



6.5.2019

NOTICE TO MEMBERS

Subject: Petition No 0077/2018 by Ismail Cuellar de la Torre (Spanish) on border crossings between Spain and Morocco

1. Summary of petition

The petitioner requests that the European Parliament take urgent measures to alleviate the deaths that have occurred on border crossings between the cities Ceuta and Melilla (Spain) and Morocco due to landslides and crushing.

2. Admissibility

Declared admissible on 19 June 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 6 May 2019

The Commission is aware of the situation in Ceuta and Melilla at the border with Morocco as regards the high number of persons, in particular women, crossing the border on a daily basis and carrying heavy loads mostly for trade activities. This activity contributes to existing pressures on the border and the border crossing points and increases the risk of public disorder.

Most of the persons crossing the border daily for trade purposes are residents of the provinces of Nador et Tetuan and benefit as such from specific rules for crossing the external border into Spain in accordance with the Declaration by the Kingdom of Spain on the cities of Ceuta and Melilla in the Final Act to the Agreement on the Accession of the Kingdom of Spain to the Convention Implementing the Schengen Agreement of 14 June 1985¹. In practice,

¹ Agreement on the Accession of the Kingdom of Spain to 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 signed at Schengen on 19 June 1990, to which the Italian Republic acceded by the Agreement signed at Paris on 27 November 1990. OJ L239, 22.09.2000, p. 69.

residents from these two provinces queue in separate lanes at border crossing points between Morocco and Ceuta or Melilla and they undergo a simplified border check procedure in accordance with specific arrangements in place for local border traffic. During the Schengen evaluation of Spain that took place in September 2017, experts were informed that the border crossing points for this specific local border traffic were opened only for 4 hours a day for security reasons. The high number of persons wishing to cross the border coupled with the limited opening time of the border crossing point has resulted in long queues at borders. However, the Commission recalls that the responsibility for carrying out border controls lies with each Member State, which can lawfully decide to limit the opening hours of a border crossing point² for example when this is required for security reasons.

In addition, the problems faced by persons crossing the border of Ceuta and Melilla on a daily basis for trade purposes are therefore not exclusively related to the organisation of the border crossing points but also to working conditions. In that sense, the Commission would like to refer to the answer by Commissioner Avramopoulos to the written question by Members of the European Parliament Ms Albiol Guzmán, Mr Marcellisi and Mr Urban Crespo (E-004111/2017)³.

Conclusion

The Commission monitors the situation at the borders of Ceuta and Melilla through its own mechanisms (especially the Schengen Evaluation Mechanism) and is in regular contact with Spain on these matters. Nevertheless, due to national responsibility in matters of border management, the Commission considers that the meeting proposed by the petitioner should take place at a national level and primarily involve the Spanish authorities.

² “External borders may be crossed only at border crossing points and during the fixed opening hours”, Article 5(1) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across the borders (Schengen Borders Code), OJ L 077, 23.03.2016, p.1.

³ http://www.europarl.europa.eu/doceo/document/E-8-2017-004111_EN.html