On the other hand, if he is normally resident in the Member State of which he is a national and/or which is his State of origin (in which case he will be only temporarily resident in Germany), the Directive does not allow him to use, even temporarily, a wholly tax-exempt vehicle rented in another Member State in the Member State where he is normally resident. The Directive is based on the principle that as a rule, the tax exemption applies in Member States other than that of the user's normal residence. There are exceptions but the example quoted by the Honourable Member is not among them.

However, it should be noted that:

(a) Under Article 9 of the Directive Member States may apply more liberal arrangements. They may authorise prolonged temporary or exceptional use and have discretion regarding the conditions subject to which tax is charged. Member States often use this option to deal with situations such as the one described by the Honourable Members. It is probably under this provision that the Netherlands charges the periodic tax (Motorrijtuigenbelasting) on non-exempt vehicles not covered by the mandatory provisions of the Directive when such vehicles are used in the Netherlands.

(b) Under a new proposal for a Directive (1), amending the above Directive, the Commission provided for the possibility of tax-exempt use of a 'private vehicle registered in another Member State and rented from a car rental firm under a rental contract which commenced in that Member State by a resident of the Member State of temporary use, subject to a limit of eight days use'. The proposal was forwarded to the Council in February 1998 and Parliament handed down a favourable opinion on 18 June that year but the proposal remains before the Council.

In similar cases in other Member States the Commission has taken the view that practices such as the one described in point (a) seem to strike a balance between the free movement of vehicles in the European internal market and the legitimate financial interests of Member States with regard to vehicle taxation. Here, the Commission departments have contacted the Netherlands authorities to clarify whether, in this particular case, the tax involved is the Motorrijtuigenbelasting or another tax, and check what it involves.

On the question of what, in practice, is the normal residence of the person to whom this question refers, for practical reasons this has to be decided by the national authorities in accordance with the provisions of Article 7 of the Directive and relevant ECJ case law.

As to the provisions applicable to officials and other servants of the European Communities, the Commission does not see how the Protocol on the privileges and immunities of the European Communities (particularly its Article 12) — which also applies to the European Central Bank (2) — could prevent taxation by a Member State other than that of the headquarters of the body concerned of the private use of an official's vehicle, particularly if the official maintains his normal residence in the Member State of his nationality or origin.


(2) Under Article 23 which was added in Article 9(5) of the Treaty of Amsterdam.

WRITTEN QUESTION E-0350/01
by Raffaele Lombardo (PPE-DE) to the Commission
(13 February 2001)

Subject: Urgent measures to combat BSE

Given the serious nature of the threat to human health at European level posed by BSE and related diseases and in the light of the frightening Community document of October 1990 containing instructions
designed to play down the dangers and scale of the disease solely for economic and commercial reasons and the fact that the institutions have a duty to comply with the provisions on public health and consumer protection laid down in Articles 152 and 153 respectively, will the Commission say:

- what measures it considers must be taken as a matter of urgency to determine the political responsibility of those who mounted an unacceptable campaign of disinformation and a conspiracy of silence and how they should be disciplined?

- whether it intends to introduce compulsory checks in the Member States not only on cattle older than 30 months, but on all animals intended for human consumption regardless of their age or geographical origin, together with appropriate measures to extend tests to all countries in the world;

- whether it considers it necessary to commission specialised research institutions to carry out investigations into the danger of using animal meal in the fish-farming sector too, to draw up strict rules for controls on feedingstuffs and the chemical agents used to clean fish tanks, and to adopt the precautionary principle in case of the slightest doubt;

- whether it intends to confirm and extend the determination expressed in its proposal for a directive submitted on 24 May 2000 concerning the prohibition on the use in stockfarming of certain substances having a hormonal action?

Answer given by Mr Byrne on behalf of the Commission

(17 May 2001)

As regards the internal note of 12 October 1990 concerning bovine spongiform encephalopathy (BSE), the Commission would refer the Honourable Member of Parliament to the replies already provided on this subject, to Written Question P-1975/96 from Mr Goldsmith (1), E-1819/97 from Mr Cabezón Alonso (2) and E-3767/97 from Mrs Muscardini and others (3).

The policy to focus the testing on animals over 30 months of age is based on the average incubation period for BSE, which is 4-5 years, and the sensitivity of the tests. Only 0.05% of all the cases of BSE have been detected in animals less than 31 months of age. The vast majority of these cases also occurred in the United Kingdom at the height of its BSE epidemic when bovines were exposed to very high levels of contaminated feedingstuffs. The tests presently available will detect BSE in the clinical phase of the disease, or close to the clinical phase, but not early in the incubation period. Research is continuing on more sensitive tests with the potential to detect the disease at an earlier stage of incubation.

Currently all bovine animals over 30 months of age slaughtered for human consumption in the Community must be tested, with a possibility for Austria, Finland and Sweden to derogate from this requirement for animals slaughtered for their national market only. This derogation was granted based on the lower risk of BSE in those Member States, as assessed by the Scientific Steering Committee.

A harmonisation of BSE related import conditions should take place in the framework of the proposed Regulation of the Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSE) (4), which is currently in the process of adoption. Those import conditions will be based on a scientific assessment of the BSE risk in the Member State concerned and on an examination of the most appropriate measures to manage that risk, including testing. The recommendations of the international standard in this area will also need to be taken into account. Currently, the international standard does not recommend BSE testing at slaughter as a trade condition.

So far, the occurrence of TSEs has not been reported for fish. A research project addressing the issue of TSE in farmed salmon is ongoing in the context of the FAIR programme, funded by the Community. Since 1 January 2001 the feeding of animal meal to farmed animals, including farmed fish is prohibited. By way of derogation fishmeal can be fed to farmed fish under strict control and production conditions established by Community legislation. In particular, fishmeal must be produced using exclusively fish caught in the open sea or fresh by-products from fish from plants manufacturing fish products for human consumption. These conditions are in line with the most recent scientific advice on this matter.

All hormones having an oestrogenic, androgenic or gestagenic action, which could be used for growth promotion, are covered by the proposal for a Parliament and Council Directive (2) amending Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists (3). This proposal bans their use for growth promotion. The Commission is awaiting the adoption by the Parliament and the Council of this proposal.

(2) OJ C 21, 22.1.1998.
(7) OJ L 125, 23.5.1996.

WRITTEN QUESTION E-0351/01
by Elly Plooij-van Gorsel (ELDR) to the Commission
(13 February 2001)

Subject: GÉANT research network

In November 2000, as part of the Fifth framework programme, the Commission launched the research networks action and made € 80 million available for support for an increase in trans-European network capacity to 2,5 Gbit/s and, possibly, 10 Gbit/s over four years.

1. Does the Commission agree that the speed of the entire GÉANT network is largely determined by the country with the slowest network speed and the narrowest bandwidth?

2. What speed is currently attained (in February 2001) in each of the countries connected to GÉANT?

3. Can the Commission indicate the countries which have already attained a speed of 2,5 Gbps or which will attain that speed in 2001?

4. What were the findings of the evaluation which the Commission had carried out in respect of the TEN-155 project as regards:

(a) the speed of the network per Member State, and

(b) the total speed of the entire network when a speed of 155 Mbps was actually attained?

Does the Commission feel that the use of ATM technology hampers the attainment of a high-quality superfast network assisted by state-of-the-art technologies?

Answer given by Mr Liikanen on behalf of the Commission
(7 June 2001)

1. The GÉANT network, its topology, capacity and services are determined by the requirements of each and every interconnected network, the market conditions, the funds available from the National research and educational networks (NRENs) and the performance characteristics of equipment available from suppliers.

The capacity of the most performant part of the network is not constrained by the low requirements of any particular NRENs connected to the backbone.