

WRITTEN QUESTION E-0226/03

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to the Commission

Subject: Regulatory obstacles to intra-Community trade in gold products - breach of Article 28 of the EC Treaty

It is now almost 50 years since the entry into force of the EC Treaty and the related provisions establishing a common market and yet many regulatory obstacles still exist and are preventing the free movement within the EU of gold products legally hallmarked and marketed in a Member State.

This applies, in particular, to Italian gold products which, although manufactured, legally hallmarked and marketed in Italy, find it difficult to move from Italy to some other Member State of the EU because of the legislation and regulatory obstacles in force, particularly in France, Ireland and the United Kingdom.

It is now consistently established by Community case law that any trade regulations enacted by Member States which may actually or potentially impede intra-Community trade directly or indirectly are regarded as measures with an effect equivalent to quantitative restrictions and hence a breach of Article 28 of the EC Treaty.

Despite recent complaints - some of which are still pending - and despite the seriousness of the violations established, which erode a freedom, that of the free movement of goods, which is crucial for the Community, the Commission does not appear to have paid the necessary attention to this issue so far.

1. In the light of the situation described above, can the Commission say how it intends finally to put an end to any impediments or obstacles to free movement between Member States, within the common market, of gold products legally manufactured, hallmarked and marketed in a Member State?
2. Can the Commission explain why, despite repeated reports, it has so far failed to intervene with sufficient rigour to put an end to the breaches described above?