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Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and
Transport

on the ~~difficulties~~ encountered at the Community's internal frontiers – the
transport of passengers and goods by road

Rapporteur: Mr Guillaume SCHYNS

By letter of 7 March 1978 the Committee on Regional Policy, Regional Planning and Transport requested authorization to draw up a report on the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road.

Authorization was given by the President of the European Parliament in his letter of 16 March 1978. The Committee on Economic and Monetary Affairs was asked for its opinion.

On 19 April 1978 the Committee on Regional Policy, Regional Planning and Transport appoint Mr Schyns rapporteur.

It discussed the draft report at its meetings of 26 October 1978 and 22 February 1979 and unanimously approved the motion for a resolution and the explanatory statement on 22 February 1979.

Present: Lord Bruce of Donington, chairman; Mr Nyborg and Mr McDonald, vice-chairmen; Mr Schyns, rapporteur; Mr Albers, Mr Brugger, Mr Corrie, Mr Delmotte, Mr Jung, Mrs Kellett-Bowman, Mr Mascagni, Mr Noè and Mr Seefeld.

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

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	9
Introduction	9
Difficulties encountered when internal frontiers of the Community are crossed and possible means of simplifying checks and formalities	12
A. Obstacles to transfrontier traffic having their origin outside the transport sector	14
(1) General customs regulations and obligations	14
(2) Fiscal and monetary formalities and checks	16
(3) Quality and health checks	18
(4) Police checks	19
B. Obstacles to transfrontier traffic created by transport regulations	21
(1) Formalities and checks connected with general transport provisions	22
(2) Formalities and checks of a fiscal nature	25
(3) Checks of a technical nature	29
(4) Checks aimed specifically at groups of travellers	31
(5) Checks on drivers	31
C. Obstacles caused by inadequate facilities at frontier crossing points and the unsuitable organization of customs services ...	33
(1) Inadequate facilities	33
(2) Inadequate organization of customs services	36
Conclusions	40
Opinion of the Committee on Economic and Monetary Affairs	42

The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road

The European Parliament,

- having regard to the report of the Committee on Regional Policy, Regional Planning and Transport and the opinion of the Committee on Economic and Monetary Affairs (Doc. 678/78),
 - having regard to its earlier resolutions, particularly its resolution on the Community's regional policy as regards the regions at the Community's internal frontiers¹ and its resolution on the development of the customs union and the internal market²,
 - aware of the great symbolic importance attached to the elimination of barriers to transfrontier traffic in the Community,
 - aware also of the fact that delays at the Community's internal frontiers cause transport undertakings additional costs,
1. Deplores the fact that twenty years after the establishment of the European Community and two years after the creation of the customs union the transfrontier transport of passengers and goods in the Community is still badly hampered by a large number of frontier checks and formalities;
 2. Regrets that its efforts and proposals and those of the Commission aimed at simplifying frontier checks and formalities have still not had the desired effect and with few exceptions have not produced tangible results;
 3. Notes that most obstacles to transfrontier transport do not have their origins in transport provisions, but are the consequence of legislation of a technical, economic, monetary or fiscal nature;

¹ OJ No. C 293, 13.12.1976, p.37

² OJ No. C 108, 8.5.1978, p.29

4. Is convinced that most obstacles to transfrontier traffic which do have their origins in the transport sector could already have been eliminated if the Community had succeeded in implementing a genuine common transport policy;
5. Notes further that many of the difficulties now occurring at internal frontiers are the result of a lack of flexibility on the part of the national customs administrations and of concealed protectionism on the part of the national governments;
6. Feels that at both national and Community level every measure should be taken that may help to simplify frontier formalities and make frontier checks more flexible, in the expectation that they can be completely abolished;
7. Takes the view, therefore, that time-consuming and costly delays at the Community's internal frontiers can be avoided by
 - (a) providing for closer cooperation among the national customs and control authorities and between these authorities and the appropriate services of the Community, with priority given to the mutual recognition of certificates and checks;
 - (b) abolishing without delay frontier formalities and checks which have lost their *raison d'être*;
 - (c) abolishing without delay frontier checks which can equally well be carried out further inland in a Member State;
 - (d) replacing systematic checks by random checks in the fight against fraud, account to be taken in particular of existing infrastructures and the traffic density at frontier crossing points;
 - (e) adjusting the number of staff at frontier posts and the opening hours of frontier offices to the density of traffic;
 - (f) generally carrying out customs formalities applicable to intra-Community trade at customs offices specifically installed for this purpose at the place of departure;
 - (g) replacing frontier checks by other checking procedures such as the inspection of company accounts;
 - (h) largely standardizing customs forms and encouraging the use of forms intended for a number of different purposes;
8. Feels that identity checks at internal frontiers should be made only occasionally, for example as part of certain exceptional police or security operations, and that the introduction of a European passport would noticeably simplify such checks;

9. Takes the view that the following measures should be taken with regard to specific transport policy checks and formalities:
 - (a) the report on the use of a bilateral or multilateral transport authorization should be stamped not at the frontier but at the customs office at the place of destination;
 - (b) frontier checks on the registration certificates of motor vehicles and those made to ensure compliance with social legislation applicable to road transport should be abolished;
10. Points out that the greatest difficulties at present encountered in the transfrontier transport of passengers and goods by road are attributable to the differences in the legislation of the various Member States on the taxation of motor fuels and as a solution proposes that:
 - (a) the fuel in the normal tanks of commercial vehicles should be completely exempt from duty;
 - (b) a minimum number of litres of fuel carried in jerrycans should be duty- and tax-free in all Member States;
11. Calls for the immediate abolition of the road taxes levied on foreign buses and coaches;
12. Advocates, in the interests of the free movement of persons and in particular of the right to freedom of establishment, the early introduction of a European driving licence;
13. Considers it essential that the infrastructural facilities provided for customs purposes at frontiers be adapted to actual traffic requirements as soon as possible;
14. Regrets the many gaps that exist in the road network, above all in frontier areas, considers it essential that special efforts be made in this area;
15. Feels that the Community can make a useful contribution with regard to road construction both financially and in the sphere of coordination;
16. Requests the Commission to look into the best ways of providing Community aid for infrastructural projects in frontier regions;
17. Urges the Commission to continue its efforts to facilitate transfrontier passenger and goods transport with even greater zeal and feels that to this end its staff must be increased;

18. Requests its appropriate committee to follow this matter closely and if necessary to report to it on the subject;
19. Instructs its President to forward this resolution and the report of its committee to the Council and Commission and to the parliaments and governments of the Member States.

EXPLANATORY STATEMENTI. INTRODUCTION

1. It is distressing to find that twenty years after the establishment of the EEC and almost two years after the creation of a customs union, crossing the internal frontiers of the Community still causes the same, if not greater, difficulties. There is no denying that the citizens of the Community have no sympathy for the excessive number of frequently irksome and time-consuming frontier checks, which lead them to question their belief in the purpose and benefits of the process of European unification. As mayor of a village on the Belgian-German border your rapporteur is daily confronted with this depressing fact. Experience repeatedly shows that the national frontiers within the Community still form real barriers to the free movement of persons, services and goods, a goal solemnly laid down by the Treaty of Rome.

2. The aim of this own-initiative report, therefore, is to take stock of the various problems encountered when an internal frontier in the Community is crossed and to propose practical solutions to simplify frontier formalities and make frontier checks more flexible, with a view to their complete abolition, which it is hoped will be achieved as rapidly as possible.

3. Your rapporteur fully realizes that his intentions may appear ambitious since many problems in this field have a distinctly political complexion and are closely interrelated. He is also aware that most transport problems in frontier areas have their origins outside the transport sector in national and/or Community legislation governing another sphere. The vast majority of customs formalities to be completed and most checks carried out at frontiers have in fact little or nothing to do with transport regulations or traffic legislation: they are the result of technical, economic, monetary or fiscal provisions.

During an exchange of views on the advisability of drawing up an own-initiative report on this subject in committee on 1 March 1978 it became clear, however, that although the majority of these measures do not originate from the transport sector, they have adverse effects on this sector in particular. All the members of the Committee on Regional Policy, Regional Planning and Transport who spoke on this occasion therefore stressed the desirability of a report on the subject. In view of the important economic and fiscal implications your committee felt from the outset that the Committee on Economic and Monetary Affairs should state its opinion on those aspects of the problem which fall within its terms of reference. Your rapporteur naturally attaches considerable importance to this committee's opinion and

wishes to take this opportunity to recall the extremely useful work it has done in the past on the implementation of the customs union and the internal market. In this context he would refer in particular to Mr Nyborg's report (Doc. 557/77), which was debated and approved during the European Parliament's April 1978 part-session¹ and of which this report is in many ways an extension.

4. Mr Nyborg's is not, however, the only report to which reference will be made below. The Committee on Regional Policy, Regional Planning and Transport has also carried out pioneering work in this field in the shape of Mr Gerlach's own-initiative report on the Community's regional policy as regards the regions at the Community's internal frontiers (Doc. 355/76). Although Mr Gerlach's report summarizes and discusses specific transport problems in general terms, it outlines the frontier problem as a whole and furthermore suggests the establishment of 'Euro associations' with their own powers as a means of solving frontier problems. It goes without saying that the Gerlach report forms a welcome basis for the treatment of this complex material.

5. It is certainly no exaggeration to say that the difficulties encountered when frontiers are crossed are among the items which have concerned the European Parliament most frequently. The great interest shown by Members of the European Parliament in this problem is evident from the many written and oral questions on this subject that have been put to the Council and Commission and from the numerous debates to which an oral question, motion for a resolution or report has given rise.

6. To avoid pointless duplication and overlapping, your rapporteur feels it advisable to give a precise definition of the subject-matter of this report accurately. This would also seem inevitable in view of the extreme complexity of the subject and the high level of interdependence of the various factors involved.

7. This report deals exclusively with problems encountered in the transport of passengers and goods by road at the internal frontiers of the Community.

It follows from this that: (a) typically economic and monetary aspects and problems will be discussed only if they have implications for the transport of passengers and goods by hampering or preventing the smooth operation of this type of transport when frontiers are crossed;

(b) the difficulties arising in this connection in the railway, inland waterway, sea and air transport sectors will not be considered; in your rapporteur's view these problems must be

¹ Report by Mr Nyborg on behalf of the Committee on Economic and Monetary Affairs on the development of the customs union and the internal market (Doc.557/77), OJ No.

dealt with in a separate report;

(c) the problems encountered specifically at the external frontiers of the Community will not be discussed in this report.

8. Your rapporteur would point out that the problems and difficulties involved in closer cooperation at the Community's external frontiers will form the subject of an own-initiative report shortly to be submitted by Mr Brugger on behalf of the Committee on Regional Policy, Regional Planning and Transport. Your committee has also discussed at length the problems specifically connected with EEC transit traffic through Austria and Switzerland on the basis of the excellent own-initiative report drawn up by Mr Giraud (Doc. 500/75), prior to which Mr Noè had submitted an own-initiative report on the improvement of traffic infrastructures across the Alps (Doc. 85/73).

9. On 26 October 1978 the Committee on Regional Policy, Regional Planning and Transport approved the above limitations during a detailed exchange of views on a plan of work (PE 54.902 of 3 October 1978). At the same meeting a number of suggestions were made, all of which have been taken into account by your rapporteur in the drafting of his report. Your rapporteur has also taken up the request made by the chairman of the Committee on Regional Policy, Regional Planning and Transport, Lord Bruce of Donington, that present difficulties should be illustrated with practical examples to make clear the absurdity of certain frontier checks and customs formalities¹.

¹ To make for ease of reading, anecdotes and examples are given in footnote form.

II. DIFFICULTIES ENCOUNTERED WHEN INTERNAL FRONTIERS OF THE COMMUNITY ARE CROSSED AND POSSIBLE MEANS OF SIMPLIFYING CHECKS AND FORMALITIES

10. When the Treaty establishing the European Economic Community was signed, the most important objective was the achievement of a customs union. That high priority should be given to the removal of customs frontiers was due not only to economic and political considerations but also to the awareness of the great symbolic importance of this for the citizens of the Community.

Although this customs union between the nine Member States of the Community entered into force on 1 July 1977 - on paper at least - a homogeneous geographical area in which persons, goods and services can circulate without obstruction cannot yet be said to exist.

11. The customs union falls, of course, within the terms of reference of the Committee on Economic and Monetary Affairs and need not therefore be discussed in greater detail here, but it would undoubtedly be useful to refer briefly to its essential features.

In a customs union all tariff barriers between the member states are removed and a common external tariff established vis-à-vis non-member states. Thus since mid-1977 the Nine have in theory formed a single customs area and the imposition of customs duties or levies having the same effect on intra-Community trade have been prohibited. A customs union also implies that the national customs legislation of the member states is coordinated and that common customs legislation is created. But the introduction of Community customs law has not yet been completed.

12. The removal of barriers at the Community's internal frontiers also implies, however, the elimination of quantitative restrictions and non-tariff obstacles. Although quantitative import and export restrictions were abolished as long ago as early 1961 - at least as regards industrial products - this is far from being the case where non-tariff barriers are concerned. As the harmonization of national legislation must precede the abolition of this kind of barrier, it will obviously take some considerable time before this obstacle can be removed. Unfortunately the national governments have introduced numerous measures to protect their industries and efforts to have such measures withdrawn naturally meet with stiff resistance in many cases.

There is therefore little cause for hope to be found in the fact that customs duties form only the small, visible part of the iceberg, the whole remainder of which consists of non-tariff barriers to trade, as Mr Nyborg rightly puts it¹. It is clear that the fact that many procedures and

¹ Nyborg Report on the development of the customs union and the internal market, Doc. 557/77, p. 10

formalities are still almost exclusively national in character results in a proliferation of the administrative requirements to which the goods in intra-Community trade are subject'¹. The present application of in some cases nine national procedures that differ to a greater or lesser extent also give the lie in practice to the principle of the unity of the common customs tariff².

13. Apart from the many measures which come under the heading of disguised protectionism and which it is almost impossible to identify accurately, there are a number of legislative and administrative provisions having their origins in the protection of public safety, order and morality, human and animal health, the fight against fraud, etc.

Before examining the various categories of obstacles to transfrontier traffic more closely, your rapporteur, would like to complete these preliminary remarks on the customs union by pointing out that significant results have undeniably been achieved in this sphere, for example as regards the Community transport system, but this does nothing to change his view that progress towards a genuine integrated market is too slow and that there are still too many shortcomings, which obviously is a very serious hindrance to ease of movement across frontiers.'

14. People regularly travelling from one Member State to another are well aware that the national frontiers are more than mere administrative boundaries. For many the checks and formalities at frontier posts are a continuing source of frustration and annoyance. It is in fact difficult to escape the impression that frontier formalities and checks have become more involved and more numerous.

In this context it is significant that the number of customs officials has not noticeably decreased from the establishment of the European Community until the present and in certain countries, particularly Belgium, France and Italy, it has even increased³.

15. This phenomenon certainly cannot be explained away simply by referring to the growth in intra-Community trade and the increase in the intra-Community transport of tourists and those travelling for professional reasons. If the positive results of the entry into force of the customs union are borne in mind, it must be clear to everyone that this explanation is completely inadequate.

¹ Communication of the Commission to the Council and to the European Parliament on the state of the customs union of the European Economic Community, COM(77) 210 final of 13 June 1977, p. 10.

² See document by the Commission of the European Communities on the development of the customs union and of the internal market, SEC (78) 920 of 5 June 1978, p. 3.

³ In answer to a written question by Mr Yeats, No. 851/77, the Commission stated that in 1958 there had been 69,437 customs officials in the original Member States of the Community compared with 67,922 on 1 July 1977; OJ No. C 199, 21.8.1978, p. 7.

16. The real cause of this depressing development stems, in your rapporteur's view, from the fact that Community customs legislation has in many cases been added to national legislation rather than replacing it^{1, 2}. It is obvious that ensuring observance of Community legislation represents for national customs officials an additional burden, which unfortunately is not always offset by the abolition of superseded national customs practices. Both the Commission and Mr Nyborg, in his abovementioned report (Doc. 557/77), have pointed out that the national customs services, jealous of prerogatives and averse to innovation, all too frequently apply the simplified arrangements proposed by the Commission in different ways or in a half-hearted manner, where they apply them at all. The variations in the application of Community customs provisions by the national customs authorities is undoubtedly due partly to the fact that these provisions are usually contained in directives (which merely state the aim) rather than regulations, which are binding in every respect. If Community customs legislation is to be applied uniformly, it would therefore seem advisable for regulations to be enacted in future instead of directives. Only then will it be possible to prevent Community provisions from being applied in accordance with national procedures.

A. Obstacles to transfrontier traffic having their origin outside the transport sector

17. The question of obstacles to transfrontier traffic having their origins outside the transport sector does not, of course, fall within the terms of reference of the Committee on Regional Policy, Regional Planning and Transport. Your rapporteur nevertheless feels that this report cannot simply ignore these aspects, since they have a considerable effect on international transport. He will therefore confine himself in this chapter to the essentials, i.e. summarize the principal causes of obstruction and indicate the most effective solutions.

(1) General customs regulations and obligations

18. The various customs formalities to be completed cannot be discussed here; this subject is in any case of little relevance for the Committee on Regional Policy, Regional Planning and Transport, although it is interested in measures that can be taken to facilitate transport across frontiers and to prevent unnecessary interruptions in transport operations.

¹ Evidence of this is provided by the noticeable increase in the number of customs officials in the new Member States: on 1 January 1973 there were 28,741 such officials in Denmark, Ireland and the United Kingdom; by 1 July 1977 this figure had risen to 34,630. See written question by Mr Yeats, No. 851/77.

² The opening of customs offices inland has obviously played a part in the increase in the number of customs officials.

In this respect your rapporteur endorses the solutions proposed by the Commission, notably in its communications on the state of the customs union (Doc. COM(77) 210 final of 13 June 1977 and SEC(78) 920 of 5 June 1978), and the suggestions made by the Committee on Economic and Monetary Affairs in Mr Nyborg's basic report (Doc. 557/77).

19. Unnecessary delays at the internal frontier posts of the Community can be avoided by:

- (i) providing for closer cooperation among the national customs and control (e.g. health) authorities and between these authorities and the appropriate services of the Community;
- (ii) transferring, where possible, customs posts from the frontier to a point further inland¹;
- (iii) abolishing systematic and/or special frontier checks and increasing the number of random checks, and also providing for the mutual recognition of customs checks;
- (iv) immediately abolishing unnecessary checks²,
- (v) simplifying and standardizing essential customs forms and encouraging the use of forms intended for a number of different purposes;
- (vi) introducing Community legislation to simplify present customs formalities on the basis of regulations to ensure the uniform interpretation and application of these Community provisions^{3, 4};
- (vii) basing customs checks on company accounts as far as possible;
- (viii) generally completing customs formalities for the transport of goods at offices provided for this purpose at the place of departure;

¹ That this is feasible in practice is demonstrated by various frontier crossing points between Belgium and the Netherlands. On the Antwerp-Breda motorway, for example, the red light has been replaced by a speed restriction to remind drivers that they are crossing a frontier.

² Such as checks on green insurance cards

³ The organization of seminars for national customs officials by the the Commission to familiarize them with Community legislation should be encouraged.

⁴ See in this context the Simplification Programme adopted by the Commission on 25 February 1975, Doc. COM(75) 67 final.

(ix) providing for greater flexibility in the case of goods of a non-commercial nature;

(x) providing for a more flexible approach by the national customs authorities and officials¹ and adapting customs inspection to the density of traffic^{2, 3}

20. It should be pointed out that this list of specific and practicable solutions is not exhaustive. Certain solutions will be discussed in greater detail in this report in connection with one or other regulation affecting traffic at frontiers.

(2) Fiscal and monetary formalities and checks

21. A customs official's responsibilities include the collection of indirect taxes on imported goods. The collection of turnover taxes and excise duties, especially at peak hours or during the tourist season, is bound to create delays at frontier crossing points. But as long as VAT rates vary so considerably in the various Member States as they unfortunately do at present⁴, checks will have to be made and taxes collected at the frontier or inland if fraud, smuggling and shifts in patterns of trade are to be prevented⁵.

¹ All too frequently it is found that customs officials show exaggerated zeal and make a systematic check of documents even though this is in fact quite optional, a specific example being the type-approval certificates for motor vehicles. Needless to say, those crossing frontiers have no sympathy with such action, and the resulting waiting periods cause irritation.

² This implies that the number of staff at customs offices should vary throughout the day to meet actual requirements, that the offices should where necessary stay open longer and that opening times on both sides of the frontier should be the same.

³ A typical example of lack of consideration for the density of traffic is the Evrange-Frisange frontier post on the French-Luxembourg border on the road from Luxembourg to Thionville, where during the holiday season neither the facilities nor the number of customs officials normally present are such as to ensure the smooth flow of traffic, and delays frequently occur.

⁴ To illustrate this point, the VAT rates on passenger cars in the various Member States are: Belgium 25%, Denmark 18%, Germany 12% France 33%, Ireland 35%, Italy 18 or 35% depending on cylinder capacity, Luxembourg 10%, Netherlands 18%, United Kingdom 8%.

⁵ Members of the European Parliament travelling by car from Luxembourg to Brussels can see cigarettes being bought in admissible or inadmissible quantities at the petrol stations on the right side of the road in Martelange, which is Luxembourg territory. This is hardly surprising in view of the considerable difference in prices: a packet of one of the most popular Belgian brands of cigarette at present costs Bfrs 41 in Belgium as compared with Bfrs 31 in the Grand Duchy.

22. If this problem is to be solved, the principal requirement is that there should be a single VAT rate throughout the Community. As things stand, however, early harmonization of indirect taxes does not seem possible. Your rapporteur therefore feels that for the time being steps should be taken to minimize the delays at frontier posts caused by checks on or the collection of VAT and duties. The achievement of more effective cooperation among the various customs and tax authorities would seem one of the most suitable means. In addition, present procedures should be appreciably simplified.

23. In his report Mr Nyborg said that a temporary solution might be to concentrate the registration of movements of goods either in the exporting or the importing country¹. Pioneering work has already been done here in the Benelux countries, thus proving that the introduction of such a system is not a pipe-dream².

24. These measures must be accompanied by further efforts with regard to exemptions for those travelling from one Member State to another.

In a communication on the elimination of checks in intra-Community trade, the Commission states that it would be difficult to carry out checks on goods carried by persons travelling by road other than at the frontier and that the only way of eliminating such checks would therefore be the achievement of complete freedom³. Complete freedom from duties cannot, however, be achieved immediately, and the Council and Commission have opted for a gradual approach⁴. A directive adopted on 28 May 1969 exempted goods up to the value of 75 u.a. from taxes and duties at the internal frontiers. On 12 June 1972 this directive was amended, the intra-Community exemption being raised to 125 u.a.⁵.

¹ Report on the development of the customs union and the internal market (Doc. 557/77), p.28, point 4.5.2., second paragraph.

² Annex 4 to the Nyborg report reproduces an article on the abolition of VAT frontiers in the transport of goods within the Benelux Union, pp. 46-50.

³ Document of the Commission of the European Communities SEC(70) 283 final, p. 42.

⁴ In his Written Question No. 168/77 to the Commission Mr Seefeld referred to the following statement by the Commission: 'The various VAT rates in the Member States of the European Communities will not be approximated for several decades to come'; OJ No. C 107, 8.5.1978, p.4.

⁵ OJ No. L 133, 4.6.1969, p.6 and OJ No. L 139, 17.6.1972, p. 28, respectively.

On 31 December 1976 the Commission proposed that this sum should be increased by 75 u.a. After 18 months of discussions the Council decided on 19 December 1978 that it should be increased by 55 u.a., the present limit therefore being 180u.a.¹.

Progressive increases in exemptions for travellers will clearly help to ease checks and collection procedures at frontiers since there will then be less need for them.

25. Checks of a fiscal nature on motor vehicles and on fuels in the tanks of commercial vehicles (buses and lorries) will be discussed in a later chapter (see Section B, Chapter 2).

26. To protect their foreign currency reserves and as an internal monetary policy instrument, certain Member States, notably Italy and the United Kingdom, apply foreign currency restrictions. Checks to ensure that bans on the import and export of national currency above a given limit are being observed obviously hamper international travel. It is to be hoped that the introduction of the European Monetary System will bring about a rapid change in this situation and result in the abolition of preventive checks in the monetary field. Some countries of the Community still operate certain restrictive provisions regarding the import and export of gold. Alternative solutions must be sought as a matter of urgency so that travellers are no longer subject to such controls.

(3) Quality and health checks

27. The purpose of quality and health checks is to protect the consumer and the health of the public. They include checks on:

- the quality of industrial products (e.g. measuring instruments, the hall-marking of precious metals, etc.) and agricultural products (fruit and vegetables);
- medicines and pharmaceutical products;
- narcotics;
- veterinary provisions (vaccination certificates, health certificates);
- plant protection provisions;

¹ OJ No. L 366, 28.12.1978, p.28