



PREPARING FOR MEMBERSHIP

INFORMATION SHEET No. 18

EUROPEAN UNION TRAVELLERS

- In accordance with Article 30 of the European Community Treaty, individual member states retain the right to check European Union travellers.
- Customs therefore has the right to check European Union travellers for carrying of items prohibited or restricted either as imports, exports or as goods in transit.
- Member states may take such measures as they consider necessary to combat terrorism, crime, the traffic of drugs and illegal trading of art and antiques.

THE SINGLE MARKET

- **ARTICLE 7a – THE TREATY OF ROME:** On a January, 1993 the European Community became a Single Market, which in the words of Article 7a of the Treaty of Rome is “an area without internal frontiers in which the free movement of goods, persons, services and capital is entered in accordance with the provisions of this Treaty”.
- **ARTICLE 36 – THE TREATY OF ROME:** Article 36 of the Treaty of Rome authorises Member States to maintain prohibitions and restrictions on imports and exports on grounds of public morality, public policy, public security and the protection of health.
- **ABOLITION OF FISCAL FRONTIERS:** With the completion of the Single Market the Customs Department will cease to operate a fiscal frontier for traffic from other EU Member States. Fiscal checks will cease and Customs work at the frontier will be confined to anti-smuggling checks permitted by Article 36, as amended by Article 30. EU travellers will be able to bring into Malta as many tax and duty paid goods as they like provided they are for their personal use. Only in respect of alcohol and tobacco does EU law provide a system of ‘minimum indicative level’ to help distinguish between commercial and personal use quantities.
- **ADJUSTING TO THE SINGLE MARKET:** The Customs Department will introduce a number of important changes to anti-smuggling controls, the aim throughout being to ensure that intra-EU passengers going through Maltese ports and airports do not perceive themselves as being under routine customs control. The net effect of this change is that baggage and

car hall layouts will no longer present an impression of a controlled environment to travellers.

- **ANTI-SMUGGLING IN THE SINGLE MARKET:** The key challenge of the Single Market has been how to reconcile the facilitation of free movement with the need to maintain the effectiveness of the anti-smuggling efforts. Notwithstanding the abolition of fiscal controls customs officers can continue to conduct risk based anti-smuggling checks at the frontier based on intelligence, profiles or structured risk testing. The location of these tests is influenced by Malta's geography, with ports and airports forming natural control points, as per Article 30 of the Treaty of Amsterdam.
- **NON-EU TRAFFIC:** The right of free movement set out in Article 7a of the Treaty of Rome do not affect the control of non-EU traffic. Officers have the authority to stop, challenge and question non-EU passengers and examine non-EU freight for both fiscal and anti-smuggling purposes as part of the requirement on Member States to strengthen the external frontier of the EU. Malta's position as the southernmost frontier of the EU will thus impose very heavy responsibilities on Maltese Customs especially if as an effect of membership non-EU traffic is diverted to Malta.

THE TREATY OF AMSTERDAM IN PERSPECTIVE

FREE MOVEMENT OF GOODS

- **ARTICLE 23 (EX ARTICLE 9) :**
 - The Community shall be based upon a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries.
 - The provisions of Article 25 and of Chapter 2 of this Treaty shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States.
- **ARTICLE 24 (EX ARTICLE 10):**
 - Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in the Member State, and if they have not benefited from a total or partial drawback of such duties or charges.
- **ARTICLE 30 (EX ARTICLE 36):** The provisions of Articles 28 and 29 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archeological value; or the protection of industrial or commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

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