



21.5.2019

NOTICE TO MEMBERS

Subject: Petition No 0980/2018 by P.T. (German) on carrying items during foreign travel

1. Summary of petition

According to the Schengen agreement, special authorisation is required in order to carry medications covered by the narcotics act to another country in the Schengen area. This authorisation must be obtained before each journey, and is only possible for a maximum of 30 days per year. Journeys to other countries or journeys lasting more than 30 days per year would only be possible if the medications were left behind. The petitioner asks for the possibility of carrying these medications abroad for an unlimited period of time. He also requests special authorisations to be issued for longer time periods, rather than for individual journeys. Additionally, he encourages several countries to accede to this provision, so that travellers can bring medications for chronic illnesses when travelling to these countries.

2. Admissibility

Declared admissible on 8 February 2019. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 21 May 2019

The petition refers to what is stipulated in Article 75 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 19 June 1990 which entered into force in 1995 and was subsequently incorporated as part of the Schengen acquis into EU law by the Amsterdam Treaty. Article 75 was subsequently subject to a decision of the (Schengen) Executive Committee of 22 December 1994 which established the certificate provided for in the aforementioned Article to carry narcotic drugs and psychotropic substances as well as a

list of central authorities to be contacted in the event of problems, generally national ministries of health or related bodies. The decision moreover stated that the certificate should have a maximum validity of 30 days.

Article 75 gives the right to travellers to Schengen countries or between Schengen countries to carry narcotic drugs or psychotropic substances for medical reasons provided that, at any check, they produce a certificate provided by a competent authority of their state of residence. Article 75 refers to the medicinal products mentioned in the 1961 Single Convention of Narcotic Drugs and the 1971 Convention on Psychotropic Substances. Under these conventions, additional substances can be subjected to the checks laid down by national law on drugs.

The petitioner asks:

- to extend the current maximum number of travel days where the carrying of drugs/ medicine falling under drugs legislation is allowed (namely, a validity of the certificate allowing the carrying of substances on travel that is longer than 30 days);
- to extend the number of countries that are part of the Schengen area, also beyond Europe or to come up with another specific agreement that would allow travelling with such substances;
- that the current situation constitutes a limitation in the rights and freedoms as well as participation and equality of persons with disabilities.

The main thrust of the petition is thus to facilitate rules governing long-term travel for persons carrying (for medical reasons) drugs/ medicine falling under drugs legislation. The control of such substances is handled by border guards and/ or customs whereas the permission (certificate) to carry such substances for treatment purposes is issued by health authorities.

It is to be noted that at international level, travelling with narcotic substances is governed by jointly developed guidelines of the International Narcotics Control Board and the United Nations Office on Drugs and Crime from 2003 and recommendations laid out in the United Nations Commission on Narcotic Drugs resolution 46/6 of the same year. In those guidelines, a reference to a period of 30 days is made (“quantities were calculated on the basis of a 30-day period of treatments”).

Conclusion

The Commission has no intention at present to propose any amendments to the legislation in force.