

WRITTEN QUESTION E-3140/02
by Giacomo Santini (PPE-DE)
to the Commission

Subject: Unlawfulness of Directive 91/67/EEC

The current EU legislation on animal health checks in the aquaculture industry incorporates complex provisions governing the award to zones or farms of 'approved' status. In particular, the provisions of Directive 91/67/EEC¹ and the subsequent implementing measures lay down in great detail the rules governing testing procedures in the laboratories run by national animal health authorities and impose, in cases where the presence of certain diseases is brought to light, extremely strict safeguards which represent a breach of the right of ownership. The rules do not stipulate that a technician designated by the firm concerned should be present when the tests are carried out or that, at least, a second test may be requested, even though the very survival of what are generally small firms depends on the outcome. These provisions would seem to be clearly at odds with the right of ownership, a fundamental human right which can be restricted only in a manner proportional to the objective to be achieved.

What interpretation does the European Commission place on the rules in force and does it take the view that the right of ownership is being violated? If so, what measures does it plan to take to bring an end to this unlawful state of affairs?

¹ OJ L 46, 19.2.1991, p. 1.