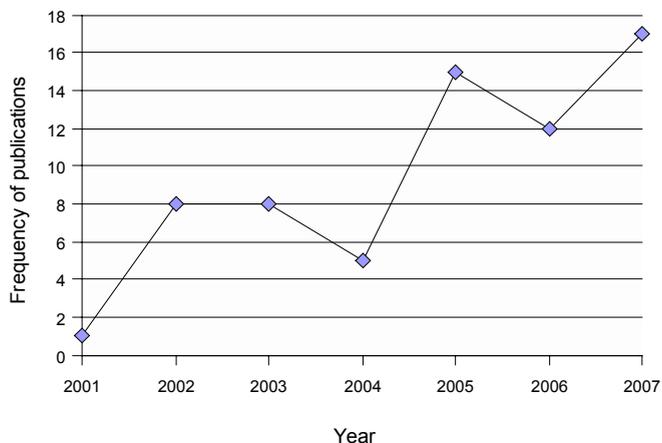
10 news pieces relate to category 5. This category touches on one of the important problems, namely motor traffic delays at the border. It is important as such delays paralyse freight traffic from Estonia to Russia and back. It results in losses for trade companies, and people have to queue for many hours at the border. If we remember the interviews with the travellers, we will see that it is this topic that is most urgent for people crossing the border. However, judging by the mentioning frequency, it hardly is the most topical for the digital mass media.

Category 2 follows with 9 news pieces. These news pieces spotlight the information useful to tourists going to the Pskov Region, and to people going to Estonia. This category includes such news as opening of new bus lines between Estonia and Russia, simplification of visa regime etc.

Category 7 follows with 7 news pieces. These news pieces contain information on cooperation between the border guards of Russia and Estonia. Possibly, the attention paid to these issues by digital mass media is sufficient, since from the point of view of a regular citizen, interested in border-crossing practicalities, this topic is hardly of any interest.

7 news pieces relate to category 1. It speaks of political relations between Estonia and Russia. These made it into the sample, as Russian-Estonian relations directly impact the work of the border guards and customs services (visa regime, border trade etc.), and, consequently, the quality of the service the travellers get at the Kunichina Gora border-crossing point.

Category 3 news relate to violations of the border regime, i.e. attempts at illegal crossing of the state borders. The press coverage of such events is fairly torpid: one news piece in 2007, one in 2006 and one in 2005.



Picture 2. Publication dynamics by year

Let us look into news dynamics time-wise. Most news pieces come in 2007 – 17, then followed by 2005 – 15 pieces, then 2006 – 12, and then 2003 and 2002 – 8 pieces a year, in 2004 – 5 pieces, and finally 2001 with 1 news piece. Possibly, such dynamics maybe conditioned by several reasons; but the main reason, apparently, is the development of the internet. Every year more and more digital media open up on the internet, and subsequently, every new event taking place in the world is covered by the growing number of media.

Table 2: Publication dynamics by year

year of publication	Frequency	Percent
2001	1	2%
2002	8	12%
2003	8	12%
2004	5	8%
2005	15	23%
2006	12	18%
2007	17	26%

Let us look at the picture on the Kunichina Gora border-crossing point that is formed with a person who has never been there, but is monitoring

the news on the internet. This person would hardly estimate the overall work of the border-crossing point as positive, as – judging by the postings – problems and difficulties there arise continuously, and remain unsolved for long periods of time.

If we consider a tourist going to cross the border and reading the news to familiarise with the situation at the border-crossing point, his/her opinion must be bent positively, as there is the positive dynamics in problem-solving.

The person monitoring the news on the internet will most probably be well aware as regards the news on the work of the customs at the Russian-Estonian border, as these events are covered best in the press.

Judging by the event coverage dynamics in 2001 – 2007, the perception of the border zone by the reader changed for the better, meaning that the person monitoring the news for a number of years would be receiving broader information on the Kunichina Gora border-crossing point, hence broader awareness of the border zone status, which facilitates a better perception of the regional image.

A person for the first time crossing the border via the Kunichina Gora border-crossing point would hardly rest assured of smooth and unproblematic border-crossing, as having read the news on the Pskov border one gets the information implying that emergencies and complications are fairly often here.

We conducted news content analysis of the coverage of emergencies at the Kunichina Gora border-crossing point. The analysis resulted in statistics of emergency-based news occurrence in 2001 - 2007.

In the future, content analysis could be used to thoroughly research events and emergencies concerning tourism in the border region.

This research opened several directions which are scientifically interesting. First, during the preparation of the material we should not have deleted similar texts taken from different sources. This could enable us to draw the dynamics of one event coverage in the mass media. Second, postings concerning other border-crossing points can be traced, and the message array structures for various points compared.

PROJECT PARTNERS

Stefan Batory Foundation, Warsaw

The aim of the Stefan Batory Foundation is to support the development of a democratic, open society both in Poland and in other countries of the region. The Foundation's priorities include the reinforcement of the role and a proactive approach to civil society, the propagation of civil liberties and the rule of law as well as the development of international collaboration and solidarity. The Foundation acts as a coordinator of the Friendly EU Border Project.

www.batory.org.pl

Center of Migration Research, Warsaw University

The Centre of Migration Research (CMR) is a research unit of Warsaw University. It was established in 1993 as an interdisciplinary research team whose aim was to undertake in-depth and comprehensive studies on migration in present-day Poland. Over the last 15 years CMR was involved in a number of large-scale migration projects, co-organised a number of international seminars and major conferences on migration issues in Central and Eastern Europe, and participated in various international collaborative initiatives.

www.migracje.uw.edu.pl

Contemporary Researches Foundation, Budapest

The Contemporary Researches Foundation was founded in 1989, after the change of political system in Hungary. The main goal of the foundation is to observe, note down and analyse the contemporary historical, sociological and political events. Our mission is to extend the social publicity and transparency, and to reduce the democratic deficit. The Foundation managed the Hungarian research group in the Friendly EU Border Project.

www.jelal.hu

EuroCollege, University of Tartu

EuroCollege is an institution integrating academic studies and research with the aim of organising Europe-related academic education, training and research. EuroCollege is located within the University of Tartu. The mission of the University is to act as the guardian and advocate of a highly educated Estonia through internationally acclaimed research and the provision of research based higher education.

www.ec.ut.ee/ecu

The European Institute, Sofia

The original mission of the European Institute, an independent policy centre, was to support the efforts of governmental and non-governmental agencies to successfully prepare Bulgaria for EU membership through research, technical assistance, public awareness projects and training. To date, the Institute has extensive and unique knowledge about both EU enlargement and accession, matched by practical EU negotiation experience. Through its four main activity areas mentioned above, the European Institute has been exchanging training experience and consultancy work with EU candidate and potential candidate countries from SEE on EU integration matters.

www.europeaninstitute.bg

Finnish Institute of International Affairs, Helsinki

The Finnish Institute of International Affairs (FIIA) is an independent research institute that functions in association with the Parliament of Finland. The mission of the Finnish Institute of International Affairs is to conduct and publish research on international political and economic affairs, as well as on issues relating to the European Union.

www.upi-fia.fi

Research Centre of the Slovak Foreign Policy Association, Bratislava

The Research Centre of the Slovak Foreign Policy Association (RC SFPA), founded in 1995, is a non-profit organisation that prepares independent expert analyses of the key questions in a field of international relations and the Slovak foreign policy; publishes periodical and non-periodical publications, the role of which is to intensify knowledge in the area of international relations and Slovak foreign policy and they are at the same time a source of credible academic information in the field of international affairs and Slovak foreign policy suitable for specialists as well as for the lay public; organises professional events and participates in the international expert debate concerning international relations and security research.

www.sfpa.sk

Pskov Volny Institute

Pskov Volny Institute was founded in 1992 as a non-governmental, non-commercial institution of higher education that aims primarily at satisfying the needs of the changing Russian economy and at developing new approaches in higher education. Pskov Volny Institute is the product

of civic incentives, a real strategic project. Among PVI's founders there is the General Department for Education of the Pskov Regional Administration, the Committee for Culture and Tourism of the Pskov Regional Administration, the Pskov City Committee for Municipal Property Management, the Pskov Regional Universal Scientific Library, the Pskov State Museum, 'Novosty Pskova' Newspaper Editorial Department, and the National Fund for Finance and Managerial Staff Training (Moscow).

Peipsi Center for Transboundary Cooperation (Peipsi CTC)

Peipsi CTC is an international non-governmental organisation, which deals with cross-border cooperation, located in Tartu and Pskov. The organisation deals with promotion of balanced development of border areas, especially in the Peipsi Lake region. Peipsi CTC was established in 1993 as the Peipsi Lake Project and it was reorganised and renamed Peipsi CTC in 2000. The Center has conducted several researches on the Estonian-Russian border area in the cooperation with the University of Tartu and other public institutions.

<http://www.ctc.ee/>