

WRITTEN QUESTION E-3281/03

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to the Commission

Subject: Follow-up to question E-1740/02 on the free movement of captains

On 30 September 2003 the European Court of Justice gave his decision in the Anave case (C-405/01). This case concerned the relationship between Article 39 of the Treaty and the free movement of captains. The Commission deferred answering written questions E-1022/02¹ and E-1740/02² pending the outcome of the case.

1. Now that the Commission knows the Court's decision in the Anave case, can it provide detailed answers to questions E-1022/02 (and the associated question E-02069/01³) and E-1740/02?
2. Does the Commission not also consider that the position it expressed in answer to written question E-2069/01, namely the obligation to sail under a captain of the same nationality as the flag does not violate Community rules on the free movement of workers, is no longer tenable following the Court's judgment in the Anave case?
3. What measures will the Commission take in response to this judgment? Is the Commission planning to bring infringement proceedings against countries, such as Germany, where laws maintain nationality requirements for captains?

¹ OJ C 299 E, 26.9.2002, p. 170.

² OJ C 301 E, 5. 12.2002, p. 220.

³ OJ C 40 E, 14.2.2002, p. 177.