



## Parliamentary questions

15 January 2013


E-000365-13

**Question for written answer  
to the Commission**

**Rule 117**

**Sir Graham Watson (ALDE)**

### ► Subject: Spanish customs checks

 Answer(s)

In response to Question **E-009971/2011**, the Commission stated that it does not routinely monitor the customs checks performed by the national authorities. However, it suggested that Member States should select custom controls based on 'risk management' factors as provided for in the customs legislation.

Gibraltar remains outside the customs union, and therefore alcohol and tobacco may be available at lower cost than in Spain. The Spanish authorities have implemented thorough checks on individuals and vehicles at the La Línea frontier. On some days every vehicle will be checked and inspected for contraband, and such an approach can lead to severe delays at the border — sometimes of up to six hours.

The Agreement between the European Economic Community and the Principality of Andorra which entered into force on 1 July 1991 establishes a customs union with most-favoured nation status between the Principality and the EU. However, VAT and duty on alcohol and tobacco are far lower in Andorra than in Spain.

Melilla and Ceuta benefit from an autonomous preferential agreement with the EU, but neither is part of the EU's customs territory. Citizens travelling from these territories must also abide by customs and tax allowances for travellers similar to those applying to people travelling from outside the EU, just as is the case for those crossing from Gibraltar into Spain.

1. Is the Commission satisfied that the Spanish authorities have the appropriate customs provision in place for citizens travelling between:

- Andorra and Spain, and
- the autonomous cities of Melilla and Ceuta onwards to Spain?

2. With VAT and duty being lower in Andorra as well as Melilla and Ceuta, these territories represent a threat to customs revenue similar to that posed by those entering Spain from Gibraltar. In light of this, does the Commission consider that a consistent, fair and non-discriminatory approach would see similar thorough checks also being required at the frontiers with Andorra as well as with Melilla and Ceuta?

OJ C 347 E, 28/11/2013

Last updated: 4 February 2013

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## Parliamentary questions

3 November 2011


E-009971/2011

Question for written answer  
to the Commission

Rule 117

Sir Graham Watson (ALDE)

### ▶ Subject: Customs checks at La Linea — Gibraltar border

 Answer(s)

The establishment of the Customs Union has seen the abolition of most EU internal border and customs controls. The Spanish authorities have recently introduced a programme that will last several weeks on the La Linea — Gibraltar border to investigate potential tobacco smuggling.

Spanish officials are stopping 90 % of all motorbikes, and are checking identity documents and inspecting motorcycles for hidden smuggling compartments. The checks are causing traffic problems for the citizens of Gibraltar, as they affect all border users and mean that delays crossing the border often exceed an hour.

1. Is the Commission aware of these customs checks?
2. Is the Commission satisfied that these untargeted checks are in line with EU rules on free movement and customs?
3. Does the Commission agree that, where checks such as these are conducted, they should not impact on traffic management and citizens of wider communities?
4. Has the Commission considered the introduction of Red/Green/Blue channels, similar to those in place at airports, for vehicles where such checks are in place at land borders?

OJ C 168 E, 14/06/2012

Last updated: 11 November 2011

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## Parliamentary questions

6 December 2011

E-009971/2011

### Answer given by Mr Šemeta on behalf of the Commission

The Commission does not routinely monitor the customs checks performed by the national authorities at the EU external borders and, lacking any evidence to the contrary, has no reason to doubt that Spain is taking the necessary measures to ensure that EU rules are applied effectively, and that the selection for custom controls is based on 'risk management' factors as provided for in the customs legislation.

If, however, the Honourable Member can provide details of why he considers that the checks referred to in his question may breach EU rules the Commission will naturally be willing to examine the circumstances and, if necessary, raise the matter with the relevant authorities.

The Commission would like to emphasise that Gibraltar is not part of the customs territory of the Union, and thus is treated as a third country for customs purposes by virtue of Section 4 of Annex I to the Act of Accession of the United Kingdom of 1972. Nor is Gibraltar a part of the area without internal border controls (the Schengen area). While agreeing that efficient border management should allow for smooth flows of legitimate trade and movement of persons across external borders, controls may involve delays affecting traffic and citizens, and all the more so if these controls are intensified in order to identify high risk-goods such as tobacco.

Finally, the Commission has not considered the introduction of red/green/blue channels at land borders for checks on goods. The decision about whether or not to provide for separate lanes in order to facilitate checks on persons at external land borders is one which is taken by the Member State concerned, in this case Spain. There is no legal obligation on Member states to do so.

OJ C 168 E, 14/06/2012

Last updated: 9 December 2011

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## Parliamentary questions

1 March 2013

E-000365/2013

### Answer given by Mr Šemeta on behalf of the Commission

Although all three territories are indeed not part of the customs territory of the European Union, special and different arrangements between these territories and the EU apply.

An agreement for a customs union between the EU and Andorra has been in force since 1 July 1991<sup>(1)</sup> covering some products, but not alcohol or tobacco. This agreement ensures that some Andorra goods enter in the entire Union free of customs duty, or benefit from preferential rates.

The territorial status of Ceuta and Melilla is contained in Protocol No2 concerning the accession of the Kingdom of Spain to the EU. Melilla and Ceuta have certain preferential arrangements with the Union as a whole, as well as additional preference arrangements with peninsular Spain whereby goods of Ceuta or Melilla origin qualify for exemption from duty. In addition, under Spanish law, these territories have been designated as exempted areas for custom purposes.

Gibraltar is treated as a third country for customs purposes by virtue of Section 4 of Annex I to the Act of Accession of the United Kingdom of 1972 and, in the absence of any specific preferential arrangements such as the ones mentioned above, exports of goods of local origin to the EU are treated under the usual terms of the Generalised system of preferences .

For excise and VAT purposes all of these territories are treated as Third Countries. Duty and tax free allowances are restricted to travellers<sup>(2)</sup>. In this particular regard, the Honourable Member is referred to Question **E-000427/2013**.

As the rules in force in respect of the above three territories are different, different customs checks may appear necessary to ensure the correct application of the relevant legislation.

<sup>(1)</sup> Council Decision No 90/680/EEC of 26 November 1990.

<sup>(2)</sup> The allowances are set out in Regulation (EC) 1186/2009 and Directive 2007/74/EC.

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Last updated: 14 March 2013

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## Parliamentary questions

16 January 2013


E-000427-13

Question for written answer  
to the Commission

Rule 117

Sir Graham Watson (ALDE)

► **Subject: Spanish tobacco limits for residents of Campo de Gibraltar**

 Answer(s)

Directive 2007/74/EC lays down quantitative limits for alcohol and tobacco products exempt from VAT and excise duty.

On 1 January 2013 the Spanish authorities implemented further restrictions on imports of cigarettes across the La Línea de la Concepción border with Gibraltar. Under the new rules, people living within a radius of 15 kilometres of the border (that is, residents of Campo de Gibraltar in southern Spain) will only be allowed to bring 80 cigarettes per month across the border, instead of 200 cigarettes.

Citizens who reside in all other parts of Spain will continue to be allowed to cross the border with 200 cigarettes. The Campo de Gibraltar area contains a sizable British community.

1. Is the Commission aware of this new restriction?

2. Whilst Article 8(2) of the directive allows Member States to implement lower quantitative limits on tobacco products for non-airline travellers, does the Commission consider such a limited geographical restriction, confined to residents of Campo de Gibraltar, to be:

- in line with the directive, which refers to restrictions applied to Member States as a whole?
- discriminatory against residents of Campo de Gibraltar?
- indirectly discriminatory against the sizable minority of non-Spanish EU citizens and cross-border workers in the area?

OJ C 347 E, 28/11/2013

Last updated: 4 February 2013

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
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