Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 436
19 October 1955

Simplification of frontier formalities for travellers

Motion for a recommendation
tabled by the Committee on Legal Affairs and Human Rights

The Assembly,

The Assembly, Having considered the communication of the Committee of Ministers on the simplification of frontier formalities (Doc. 346) and the report of the Committee on Legal and Administrative Questions which is appended hereto,

Feels that the Ministers' Deputies, in merely consulting Government Departments at home and reproducing their often negative arguments, have overlooked the political advantages to the European community as a whole of the measures advocated by the Assembly and have not fully exploited all possibilities of implementing them or of reaching partial agreements where appropriate ;

Considers that it would be helpful to all concerned if the Committee of Ministers themselves, sitting at the level of the Foreign Ministers, would discuss the Assembly's proposals from the point of view of their general desirability on political grounds and give guidance to their Deputies accordingly, thereby permitting a more thorough and hopeful examination of the reforms proposed;

Emphasises once again that there is a strong public demand in all member countries for relaxations in travel formalities and that an overall review of these is long overdue ;

Reminds the Committee of Ministers of the success which attended the lead taken by the Federal Republic of Germany in unilaterally abolishing visas, which was quickly followed by reciprocal action on the part of all other Member States and expresses the firm conviction that the best method and most conducive to swift results is for States which are willing to relax travel formalities not to insist on reciprocity as a prior and necessary condition for taking action;

Calls upon the Committee of Ministers to take prompt action on the following recommendations and requests that information concerning the action taken by the Committee of Ministers and the results achieved should be conveyed to the Assembly as early as possible and not later than the next spring session of the Assembly ;

SECTION A.

Passports

While maintaining its conviction that the ultimate objective of the Council of Europe must be the total elimination of passports for the purpose of travel between Member States of the Council of Europe;

Recalling in particular that such an objective has been proved a practical possibility by the regional passport unions formed between the Scandinavian countries and by Ireland and the United Kingdom, both having been a complete success;

Having been informed that special arrangements exist among the Benelux countries, between Belgium, Luxembourg, France and Switzerland and between Belgium, Luxembourg, France and the Saar, whereby passports are not required and identity cards or out-ofdate passports are considered as documents providing adequate means of identification and that these special arrangements are entirely satisfactory;

Demeurant convaincue que l'objectif final du Conseil de l'Europe doit être la suppression complète du passeport pour les voyages entre les États membres ;

Rappelant notamment que la possibilité d'atteindre cet objectif a été démontrée en pratique par les unions régionales de passeport établies entre les pays Scandinaves ainsi qu'entre l'Irlande et le Royaume-Uni, initiatives qui ont été couronnées toutes deux d'un plein succès;

Informée qu'il existe entre 4 les pays du Benelux, entre la Belgique, le Luxembourg, la France et la Suisse, et entre la Belgique, le Luxembourg, la France et la Sarre, des arrangements spéciaux en vertu desquels le passeport n'est pas exigé, et les cartes d'identité ou les passeports périmés sont considérés comme titres offrant un moyen d'identification suffisant, et que ces arrangements spéciaux donnent entière satisfaction;

Considering that the Government of the Federal Republic of Germany is reported to have agreed, on the proposal of the appropriate Sub-committee of the Bundestag Foreign Affairs Committee, to dispense with the passport requirement, if necessary by unilateral decisions, in the case of nationals of certain other Member States provided they are in possession of a valid identity card;

Considering that the Governments of Belgium, France, Italy, Luxembourg and the Saar have let it be known that they arc prepared to examine the possibility of taking similar measures, subject to reciprocity,

Expresses the view that the favourable attitude of these countries forms a satisfactory basis for conversations to begin at once, at least between certain neighbouring countries,

Recommends to the Committee of Ministers :

1. that those States or groujîs of States which have shewn willingness to co-operate in an effort to modify the present passport requirements Avith regard to nationals of other Member States, namely, Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Saar, should begin at once bilateral or multilateral conversations under the auspices of the Committee of Ministers with a view to putting those proposals into effect;
2. that the States named in paragraph J. should also consider at once the possibility of taking unilateral action not only in relation to the nationals of the other States named therein but in relation to the nationals of all other Member States of the Council of EurojDe;
3. that Member States other than those mentioned in paragraph :l should forthwith reconsider their attitude on this question, that they be given full information as to the satisfactory working of the arrangements mentioned in the third recital of this section and that, if they so wish, they should be invited to attend bilateral or multilateral negotiations between interested parties as observers;

SECTION B

Visas

Taking note with satisfaction that among Member States of the Council of Europe visas for business or tourist visits not exceeding three or in some cases two months have now been eliminated, except those for travel between Greece and Ireland, Turkey and Ireland, and Turkey and the Saar, which will be abolished b y 1st January, 1956;

Having been informed that the Federal Republic of Germany intends to do away with visas altogether, regardless of the proposed duration of visitors' stay in the country, and that, as a consequence, it will no longer be necessary for passports, where required, to be stamped or invariably examined on entry into the Federal Republic of Germany;

Considering that ordinary visas for travel between all Member States, on the one hand, and Austria and Switzerland, on the other hand, have in practice also been abolished,

Recommends to the Committee of Ministers :

1. that Member States which have not already done so should examine tbe possibility of completely eliminating visas where they are still required for visits of more than two or three months' duration by nationals of other Member States;
2. that Member States which have not yet eliminated visas in tbe case of Finland, Portugal, Spain and Yugoslavia should give immediate consideration to the possibility of doing so, without necessarily insisting on reciprocity;

3. that active consideration be given to the possibility of eliminating visas, without necessarily insisting on reciprocity, for travel between Member States and as many non- European States with whom friendly relations are maintained as possible;

4. that the possibility be explored of making arrangements with the Central and Eastern European States whereby tourist visas might be granted more liberally than hitherto by all Governments as a possible contribution towards better understanding between East and West and as a first step towards the ultimate abolition of visas with these countries;

SECTION C

Motor Vehicles

Having regard to the comments of Member Governments on Recommendation 59 on the simplification of frontier formalities for motor vehicles,

Regrets that the Committee of Ministers should have given such superficial treatment to a question which, in view of the constant increase in international motor traffic in Europe, is of the utmost importance and calls for imaginative measures and that four Governments, namely those of France, Italy, Luxembourg and Turkey, should not even have forwarded their views on the Assembly's proposals ;

Having received categorical assurances that the system introduced more than a year ago in Denmark and Sweden whereby customs documents are no longer required in the case of temporary importation of private A'ohicles from other Scandinavian States and formalities at frontiers are reduced to an occasional check of the motor vehicle's national registration papers and of the driver's domestic-driving licence, is a complete success,

Calls upon the Committee of Ministers to give careful and thorough consideration to the various proposals contained in Section C of Recommendation 59, to which the Assembly still subscribes in full, and to convene the committee of experts provided for therein without further delay ;

Requests that if certain Governments really feel, despite evidence to the contrary from the Scandinavian States, that the proposals of the Assembly are " likely to occasion serious fraud " , they should try out the new arrangements for an experimental period of six months or one year as a temporary concession; and

Renews its wish that the possibility of taking unilateral action should be kept in mind at all times ;

SECTION D

Inspection of Travel Documents

Having regard to the practice successfully introduced recently in the Scandinavian States where there is no identity check of any kind for Scandinavians at intra-Scandinavian frontiers ;

Considering that pending the adoption of similar measures in other European States, the vast increase in tourist traffic demands that a system of occasional checks, by which is meant that only a small proportion of bona fide tourists e. g. 5 % would be stopped and asked for their travel documents, should be adopted in as many Member States as possible, and especially at frontier posts where traffic is heaviest, for example at Kehl;

Emphasising that no reduction in the existing statutory powers of immigration officers is considered and that the concessions contemplated could be withdrawn at any time in an emergency,

Recommends to the Committee of Ministers that, until such time as identity checks can be abolished at least between neighbouring States, Member States should take steps to relax their practice as regards the inspection of identity documents of tourists from other Member States at land frontiers and introduce a system of spot or occasional checks and that this should be done forthwith between neighbouring States as regards the nationals of these States.

Draft Order of the Assembly

The Assembly

Decides to forward Recommendation... to the Speakers of the Houses of the Parliaments of all Member States of the Council of Europe for information ;

Invites Representatives to table such motions as may be appropriate in their Parliaments and to take any other steps considered useful to press their Governments to act swiftly upon this Recommendation;

Instructs the President of the Assembly to forward this Recommendation to the Governments of Finland, Portugal, Spain and Y u g o s l v i a for information.

Report of the Committee on Legal and Administrative Questions on the communication from the Committee of Ministers concerning the simplification of frontier formalities (Document 346)

1. Your Committee on Legal and Administrative Questions has, through its Sub- Committee on the simplification of frontier formalities for travellers, given careful consideration to the communication of the Committee of Ministers (Document 346). This is neither an impressive nor an encouraging document and, despite mellifluous words, the cumulative effect of the decisions taken b y the Committee of Ministers is slight.

2. Your Committee feels, moreover, that inadequate attention has been paid to the two recommendations passed by the Assembly on the subject of frontier formalities, Recommendations 51 and 59. It appears quite clearly that the Ministers' Deputies have been content to seek the A views of Government Departments at home and to reproduce their Avell-knoAvn apologies for doing nothing, the implication being that frontier formalities should be treated as one of the assumed discomforts of life. The detailed comments of the Committee of Ministers appended to Resolution (55) 8 are merely compilations of technical objections, no attempt having been made at Aveighing their true significance and importance in the light of the undoubted adantages which the adoption of the Assembly's proposals would bring to the peoples of our countries and to the European community as a whole.

3. Such treatment of a question does not allay the anxiety of the Assembly about the work of the Committee of Ministers, especially as the problem of greater t i w e l facilities is a non-controAversial and comparatiAvely simple task—compared with the vastly more intricate issues Avhich haAre been raised in the Council of Europe. Your Committee feels bound to draw the Assembly's attention to the following points which reveal grave insufficiencies in the Committee of Ministers' report, and in its methods of work.

4. Visas. The almost complete abolition of visas as between Member States of the Council of Europe is claimed as a triumph; but, in fact, it has taken more than three years to achieve, and the decisive move was the unilateral abolition of visas by the Federal Republic of Germany. Nor did the statement that Greece, Iceland, Ireland, Luxembourg, the Saar and Turkey intend to abolish visas by 1st January, 1956, reflect the true situation at the time when Doc. 346 was forwarded to the Assembly. In fact, Luxembourg had already abolished visas with all member countries and so had-Greece, Iceland, Ireland, the Saar and Turkey, except in five cases, now reduced to three, which are mentioned in the draft Recommendation submitted to the Assembly. The wording used by the Committee of Ministers gives an inaccurate impression. Finally, it is quite insufficient to say, in response to a recommendation of the Assembly, that " the great majority " of Member States have abolished visas with Austria and that " several " have done so in the case of Finland and Portugal. The Committee of Ministers should state clearly and accurately to which States these vague terms refer.

5. Passports. To the Assembly's proposal for the eventual abolition of passports for travel between Member States and for the immediate recognition, where appropriate, as a valid travel document, of the identity card which is issued in most member countries, the Committee of Ministers replies with a paragraph in praise of passports. Thus the Committee of Ministers states that " it understands that the passport is not unduly expensive or at all difficult to obtain in any member country " . Is the Committee of Ministers' aware that in France and Iceland a passport costs over £2 (valid for 3 years in both countries) and that it costs £1. 3s. Od. in Italy (valid one year only)? Do the Ministers not consider that such a sum is an important item in a student's or a working man's budget? And do they know, moreover, that in Italy an applicant must, in addition to subsion mîtting an application, certify, by means of appropriate documents, that he has discharged satisfactorily any responsibilities he may have as regards his family (consent of father or spouse, where appropriate), the law (certificate showing record and any criminal case pending) and the State (consent of military authorities)? It was because the use of an identity card which people already possess or can easily obtain in most Member States represents an appreciable step forward that the Assembly recommended, as an intermediate measure, its more general recognition, where appropriate, as a valid travel document. Your Committee is perturbed to find such inaccuracies in a ministerial report. In view of the concessions which various Governments have been reported to be considering, your Committee finds it difficult to believe that this report represents the considered views of Member Governments.

6. Customs Concessions. The Committee of Ministers is in error when it states that " the OEEC decision of 30th April, 1954 (C(53) 320 final—a copy of which is appended) provides for greater facilities than those recommended by the Assembly " . This decision, which was not in fact appended to Document 346, allows duty free entry to souvenirs imported in transit in tourists ' luggage up to a value of 50 U. S. dollars in the case of nationals of European countries. The proposal of the Assembly was to allow as a minimum concession all travellers to import duty-free, not in transit but as final importation, goods for personal consumption up to a value of 20 U. S. dollars. As is explained in the Report of the Committee on Legal and Administrative Questions, Doc. 201, the Scandinavian countries in adopting their new system recently, found that by making official such n concession (50 U. S. dollars) which meets the needs of ordinary tourists, thoy were able to reduce tho customs inspection of travellers to spot checks, by which is meant that about 4 % of travellers arc questioned, the others being allowed to pass the customs control point without being stopped. It is this radical step, successfully introduced in the Scandinavian countries, that the Assembly wishes the Committee of Ministers to study. The Committee of Ministers goes on t ô quote the warning of the Administrative Council for Customs Regulations of the Benelux Customs Union. It is significant that the Belgium Government, having mentioned the difficulties inherent in the proposal, stated that " they would, nevertheless, be prepared to re-examine the question should it undergo further development as a result of Council of Europe action " . Lastly, your Committee objects to the claim often made by the Committee of Ministers that the situation in the Scandinavian countries is different and that the example of the Scandinavian countries " gives too rosy an impression " . Would the Committee of Ministers substantiate this claim and explain in detail why and in what way it believes the situation to be so different? The Scandinavian members of the Committee state that widespread opposition was voiced in their countries when the reforms were first proposed, but now everyone agrees, including the Government Departments concerned, that the new system works perfectly well.

7. Frontier formalities for motor vehicles. Your Committee is said by the Committee of Ministers to have recognised the revolutionary character of the proposals contained in paragraphs 1 to 4 of Recommendation 59. No such statement was ever made. In fact, your Committee had merely foreseen that the immediate abolition of customs documents might be considered so revolutionary as to be unpalatable to certain Member States and therefore went on to propose, as an intermediate step, the establishment of a European temporary importation paper, on the model of the Scandinavian temporary importation paper. Apart from this remark, the Committee of Ministers gives the impression of complete impotence as regards these proposals. Sympathy is expressed for them, but no action is taken beyond reproducing and classifying arguments in defense of the existing unsatisfactory situation. The Committee of Ministers gives the impression that it has good intentions but is completely unable to detach itself from the views of vested interests and approach the problem vigorously and with a fresh mind.

8. Finally, the Committee of Ministers does not appear to know whether the Geneva Agreement of 16th June, 1949, mentioned in Section B of Recommendation 59, has now been superseded by the Agreement concluded on 4th June, 1954, at the United Nations Customs Conference. The reasons why the Assemblyis asked to study and give its opinion on the question whether the Irish Government should accede to the former or to the latter are obscure. That is surely a matter for the Irish Government. It seems that the practical effect of the second of these instruments is merely to bring into force on a world-wide basis the Geneva Agreement of 16th June, 1949, which was concluded between European Powers.

9. The Committee of Ministers has referred back to the Assembly for further study Recommendations 51 and 59. Your Committee feels strongly that, as the advocates of progress, they have a strong case. There is wide recognition in Member States that reform is needed and is long overdue. Your Committee has therefore reconsidered its earlier proposals and has decided to table a new recommendation urging the Committee of Ministers to reconsider the question of travel facilities and actively seek to achieve agreement, so that their deeds match the sentiments expressed in M. Hadji Vassiliou's letter. Your Committee looks to the Committee of Ministers to initiate a conscientious review which will lead to a change of attitude and to positive steps being taken to facilitate travel in Europe and thus contribute to European unity.

10. Your Committee in submitting this Recommendation has decided to be selective and to deal only Avith passports, visas, formalities for the temporary importation of private motor vehicles and practice in relation to inspections of travel documents at frontiers. The proposals contained in the draft Recommendation are self-explanatory, and your Committee does not propose to comment on them in detail. Full explanations were given in your Committee's two previous reports, namely Document 201 of 22nd September, 1953 (Report on the simplification of passports, customs and currency formalities)

and Document 240 of 20th May, 1954 (Report on the simplification of frontier formalities for private motor vehicles). This, of course, does not mean that your Committee are less interested in customs and currency formalities. We have thought it expedient to examine a certain number of points only and we hope that the Intergovernmental Conference set up as a result of the Messina Conference will produce results which accord with the Assembly's wishes.

11. Your Committee would like to draw attention to the draft Order which is appended to the draft Recommendation, and in particular to the invitation which is addressed to all Representatives to table such motions as may be appropriate in their Parliaments and to take any other steps considered useful by way of pressure on their Governments to act swiftly upon this Recommendation. It is particularly important for the pressure of public opinion to be brought to bear on Governments through their Members of Parliament in view of your Committee's support for and emphasis on unilateral action as a speedy method of achieving results. Your Committee, for its part, is determined to exert itself to the utmost to secure prompt, resolute and far-reaching measures of simplification. It desires in this connection to bring to the Assembly's notice the fact that after the setting up of the Scandinavian Interparliamentary Committee in 1952, an Interparliamentary Committee was created in France under the chairmanship of M. Pinton, and a Sub-committee of the Bundestag Foreign Affairs Committee under the chairmanship of M. Kiesinger was formed to study the simplification of frontier formalities. It is greatly to be hoped that similar committees will be created in other member countries to stimulate progress towards freedom of movement in Europe and that they will keep in close touch with one another.

12. This report was considered by the Committee on Legal and Administrative Questions on 18th October, 1955. It was adopted unanimously.