

EUROPEAN PARLIAMENT

# Working Documents

1983 - 1984

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25 April 1983

DOCUMENT 1-160/83/rev.

REPORT

drawn up on behalf of the Political Affairs Committee

on the communication from the Commission of the European Communities to the Council (Doc. 1-550/82 - COM(82) 400 final - Part A) on the draft Council resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers

and

on the passport union and the abolition of personal checks at the internal frontiers of the Community

Rapporteur: Mr R. SCHIELER



By letter of 27 July 1982, the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the communication from the Commission to the Council on a draft Council resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers<sup>1</sup>.

On 13 September 1982, the President of the European Parliament referred the communication to the Political Affairs Committee as the committee responsible and to the Legal Affairs Committee for its opinion. The Committee on Transport was requested to deliver an opinion on 10 January 1983.

Pursuant to Rule 47 of the Rules of Procedure, the European Parliament referred the following motions for resolutions to the Political Affairs Committee as the committee responsible:

- at its sitting of 16 September 1982, the motion for a resolution, tabled by Mr BANGEMANN and Mr BERKHOUWER on behalf of the Liberal and Democratic Group, on easing the frontier checks at the Community's internal frontiers (Doc. 1-620/82). The Legal Affairs Committee and the Committee on Economic and Monetary Affairs were asked for their opinions;
- at its sitting of 16 September 1982, the motion for a resolution tabled by Mr GLINNE and Mr ROGALLA on behalf of the Socialist Group, on the Passport Union and the abolition of personal checks at the internal frontiers of the Community (Doc. 1-623/82). The Legal Affairs Committee and the Committee on Economic and Monetary Affairs were asked for their opinions.

At its meeting of 19 and 20 October 1982, the Political Affairs Committee decided to draw up a report. At its meeting of 29 November - 1 December 1982, it appointed Mr SCHIELER rapporteur.

The committee considered the draft report at its meeting of 14-16 March 1983. At that meeting, the committee unanimously decided to recommend to Parliament that it approve the Commission proposal with the following amendments.

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<sup>1</sup> Doc. 1-550/82 Part A - COM(82) 400 final

The following took part in the vote: Mr Rumor, chairman; Mr Haagerup, first vice-chairman; Mr Schieler, rapporteur; Mr Berkhouver, Lord Bethell, Mr Deschamps, Lord Douro (deputizing for Mr Fergusson), Mr Gerokostopoulos (deputizing for Mr Bournias), Mr Habsburg, Mr Hänsch, Mrs Lenz, Mr d'Ormesson, Mr Penders and Mr Schall.

The opinion of the Committee on Economic and Monetary Affairs is attached.

The opinions of the Legal Affairs Committee and of the Committee on Transport will be published separately.

The report was tabled on 11 April 1983.

C O N T E N T S

	<u>Page</u>
Draft amendments	5
A. Motion for a resolution	10
B. Explanatory statement	13
1. Introduction	13
2. <u>The Passport Union</u>	14
Complete abolition of personal checks at the internal frontiers of the Community	
3. <u>Freedom of movement in the Community</u>	15
4. <u>Opening up internal frontiers - frontier crossings by individuals     from one Member State to another</u>	16
How frontier controls are carried out	16
5. <u>Problem areas</u>	18
A. Controls at the internal frontiers	18
(a) Road checkpoints	18
(aa) Spot checks on persons at internal frontiers	18
(bb) Abolition of checks on persons leaving one Member State for another	18
(cc) Checks on passenger lists	18
(b) Checks at airports and seaports	19
(c) Checks on persons travelling by train	19
B. The Benelux Union and the Nordic Passport Union	19
Problems with the Nordic Passport Union	20
C. Terrorism and crime	20
D. Drug smuggling	21
E. Visa policy and the laws relating to aliens, residence and asylum	21
F. Firearms and the law	22
6. Conclusions	
ANNEX I: Doc. 1-620/82	23
ANNEX II: Doc. 1-623/82	24
Opinion of the Committee on Economic and Monetary Affairs	26

The Political Affairs Committee hereby submits to the European Parliament the following amendments to the communication from the Commission to the Council and motion for a resolution together with explanatory statement:

Text proposed by the Commission

Amendments tabled by the Political  
Affairs Committee

Communication from the Commission to the Council on a draft Council resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers

Communication from the Commission to the Council on a draft Council resolution on the gradual abolition of personal checks on citizens of Member States at the Community's internal frontiers.

Preamble unchanged

RECALLING:

RECALLING:

Six indents unchanged

ANXIOUS to make ....

Unchanged

CONVINCED that ...

Unchanged

CONSIDERING that ...

Unchanged

CONVINCED that the issuing of the European passport will in itself not be enough to establish the Passport Union,

AWARE that ....

Unchanged

CONVINCED that ....

Unchanged

HAS RESOLVED that the Member States independently of their obligations under the Treaty establishing the European Economic Community and under the provisions adopted to implement it, will undertake by 31 December 1984 at the latest :

Unchanged

Paragraphs 1 to 4 unchanged

4a. that special lanes shall be introduced for Community citizens in order to facilitate the crossing of internal frontiers by road ;

4b. that checks on passenger lists of Community citizens travelling by bus or coach shall be carried out at most on a spot-check basis;

4c. that systematic checks on persons leaving one Member State for another shall be abolished;

Paragraphs 5 and 6 unchanged

6a. Calls on the Commission, pending the final abolition of identity controls, to draw up proposals for the harmonization of visa policies, aliens' rights, the rights of asylum and residence and the laws relating to firearms and drugs.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the communication from the Commission of the European Communities to the Council on a draft Council resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers and  
on the passport union and the abolition of personal checks at the internal frontiers of the Community

The European Parliament,

- having regard to the proposal from the Commission to the Council<sup>1</sup>,
- having been consulted by the Council pursuant to Articles 2 and 3(c) of the EEC Treaty (Doc. 1-550/82 - Part A),
- having regard to the motion for a resolution tabled by Mr BANGEMANN and Mr BERKHOUWER, on behalf of the Liberal and Democratic Group, on easing the frontier checks at the Community's internal frontiers (Doc. 1-620/82),
- having regard to the motion for a resolution tabled by Mr GLINNE and Mr ROGALLA, on behalf of the Socialist Group, on the passport union and the abolition of personal checks at the internal frontiers of the Community (Doc. 1-623/82),
- having regard to the Paris Communiqué of the Heads of State or Government of 9/10 December 1974 announcing the decision to establish a passport union between the Member States of the European Community and expressly providing for 'the abolition of passport control within the Community',

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(1) OJ No. C 197, 31.7.1982, p. 6



- having regard to the decisions of the Council of 23 June 1981 and 30 June 1982 on the introduction of a European passport with effect from 1 January 1985 at the latest,
  - having regard to its resolutions of 15 October 1981<sup>1</sup> and 26 March 1982<sup>2</sup> on the abolition of personal checks at the internal frontiers of the Community,
  - having regard to the result of the vote on the Commission's proposal,
  - having regard to the report of the Political Affairs Committee and the opinions of the Committee on Economic and Monetary Affairs (Doc. 1-160/83), the Legal Affairs Committee and the Committee on Transport,
- A. aware that the citizen's sense of belonging to the European Community will be enhanced by the attainment of freedom of movement,
  - B. convinced that the issuing of a European passport will in itself not be enough to establish the Passport Union,
  - C. convinced that the abolition of identity controls at the internal frontiers constitutes progress towards the Passport Union,
  - D. aware that all the problems associated with the abolition of personal checks can only be resolved in the longer term,
1. Asks the Commission to submit to the Council the draft Council resolution for the gradual abolition of personal checks at the Community's internal frontiers as approved by Parliament;
  2. Systematic personal checks at the internal frontiers of the Community shall be replaced by spot-checks;

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<sup>1</sup> OJ No. C 287, 9.11.1981, p 93

<sup>2</sup> OJ No. C 104, 26.4.1982, pp 39 and 40

- (a) to facilitate the crossing of frontiers by road, special lanes shall be introduced for Community citizens;
- (b) special channels for Community citizens shall be introduced at airports and seaports;
- (c) in the case of frontier crossings by rail within the Community, there shall be, at most, spot checks on Community citizens;
- (d) checks on passenger lists of Community citizens travelling by bus or coach should be carried out at most on a spot-check basis;
- (e) systematic checks on persons leaving one Member State for another shall be abolished;
- (f) the agreed easing of formalities referred to above shall also be extended to minor and local frontier crossing points;
- (g) controls at the Community's external frontiers shall be strengthened accordingly;

In principle, proof of citizenship of a Member State shall be deemed to have been supplied either by the presentation of a uniform passport, the external format of which will immediately identify the holder's citizenship, or by the presentation of an identity card;

3. Calls on the Council and Commission, pending the final abolition of identity controls, to draw up proposals for the harmonization of visa policies, aliens' rights, the rights of asylum and residence and the laws relating to firearms and drugs;
4. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT1. Introduction

More than a quarter of a century after the signing of the Rome Treaties, the citizens of the Member States of the European Community are still unable to travel from one Member State to another without passing through passport and customs controls. Yet one of the main intentions of the Community's founding fathers was to achieve the free movement of persons within the Community.

Citizens of the European Community ought to have a sense of belonging to a free and peaceful Europe without barriers. Their everyday life should be influenced by the growing together of the nations of Europe, without prejudice towards their neighbours and in a spirit of mutual understanding.

In 1985 the European passport will be issued to the citizens of the Community as the first sign of this sense of belonging.

This will certainly be a step towards European integration. However, the individual citizens crossing national frontiers will continue to be subject to controls which will not be abolished by the European passport. As a result, it will make no discernible difference to him whether he submits his European passport or that of his own country. It will only be possible to make progress towards freedom of movement within the Community when identity controls are abolished completely<sup>1</sup>.

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<sup>1</sup> The Experts' Report on difficulties encountered in international road, rail and inland waterway transport (SEC/82/560 final) also gave its verdict on the European passport in these unequivocal terms.

## 2. The Passport Union

Complete abolition of personal checks at the internal frontiers of the Community.

It was a long haul from the Paris communiqué of the Heads of State or Government on 9 and 10 December 1974 to the Council's decision of 23 June 1981 and 30 June 1982 to introduce a European passport by 1 January 1985 at the latest.

The adoption of a uniform passport by the Council Resolution of 23 June 1981<sup>1</sup> is regarded by the European Parliament as no more than an interim stage on the road to the final abolition of personal checks as part of the creation of a Passport Union.

The establishment of a genuine Passport Union has been delayed and hampered in the long term by the repeated assertion that economic union, fiscal harmonization and the approximation of the various laws on the carriage of goods must first be attained.

The European Parliament has frequently pointed out that this view is without foundation and has repeatedly argued in favour of opening up the internal frontiers to the individual citizen<sup>2</sup>.

The European Parliament has never held the view that the Passport Union cannot be created until the abovementioned objectives have been attained<sup>3</sup>. On the contrary, in many questions addressed to the Council and Commission, the European Parliament has testified, to the political will to seek solutions on behalf of the European citizen. It has described the prevarication on this issue as dangerous<sup>4</sup>.

The Members of the European Parliament - who are apparently more closely attuned than the Council to the hearts and minds of the European people<sup>5</sup> - have pointed out that the European citizen wants to be made aware in his everyday life of belonging to a common Europe. This means that he will also discover the advantages of community.

<sup>1</sup> OJ No. C 241, 19.9.1981, pp. 1-7

<sup>2</sup> Most recently in its resolution of 26 March 1982

<sup>3, 4, and 5</sup> See also Debates of the EP, 16 September 1982,

No. 1-288 pp. 151-159 and Resolution of the EP, 15 October 1981,

OJ No. C 287, 9.11.1981, pp. 93 and 94

At the same time it implies that that the European citizen in the Community should be able to travel more easily from one Member State to another. One of his aspirations is the European passport, but it will only be of use if identity controls are phased out at the time when the passport is issued.

The rapporteur is aware that the objective of final abolition of identity controls will only be attainable in the long term, as the Council is not prepared to meet the needs of the citizen living in the European Community by taking speedy and direct action.

Accordingly, a medium-term policy must be countenanced in this field.

### 3. Freedom of movement in the Community

It is not the task of the rapporteur to present conclusively the legal case for the abolition of personal checks at the internal frontiers of the Community. The Legal Affairs Committee will express its opinion in this respect. However, it should be noted that Article 3(c) of the EEC Treaty, states that the activities of the Community include as a primary objective '... as provided in this Treaty ... the abolition ... of obstacles to freedom of movement for persons'<sup>1</sup>. In this way, the founding fathers of the European Economic Community made it clear that they regarded the creation of freedom of movement in the Community as an essential objective and a cornerstone in the construction of a common Europe.

The abolition of checks on persons resident in the Community falls within this objective of freedom of movement.

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(1) Article 3(c) reads in full: 'For the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein ... (c) the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital;'

4. Opening up the internal frontiers - frontier crossings by individuals from one Member State to another

In the Commission's interpretation of the law, with which the rapporteur concurs, it assumes that Article 3(c) of the EEC Treaty applies to all persons resident in the Community and not just employees, the self-employed and employers. Thus the establishment of the common market entails not just economic freedom of movement but freedom of movement in every respect.

How frontier controls are carried out

So far the European citizen in the Community has experienced little of the freedom of movement. On the contrary, in practice he is still subject to frontier controls, which mean irritating delays and often deliberately obstructive treatment.

In innumerable questions tabled by Members of the European Parliament to the Council and Commission on the operation of frontier controls at the frontiers of the Member States of the Community, the European Parliament has drawn attention to the contradiction existing between the objectives laid down in the Treaty and reality<sup>1</sup>.

In its answers to these questions, the Council has taken the view that the responsibility for laying down the procedures governing frontier controls at the internal and external frontiers of the Community lies exclusively with the Member States. For this reason, the Council actually told the House on 10 April 1978, in connection with the carrying out of police checks, that the Council regarded itself as the only body competent to address these questions<sup>2</sup>.

<sup>1</sup> Oral Questions to the Commission Docs. 1-478/82 and 1-479/82  
Written Questions to the Commission Nos. 1019/78, 234/79, 289/79,  
1770/79, 1741/79, 1712/79, 268/80, 461/80, 1073/80, 994/80, 1194/81,  
586/82, 365/82, 707/82  
Questions to the Council Nos. H-59/79, H-82/80, H-71/80, H-482/81,  
H-181/82

<sup>2</sup> Debates of the EP, 25 September 1979, p. 66

In answer to questions by Members of Parliament in this field, the Commission has adopted and defended the Council's interpretation of the Law<sup>1</sup>.

However, there were clear signs of a change in the Commission's interpretation when it addressed the House on 15 September 1982, as it had by then submitted to the Council a draft Council resolution on the easing of the formalities relating to checks on citizens of Member States at the Community's internal frontiers.

In this draft<sup>2</sup>, the Commission proposed to the Council 'to reduce the checks on citizens at the Community's internal frontiers ... while maintaining the present arrangements at the Community's external frontiers'. This includes proposals relating to the attitude of frontier police at checkpoints, irrespective of the mode of transport used (whether by road, rail, sea or air). The essential point is that in future only spot checks should be made on individuals.

In so doing the Commission has encroached upon the competence which the Council has declared to be exclusively its own. On being asked why the Commission had submitted only a draft resolution, Commissioner Narjes stated that the Commission regarded a stronger legal instrument (which can only mean a directive or regulation) as unquestionably justified, but in view of the Council's previous observations had concluded that a draft resolution was the only instrument likely to obtain a consensus<sup>3</sup>.

To this extent, therefore, the Commission may be seen to have moved closer to Parliament's position, since Commissioner Narjes has supported the order of priorities of the European Parliament rather than that of the Council. Hence, the Commission also takes the view that the abolition of personal checks must be settled as a first step. Only then should the creation of economic union and fiscal harmonization be pursued further<sup>4</sup>.

<sup>1</sup> OJ No. C 352, 31.12.1980, p. 1; OJ No. C 383, 28.12.1981, p. 23;

OJ No. C 116, 12.5.1980, p. 1.

<sup>2</sup> COM(82) 400 final, 2 June 1982

<sup>3</sup> Debates of the EP, 15 September 1982, No. 1-288/159

<sup>4</sup> Debates of the EP, 15 September 1982, No. 1-288/158

As a result, your rapporteur feels that by dissociating itself from the Council's attitude, the Commission has presented Parliament with a strong ally. For this reason, the rapporteur proposes that the European Parliament deliver a favourable opinion on the draft resolution submitted by the Commission to the Council on the easing of the formalities relating to checks on citizens.

To this end, Parliament is in turn submitting a draft resolution to the Commission providing for the gradual abolition of personal checks<sup>1</sup>.

## 5. Problem areas

The systematic nature of controls creates lengthy delays for the Community citizen at internal frontiers. He sees these delays as proof that the process of integration in the Community has run out of steam. The governments claim that frontier controls need to be maintained in order to combat terrorism, crime and drug smuggling. Moreover, they say, frontier controls are made necessary by the absence of uniformity in the law on residence and asylum, and by differences in national visa policies. However, on closer inspection these arguments turn out to be less than crucial. In the rapporteur's view, the following possible solutions are available for the medium-term easing of controls at the internal frontiers.

### A. Controls at the internal frontiers

#### (a) Road checkpoints

(aa) Instead of the present systematic checks on persons at internal frontiers of the Member States, only spot checks should be carried out in future.

(bb) Checks on persons leaving one Member State for another should be abolished. A further possibility would be the introduction of a special lane for Community citizens at road checkpoints at internal frontiers.

#### (cc) Checks on passenger lists

Spot checks ought to be sufficient.

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<sup>1</sup> Submitted to Parliament for adoption, see Annex.



(b) Controls at airports and seaports

To speed up clearance formalities, special channels for Community citizens would be of assistance, not only for citizens flying from one Member State to another but also for Community citizens arriving in the Community from elsewhere.

(c) Checks on persons travelling by train

The presentation of a European passport could make any further check unnecessary.

The rapporteur welcomes the fact that the motion for a resolution tabled by Mr Bangemann and Mr Berkhouver<sup>1</sup> and that tabled by Mr Glinne and Mr Rogalla on behalf of the Socialist Group<sup>2</sup> to the Council of the European Communities call for practical improvements at frontier crossings for citizens within the Community. The rapporteur also welcomes the call for the introduction of red and green channels for road traffic and the call to instruct frontier officials to carry out individual spot checks instead of systematic controls at the Community's internal frontiers.

In contrast to the opinion of the Committee on Economic and Monetary Affairs<sup>3</sup>, therefore, the rapporteur does not regard the funds required for the special marking of roads at internal frontiers as an unnecessary investment. Moreover, the Committee on Economic and Monetary Affairs itself acknowledges the need for the introduction at sea and air ports of special channels for Community citizens returning to the Community from outside.

B. The Benelux Union and the Nordic Passport Union

Two examples of the operation of a passport union are provided by the Benelux Union and the Nordic Passport Union. Although even these have not achieved uniform legislation on all the points at issue, it should be stressed that these countries have nevertheless given substance to political will by successfully eliminating personal checks at their internal frontiers.

(1) Doc. 1-620/82

(2) Doc. 1-623/82

(3) PE 80.658/fin., 19.1.1983

The desired European Passport Union could clash with the Nordic Passport Union which is being formed by the Scandinavian countries. The Kingdom of Denmark is a member of the Nordic Passport Union and will at the same time belong to the European Passport Union as a Member State of the Community. The Nordic Passport Union enables Danish citizens to travel to Scandinavian countries without a passport. There are fears in Danish circles that once the European Passport Union is created, because of the ensuing 'dual membership' of Denmark of two passport unions, Community citizens entering Denmark will also be able to enter Scandinavian countries without a passport. This, therefore, presents a problem for the Member State Denmark.

In the context of negotiations to establish a European Passport Union, therefore, it is essential that an appropriate solution be found with the Member States of the Nordic Passport Union.

### C. Terrorism and crime

The need to combat terrorism and crime is used to justify personal checks at the internal frontiers of the Member States.

The rapporteur is bound to observe that the problems which are deemed to be obstructions can be eliminated, if the political will exists, without much of the time needed for the practical solution of abolishing personal checks being wasted.

Experience with police search operations has shown that terrorists evade detection and arrest by crossing illegally from one Member State to another. This clearly shows that the maintenance of personal checks at the Member States' internal frontiers will not necessarily impede the flight of terrorists.

The European-wide fight against terrorism is necessary and feasible, but it is not dependent upon the maintenance of personal checks at frontiers.

In this connection, the rapporteur refers to the previous efforts of both Council and Parliament to combat terrorism and crime in the Community<sup>1</sup>.

The Commission was then urged to submit proposals for directives to combat terrorism in the Member States and proposals for directives on legal aid and penal matters, e.g. arrangements to facilitate the arrest, conviction and sentencing of offenders and to establish a uniform procedure for the cooperation of police forces in the Member States.

#### D. Drug smuggling

The consumption of drugs represents a large problem area, in which young people are most at risk.

No doubt it is true that some drug offences have been detected and prevented at frontier controls. In general, however, drug smuggling presents a problem not at internal but at external frontiers, as drugs are obviously imported into the Community from third countries. This means, therefore, that particularly stringent controls should be applied at the Community's external frontiers.

#### E. Visa policy and the laws relating to aliens, residence and asylum

Since the Member States have differing legislation on visas granted to visitors from third countries, national visa policies could be evaded at internal frontiers in the absence of checks on persons. For this reason the standardization of visa policies must be sought.

Another problem affecting freedom of movement in the Community arises from the disparities in the Member States' legislation relating to aliens. Efforts must accordingly be made to standardize the laws relating to aliens. These laws must be coordinated with the harmonization of legal provisions governing the right of residence and asylum.

The easing of checks on individuals cannot, however, be made conditional upon the prior modification of visa policy or of the law relating to aliens, residence and asylum.

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<sup>1</sup> Doc. 1-318/82 (Tyrrell Report on the European judicial area)

## F. Firearms and the law

Reference to the problem of the arms trade must not be overlooked. Here, too, efforts must be made to keep the arms trade within narrow limits. In this regard, the rapporteur draws attention to the study on the harmonization of legislation relating to the procurement, harbouring and sale of firearms in the Member States of 25 August 1978.

## 6. Conclusions

A review of the problems posed by the abolition of personal checks at the internal frontiers of the Community shows that we are not confronted by an impossible task but that solutions can be put in hand in the medium term.

It is also clear that many problems are not essentially related to internal frontiers at all but are associated with the Community's external frontiers.

The political will for European cooperation, with the eventual objective of political union, will gain in appeal if freedom of movement, which is what the Community citizen wants to see, becomes a reality.

MOTION FOR A RESOLUTION (DOCUMENT 1-620/82)

tabled by Mr BANGEMANN and Mr BERKHOUWER, on behalf of the Liberal and Democratic Group

with request for an early vote pursuant to Rule 42(5) of the Rules of Procedure to wind up the debate on oral questions Docs. 1-478/82, 1-479/82 and 1-480/82

on easing the frontier checks at the Community's internal frontiers

The European Parliament,

A - having regard to the unfortunate experiences which European citizens have suffered at the Community's internal frontiers during the peak travelling period in the recent summer months,

1. Calls on the Council of the European Community immediately to introduce practical improvements in respect both of cross-frontier travel and for persons living near internal frontiers;
2. Expects in this context that the Council will immediately take the appropriate steps to make full use of the available practical facilities at the Community's internal frontiers, especially at times of heavy traffic, i.e. in the mornings and evenings, at the beginning of the week and at the weekend and during peak travelling periods (e.g. by opening all the traffic lanes and installing 'red' and 'green' channels for those travellers with goods to declare and those with nothing to declare;
3. Calls on the Council, furthermore to instruct frontier officials to carry out individual spot checks rather than systematic controls at the EEC's internal frontiers, regardless of the mode of transport used (road, rail, water or air), when the travellers in question are nationals of a Member State of the Community;
4. Instructs its President to forward this resolution to the Council of the European Communities and to the Parliaments and Governments of the Member States.

MOTION FOR A RESOLUTION (DOCUMENT 1-623/82)

tabled by Mr GLINNE and Mr ROGALLA on behalf of the Socialist Group

with request for an early vote pursuant to Rule 42(5) to wind up the debate on oral question Doc. 1-478/82

on the passport union and the abolition of personal checks at the internal frontiers of the Community

The European Parliament,

- A. having regard to the commitments entered into by the Community
- in the first paragraph of the preamble to the EEC Treaty ('determined to lay the foundations of an ever closer union among the peoples of Europe'),
  - in Article 2 of the EEC Treaty ('establishment of a common market'),
  - in Article 3(c) of the EEC Treaty ('the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital'),
  - in Articles 48 and 235 of the EEC Treaty,
- B. having regard to the communiqué issued at the meeting of Heads of State or Government in Paris on 9 and 10 December 1974 (paragraph 10),
- C. having regard to the decision taken in December 1974 to create a passport union between the Member States of the Community and the intention, expressly formulated therein, of abolishing passport controls within the Community,
- D. having regard to its resolution adopted under Rule 49 of its Rules of Procedure on 26 March 1982 on the opening of the Community's internal frontiers,

- E. having regard to the Council decision of 23 June 1981 and 30 June 1982 to introduce a European passport by 1 January 1985 at the latest, and bearing in mind the fact that such a European passport will facilitate the identification and necessary surveillance of offenders,
1. Urges the Council and Commission to take all the necessary steps and make provision for appropriate Community legislation to ensure that, following the example of the Passport Union of the Nordic States, personal checks at internal Community frontiers are progressively reduced and finally abolished altogether by 1 January 1988, the 30th anniversary of the entry into force of the Rome Treaties;
  2. Instructs its President to forward this resolution to the European Council, the Council and Commission of the European Communities and the parliaments of the Member States.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Draftsman: Mr K. NYBORG

At its meetings of 22 September 1982 and 20 October 1982, the Committee on Economic and Monetary Affairs appointed Mr NYBORG draftsman of the opinions for the Political Affairs Committee on Doc. 1-550/82/Part a, Doc. 1-620/82 and Doc. 1-623/82.

At its meeting of 18 January 1983 the committee considered the draft opinion and unanimously adopted the conclusions contained in it.

The following took part in the vote: Mr Hopper, acting chairman; Mr Nyborg, draftsman; Mr Beazley, Mr Beumer (deputizing for Mr Collomb), Mr Carossino (deputizing for Mr Bonaccini), Mr Delorozoy, Mr de Ferranti, Mr I. Friedrich, Mr Moreland (deputizing for Miss Forster), Mr Schinzel, Mr Van Rompuy, Mr Vergeer and Mr Wedekind (deputizing for Mr von Wogau).



1. The Committee on Economic and Monetary Affairs welcomes the Commission's proposal, as the easing of checks on individuals crossing the Community's internal frontiers is of far greater practical importance to travellers than is the European passport.

2. In its most recent report on the customs union (Doc. 1-642/82), the Committee on Economic and Monetary Affairs considered what had to be done before checks on individuals between the Member States could be completely abolished.

The introduction of common aliens legislation (especially in respect of residence and work permits), a common attitude towards the issue and inspection of visas, and a joint campaign against terrorism, crime and narcotics would be the minimum required to persuade the authorities in all the Member States to refrain from more or less systematic identity checks at the internal frontier crossing points.

While the Committee on Economic and Monetary Affairs has to take into account this attitude among the authorities in certain Member States, it still doubts whether checks at the Community's internal frontiers are the most effective procedure. Essentially, if a criminal is going to cross one of the Community's internal frontiers, he himself is in a position to decide when and in what circumstances he will do so, and thus risk a check on his identity. The committee is convinced that the 'lucky' arrests at the internal frontiers could be just as, if not more, effectively made by other means (e.g. by random checks on motorways, at road junctions etc.). This view is confirmed by experience with the Nordic Passport Union.

The Committee on Economic and Monetary Affairs also considers it desirable for the Member States to comply more fully with the principle of making only spot checks on individuals. The committee therefore proposes that the Member States adapt their methods of conducting checks on car passengers as follows:

- by using mobile control posts, e.g. buses,
- by diverting the vehicles they wish to check to one side or requesting them to use a separate lane (as in normal traffic control) thereby avoiding other road-users having to wait whilst the check is in progress.

3. The Commission's proposal that the practice of systematic checks at the Community's internal frontiers be discontinued once citizenship of a Member State has been established is a welcome first step towards the complete abolition of personal checks at the Community's internal frontiers; as this is the long-term objective, we would therefore advise against too much spending on new channels for dividing EEC from non-EEC travellers, as experience has shown that once Member States have invested heavily in frontier infrastructures they are understandably reluctant to abolish the checks at a later date.

They should instead spend more on infrastructures at the Community's external frontiers, its ports and airports, to ensure that dividing EEC from non-EEC travellers does not in fact increase delays for the former.

4. It should also be pointed out that the greatest single obstruction to travellers crossing the Community's internal frontiers is the frequent systematic checks conducted by the Federal Republic of Germany on the identity of those wishing to leave its territory. If the Federal Republic refrained from such checks it would considerably ease formalities at various frontier crossing points.

5. As regards the Commission's proposal, the committee responsible should take into account the special difficulties that might arise at the crossing points on the frontier between Denmark and Germany as a result of Danish membership of the Nordic Passport Union; Denmark has given certain undertakings to Norway and Sweden concerning passport control.

On the other hand, the very existence of the Nordic Passport Union, within which persons can travel between the Nordic countries without passports or identity cards, demonstrates that the authorities are very well able to implement aliens legislation and fight crime etc. without the aid of checks on persons at frontier crossing points.

6. The Committee on Economic and Monetary Affairs would further wish to emphasize, in connection with the motion for a resolution tabled by Mr Bangemann and Mr Berkhouwer (Doc. 1-620/82), that, as it has already indicated in paragraph 3 above, it is opposed to too much investment in means of separating different groups of travellers. The committee would by far prefer that personal checks should only be conducted on a 'spot' basis and that there should be sufficient personnel on duty at border posts for these spot checks not to cause unnecessary delays.

7. The Committee on Economic and Monetary Affairs would make two further remarks regarding the motion for a resolution tabled by Mr Glinne and Mr Rogalla (Doc. 1-623/82):

- failing an agreement between the Member States pursuant to Article 235 of the EEC Treaty to abolish checks on persons at the Community's internal frontiers, it would presumably be the Court of Justice which would, in the last instance, have to give a ruling on the extent to which the abolition of checks on persons could be justified by direct reference to the terms of the Treaty<sup>1</sup>;
  
- the committee is not at all confident that the setting of a deadline (1 January 1988) would in itself bring us any nearer to our goal; the important thing is to create the conditions which would enable these checks to be abolished; the Community has already set far too many deadlines which have proved impossible to keep.

### Conclusion

8. The Committee on Economic and Monetary Affairs supports the Commission's proposal as a modicum of progress towards open frontiers within the Community. The Council should be requested to adopt a resolution at the earliest opportunity, so that checks on individuals can be eased before introduction of the European Passport.

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<sup>1</sup> Cf the Commission's reply to Written Question No. 892/82 by Mr Rogalla (OJ No. C 3, 5.1.1983, p. 4)