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**SECOND REPORT**

of the Committee on Economic and Monetary Affairs and Industrial Policy on the Commission proposal for a Council regulation on the elimination of controls and formalities applicable to the cabin and checked baggage of passengers taking an intra-Community flight and the baggage of passengers making an intra-Community sea crossing (COM(90) 370 final - C3-0296/90 - SYN 289)

Rapporteur: Mr Karl von WOGAU

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A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

\* = Consultation procedure requiring a single reading

\*\*II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

\*\*I = Cooperation procedure (first reading)

\*\*\* = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 10 September 1990 the Council consulted the European Parliament, pursuant to Article 100a of the EEC Treaty, on the Commission proposal to the Council for a regulation (EEC) on the elimination of controls and formalities applicable to the cabin and checked baggage of passengers taking an intra-Community flight and the baggage of passengers making an intra-Community sea crossing.

At the sitting of 14 September 1990 the President of the European Parliament announced that he had referred this proposal to the Committee on Economic and Monetary Affairs and Industrial Policy as the committee responsible and to the Committee on Transport and Tourism for its opinion.

At its meeting of 26 September 1990 the committee appointed Mr von Wogau rapporteur.

At its meetings of 5/7 November and 3/4 December 1990 it considered the Commission proposal and the first draft report.

At the latter meeting it adopted the draft legislative resolution by 11 votes to 1 with 1 abstention.

The following took part in the vote: Beumer (chairman); Fuchs (vice-chairman); von Wogau (rapporteur); Cassidy, Donnea, Ferreira Ribeiro, Friedrich, Herman, Lulling, Pinxten, Rogalla, Sboarina and Siso Cruellas.

On 13 December 1990 Parliament referred the report back to the committee pursuant to Rule 103 of the Rules of Procedure.

The committee considered the Commission proposal again and the second draft report at its meetings of 10 and 11 January and 5-7 February 1991.

On 7 February 1991 it adopted the draft legislative resolution NEM, CON with one abstention.

The following took part in the vote: Beumer (chairman); Desmond (vice-chairman); von Wogau (rapporteur); Barton, P. Beazley, Caudron, Colom I. Naval, Cox, Donnelly, Herman, Merz, Metten, Papayannakis, Patterson, Peter (for Mihr), Peters (for Wettig), Pinxten, Read, Rogalla, Roumeliotis, Siso Cruellas and Tongue.

The unamended opinion of the Committee on Transport and Tourism is attached.

The second report was tabled on 8 February 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

Commission proposal for a Council regulation on the elimination of controls and formalities applicable to the cabin and checked baggage of passengers taking an intra-Community flight and the baggage of passengers making an intra-Community sea crossing

Commission text<sup>1</sup>

Amendments

(Amendment No. 1)  
Article 1

Without prejudice to the safety checks applicable in air and sea transport, no controls or formalities shall be carried out in respect of:

- the cabin and checked baggage of passengers taking an intra-Community flight, subject to the provisions of Articles 3 and 4;
- the baggage of passengers making an intra-Community sea crossing.

Without prejudice to the carrying out of security checks on baggage by Member States, by the port or airport authority, or by the carrier, at the time of boarding of a means of transport, no controls or formalities shall be carried out in respect of:

- the cabin and checked baggage of passengers taking an intra-Community flight, subject to the provisions of Articles 3 and 4;
- the baggage of passengers making an intra-Community sea crossing.

(Amendment No. 2)  
Article 3

This Regulation shall not apply to:  
- the cabin and checked baggage of passengers taking a flight in an aircraft that began its journey at a non-Community airport and which pursues it between two Community airports;

Deleted

(Amendment No. 3)

- the cabin or checked baggage of passengers taking a flight in an aircraft which, after a leg between two Community airports, continues its journey by proceeding from the second community airport to a non-Community airport or to a final destination which is a non-Community airport;

Deleted

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<sup>1</sup> Full text: COM(90)370 - OJ C 212, 25.8.1990, p.8

Article 4  
(Amendment No. 4)

1. Where checked baggage coming from a non-Community airport is transferred at a Community airport to another aircraft proceeding on an intra-Community flight, that baggage shall be subject to any controls at the airport of destination of the intra-Community flight.

1. Where checked baggage coming from a non-Community airport is transferred at a Community airport to another aircraft proceeding on an intra-Community flight, that baggage shall be subject to any controls at the airport of destination of the intra-Community flight.

This shall also apply to checked baggage of passengers taking a flight in an aircraft that began its journey at a non-Community airport and which pursues it within the Community.

(Amendment No. 5)

2. Where checked baggage is loaded onto an aircraft proceeding on an intra-Community flight for transfer at another Community airport to an aircraft whose destination is a non-Community airport, that baggage shall be subject to any controls at the airport of departure of the intra-Community flight.

2. Where checked baggage is loaded onto an aircraft proceeding on an intra-Community flight for transfer at another Community airport to an aircraft whose destination is a non-Community airport, that baggage shall be subject to any controls at the airport of departure of the intra-Community flight.

This shall also apply to checked baggage of passengers taking a flight in an aircraft which, after a leg between two Community airports, continues its journey by proceeding from the second Community airport to a non-Community airport.

**DRAFT LEGISLATIVE RESOLUTION**  
(Cooperation procedure: first reading)

embodying the opinion of the European Parliament on the Commission proposal to the Council for a regulation on the elimination of controls and formalities applicable to the cabin and checked baggage of passengers taking an intra-Community flight and the baggage of passengers making an intra-Community sea crossing

**The European Parliament,**

- having regard to the Commission proposal to the Council (COM(90) 390 final-SYN 289<sup>1</sup>),
  - having been consulted by the Council pursuant to Article 100a of the EEC Treaty (C3-0296/90),
  - having regard to the first report of the Committee on Economic and Monetary Affairs and Industrial Policy and the opinion of the Committee on Transport and Tourism (A3-0355/90)
  - having regard to the second report of the Committee on Economic and Monetary Affairs and Industrial Policy and the opinion of the Committee on Transport and Tourism (A3-0025/91),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  4. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 149(2)(a) of the EEC Treaty;
  5. Instructs its President to forward this opinion to the Council and Commission, and to the parliaments of the Member States.

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<sup>1</sup> OJ No. C 212, 25.8.1990, p. 8

B  
EXPLANATORY STATEMENT

In principle the Commission proposal is to be welcomed. Its aim is to eliminate controls on the baggage of passengers taking an intra-Community flight or making an intra-Community sea crossing.

The amendments tabled can be justified, where necessary, as follows:

Amendments to Article 3

The consequence of the Commission proposal would be that passengers taking a flight between two Community airports would be subject to checks on cabin baggage and passports if the aircraft was coming from a third country and continuing its flight within the Community.

No later than 31 December 1992, however, Community citizens can expect, under Articles 3(c) and 8a of the EEC Treaty that on journeys between two Community countries they will not be subject to any passport or customs checks. The organizational reasons cited by the Commission are not sufficient, in Parliament's view, to justify a limitation of this right.

Amendments to Article 4

The purpose of Amendments 4 and 5 is to ensure that checked baggage of passengers arriving from or travelling to third countries can be checked at the destination or departure airport. As these are passengers on a flight between a Community airport and a third country airport, this arrangement is compatible with the above articles in the Treaty.

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on Transport and Tourism  
for the Committee on Economic and Monetary Affairs and Industrial Policy  
Draftsman: Mr F. WIJSENBEEK

At its meeting of 28 September 1990 the Committee on Transport and Tourism appointed Mr Wijsenbeek draftsman.

At its meeting of 27 November 1990 the committee considered the draft opinion and adopted the conclusions as a whole by 10 votes to 1 with 0 abstentions.

The following took part in the vote: Amaral, chairman; Topmann, vice-chairman; Wijsenbeek, draftsman; Bettini (for Fernex), Bourlanges, McIntosh, McMillan-Scott, Porrazzini, Sarlis, Schodruch, Visser and van der Waal.



It should be noted that the consequences of the present proposal are more important for the transport industry than might appear at first sight. The Committee on Transport and Tourism is of the opinion that it should have been the committee responsible rather than the Committee on Economic and Monetary Affairs and Industrial Policy.

The proposal has the following implications:

- airports and the handling of passengers, luggage and planes will have to be restructured completely;
- income of airlines, airports and ferry companies will suffer considerably from the abolition of duty-free sales;
- the decision about the system applicable for intercontinental passengers at their entry in the European Community;
- airport of entry or airport of final destination will have a tremendous influence on the choice of airline and destination, and through this also on the tourist industry as a whole.

The Committee on Transport and Tourism agrees with the fundamental principle (as supported by the rapporteur for the Committee on Economic and Monetary Affairs and Industrial Policy) that intra-Community traffic - persons (with their luggage) and goods - should be treated as domestic traffic. It is however unacceptable that, because of the division of powers between the Community and the Member States, we have to give our opinion about the customs procedures to be applied for both hand and checked luggage of air and maritime intra-Community cross-border passengers without knowing whether at the same time immigration procedures will remain as they are at present - i.e. unsatisfactory.

We consider that the psychological effect for the citizen of travelling throughout the Community without being subject to controls is positive, even if this means that the average citizen will lose the possibility of a minor revenge on the tax-burden imposed on him by buying a few duty-free goods. It should however be noticed that the possibility exists that the abolition of duty-free sales might lead to a transfer of bookings via third countries such as Switzerland and to a diversion of holiday package tours from the traditional Community destinations such as Spain, Greece, Portugal and Italy to third countries such as Morocco, Turkey and Tunisia. Whatever positive effect there was would nevertheless disappear completely if intra-Community air and maritime passengers still had to pass immigration in the same systematic way as before, without even a change to spot checks as for car or train traffic.

If this major condition of acceptance were to be fulfilled, from the point of view of the Transport Committee one major difficulty would remain to be solved: the treatment of intra-Community passengers on a flight of third country origin, as for example New York - London - Athens. It would be virtually impossible to make a distinction both in the transit and at the final destination between the passengers of different categories on the same flight. While this might be possible for checked luggage, it would be impossible to board and unload the passengers and their hand luggage in different terminals.

Conclusion

Having regard to the above remarks, the Committee on Transport and Tourism approves the Commission proposal without amendment.