



## Parliamentary questions

29 November 2012


E-010856-12

Question for written answer  
to the Commission

Rule 117

Axel Voss (PPE)

► **Subject: Disproportionate checks at the Gibraltar border**

 Answer(s)

German citizens who were staying in Gibraltar as tourists on 14 October 2012 reported that they had been subject to disproportionate customs checks by the Spanish authorities as they were leaving the territory. Each car was thoroughly inspected and there are reports of people having to wait for more than eight hours at the border crossing.

It appears that Gibraltar residents took this opportunity to distribute flyers saying that this was a repeated arbitrary action taken by the Spanish authorities. Even though Gibraltar is not part of the Schengen area or the EU customs union, these measures appear to be unreasonable.

Can the Commission answer the following questions:

1. Is the Commission aware of the fact that the Spanish authorities have stepped up customs checks at the Gibraltar border in a disproportionate manner? If so, has the Commission expressed its criticism to the Spanish government? If not, will the Commission ask the Spanish Government to issue a statement on this matter?
2. In general, what is the Commission's view on border checks at an external border of the EU where every car is inspected rather than spot checks being carried out?
3. What opportunities does the Commission see for improving the situation?

Original language of question: **DE**

OJ C 317 E, 31/10/2013

Last updated: 12 December 2012

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## Parliamentary questions

8 February 2013

E-010856/2012

### Answer given by Ms Malmström on behalf of the Commission

As correctly stated by the Honourable Member, Gibraltar is not part of the area without internal border controls of the European Union. Checks on persons are therefore carried out at its border with Spain. Under the Schengen Borders Code, all people entering and exiting the Schengen area, including those enjoying the Union right of free movement, should undergo a minimum check to establish their identities on the basis of the production or presentation of their travel documents. Third-country nationals should be subject to thorough checks, involving a detailed examination verifying that they fulfil all entry conditions.

In addition, Gibraltar is not part of the customs territory of the Union and is thus treated as a third country for customs purposes. Customs controls are performed by the national customs authorities in order to ensure the correct application of customs legislation. The modalities for these controls are determined by the Member States and may include inspecting means of transport, luggage and other goods carried by or on persons.

The Commission does not routinely monitor the checks performed by the national authorities at the Union's external borders and starts from the assumption that Member States take the necessary measures to ensure that EU rules are correctly applied.

The Commission will nevertheless contact the relevant authorities to get further clarifications.

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