The Commission takes these kinds of allegations very seriously and, in such cases, would immediately withdraw its financial assistance from related projects.

This question will not be included as such on the agenda of the Union-India Summit but any topic can be discussed or raised at some point in an informal way. There are also other India-Union fora where human rights related issues can be raised.

(2002/C93E/151) WRITTEN QUESTION E-2412/01 by Cristiana Muscardini (UEN) to the Commission

(21 August 2001)

Subject: Italian fishing vessels seized in Guinea-Bissau

In early June, two Italian fishing vessels (the Excalibur and the Barracuda) which belong to the Martinsicuro-based company Italfish and which at the time were outside Guinea-Bissau’s territorial waters, were seized purely on a pretext. In the intervening period, no action has been taken in order to resolve the issue.

Although at the time of the seizure the two vessels were fishing (according to the testimony of the shipping inspector from Guinea-Conakry) seven miles outside Guinea-Bissau’s territorial waters, the local tribunal has imposed a huge fine so as to have a pretext for seizing them.

Can the Commission intervene with a view to establishing:

- what the situation of the Italian vessels is;
- what guarantees have been sought on behalf of the crews;
- what guarantees have been negotiated for the purpose of safeguarding the owners’ rights?

Can the Commission also:

- take urgent action with a view to having the vessels returned;
- suspend all agreements with Guinea-Bissau;
- review, in the light of the instability prevailing in the country and the lack of institutional guarantees, the eligibility of the country (which has already had $790 million of its debt waived) for the poor countries’ debt-reduction programme?

Answer given by Mr Fischler on behalf of the Commission

(2 October 2001)

The Barracuda is not a Community vessel, but rather a trawler flying the Senegalese flag.

The Excalibur, which flies the Italian flag, is currently awaiting the completion of legal procedures in the port of Bissau, following its seizure on 29 June 2001.

As regards the nature of the alleged offence (fishing without a permit in the waters of Guinea-Bissau), it is impossible to reach an unbiased conclusion on whether or not the ship was in the waters of Guinea-Bissau at the time of inspection. Contrary to the obligations imposed by Community legislation (Article 3 of Council Regulation (EEC) No 2847/93 of 12 October 1993, establishing a control system applicable to the common fisheries policy (1)), the Excalibur was not equipped with a satellite Vessel Monitoring System (VMS). This system, which has been compulsory since 1 January 2000, would have allowed verification of the ship’s position at the time of inspection.
Safeguarding the interests of the shipowner and crew is a matter solely for the owner or the flag State.

Through its delegation to Bissau, the Commission has nevertheless closely monitored the events following the seizure of the ship, and has been in contact with the Italian consular and diplomatic authorities in Guinea-Bissau.

The Commission is aware that the problems arising from this situation pose severe difficulties to the owner and crew of the Excalibur, but would stress that no legal basis exists to link between the current legal proceedings in Guinea-Bissau and the implementation of its fisheries agreement.


---

(2002/C 93 E/152) WRITTEN QUESTION P-2417/01
by Albert Maat (PPE-DE) to the Commission
(3 September 2001)

Subject: Border checks in the United Kingdom in connection with foot-and-mouth disease

Despite the continuing crisis involving foot-and-mouth disease in the United Kingdom no disinfection measures whatsoever are being taken at the country's borders, ports and international airports, creating a genuine risk that the disease may be exported to other parts of the EU.

Why is the Commission not taking any steps, possibly in the form of penalties, to force Member States to implement the requisite measures?

---

Answer given by Mr Byrne on behalf of the Commission
(8 October 2001)

Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of Foot and Mouth disease (FMD) (1) establishes provisions for the disinfection of potentially contaminated materials and vehicles to be applied in the holdings and in the areas where outbreaks of this disease have occurred.

In relation to the FMD outbreaks in the Community in 2001, additional provisions on disinfection have been laid down in several Decisions adopted by the Commission in accordance with the opinion of the Member State experts in the Standing Veterinary Committee, which has met very frequently to examine the FMD situation.

As regards the United Kingdom, additional provisions on disinfection, including the disinfection of road vehicles leaving the United Kingdom, are laid down in Commission Decision 2001/356/EC of 4 May 2001 concerning certain protection measures with regard to FMD in the United Kingdom and repealing Decision 2001/172/EC (2), which has been amended several times to take the evolution of the situation into account.

In order to evaluate the action taken by Member States to implement the relevant Community legislation, the Commission's Food and Veterinary Office (FVO) has, in the last six months, carried out several inspections on the operation of FMD controls in all the affected Member States, with particular attention to the United Kingdom.

During these missions, shortcomings have been detected in the implementation of Community rules regarding biosecurity measures, including disinfection, in relation to disease outbreaks, and to the movement of vehicles carrying livestock and animal products. The Member States concerned have been required to take appropriate corrective measures, and to report to the Commission upon the actions taken.