

**Question for written answer E-003272/2019  
to the Commission**

Rule 138

**Samira Rafaela, Sophia in 't Veld**

**Subject:** Detention and seizure of Dutch citizen's passport by Spanish police in Melilla

On 3 September, the Spanish police arrested a Dutch citizen who was standing in line for a ferry from Melilla to Málaga. They seized his passport and detained him for two days. He was subsequently released, but the police kept his passport and belongings. After living on the streets of Melilla for a month, he retrieved his passport from the Spanish authorities and returned to the Netherlands<sup>1</sup>.

- 1 Can the Commission confirm that, as required by Regulation (EC) No 444/2009, all Spanish border control and police units have the equipment and information necessary to access, authenticate and verify fingerprints stored on passports, and, if not, can it confirm that infringement procedures will be launched immediately against Spain?
- 2 Can the Commission explain whether a member of the Schengen zone has the right to seize the passport of an EU citizen if border control cannot determine whether the passport is authentic and belongs to the holder, for example because a border control or police unit does not have the required equipment to verify fingerprints?
- 3 On which European legal safeguards can citizens rely when crossing this 'internal' Schengen border between Melilla/Ceuta and mainland Spain, should they face discrimination, detention, or arbitrary or unlawful seizure of their passport?

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<sup>1</sup> [https://elpais.com/politica/2019/10/08/actualidad/1570558193\\_659442.html](https://elpais.com/politica/2019/10/08/actualidad/1570558193_659442.html)