



Parliamentary questions

28 June 2013


E-007697-13

**Question for written answer
to the Commission**

Rule 117

Claude Moraes (S&D)

► **Subject: Gibraltar border**

 Answer(s)

7 683 border workers who live in Spain commute to Gibraltar for employment every day. The vast majority of these workers are EU nationals, 3 998 of them Spanish.

Every day these workers are subjected to delays and checks at the borders that last for hours when returning home from work in Gibraltar, which as a British Overseas Territory lies outside of the Schengen area and the customs union.

Spain of course has every right to conduct checks on persons and goods passing through this border. However, such checks must not be so disproportionate as to undermine the fundamental right of EU nationals to freedom of movement through an EU border.

Nonetheless, inordinate delays at this border are a daily occurrence and when they peaked in October 2012 they lasted up to six hours. Currently there are many days where the delays still last an average of two hours.

Every citizen of the European Union, including the residents of Gibraltar and those Spanish citizens who choose to work there, has a fundamental right to the freedom to move and work anywhere within the EU.

These delays have been condemned by the Government of the UK, the Government of Gibraltar, the mayor of the Spanish border town of La Línea, and the Association of Spanish Workers in Gibraltar (ASCTEG).

Can the Commission commit to monitoring the situation at this border, report on whether the delays are disproportionate, and advise on any appropriate action it will take if it finds the delays to be inconsistent with the right of the Spanish Government to conduct checks or with the right to freedom of movement?

OJ C 56 E, 27/02/2014

Last updated: 17 July 2013

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Parliamentary questions

12 August 2013

E-007697/2013

Answer given by Ms Malmström on behalf of the Commission

Gibraltar is not part of the area without internal border controls. 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 European 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.

Following questions from Honourable Members and citizens' complaints the Commission contacted the relevant authorities to get further clarifications. Their reply is now being assessed.

OJ C 56 E, 27/02/2014

Last updated: 20 September 2013

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