

Case of nuclear accident or other radiological emergency: maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs

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The Committee on Industry, Research and Energy adopted the report drafted by Ivo BELET (EPP, BE) amending, under a special legislative procedure (European Parliament consultation), the proposal for a Council regulation (Euratom) laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (recast).

Although this proposal is dealt with through the recasting technique, the committee proposes to substantially amend the proposal so as to ensure the legal certainty and coherence of the text.

Members propose detailed amendments to the codified parts of the proposal:

Legal basis: to ensure a high level of health protection for EU citizens in the event of radioactive contamination and to give democratic legitimacy to the adoption of this Regulation, the legal basis should be changed under the new Lisbon Treaty to give the European Parliament a decision-making role on a regulation potentially affecting public health. The proposal is to consider public health (Article 168) and consumer protection (Article 169(1)).

Specify the Commission's role: Members wish to streamline the procedure in case of nuclear emergency by clearly giving a supervisory role to the Commission and clarifying the regime of its acts (adoption, revision). To this end, they suggest that the Commission should be empowered to:

- immediately apply the maximum permitted levels of radioactive contamination as defined in the Annexes;
- adopt 'delegated acts' to revise and supplement the levels of contamination and the list of minor foodstuffs and feedingstuffs, to take due account of the latest technical progress.

The Commission shall be assisted by a committee of independent scientific experts on public health and food safety. The members of the committee shall be selected according to scientific criteria.

The Commission shall make public the composition of the committee of experts and its members' declaration of interests.

Limit the margins of manoeuvre given to Member States: Members aim to serve the interest of the citizens through a better management of the post-accident situation by limiting the intervention and margins of manoeuvre given to Member States. On the one hand, since the procedure of 'confirmation' or 'adaptation' of the application of the maximum permitted levels by the Council seems unnecessary and a source of legal uncertainty, the report suggests deleting this level of intervention. On the other hand, the initiatives of Member States as regards the revision or addition to the levels of contamination, as well as rules for implementing the regulation, are respectively streamlined through delegated/implementing acts regime.

Application: the report stipulates that this Regulation shall also apply to foodstuffs or feedingstuffs imported from third countries, in customs transit or intended for export. Member States shall monitor compliance with the maximum permitted levels. For that purpose Member States shall maintain a system of official controls of foodstuffs and feedingstuffs, and other activities as appropriate in the circumstances, including public communication on food and feed safety and risks, in accordance Regulation 178/2002.

Report: the Commission shall submit, by March 2012, a report to the European Parliament and the Council on the appropriateness of the maximum permitted levels laid down in Annexes I and III, and on the appropriateness of maintaining a list of minor foodstuffs as laid down in Annex II.

That report shall in particular examine the compliance of the maximum permitted levels with the effective dose limit of 1 mSv/y for members of the public under the conditions laid down in Directive 96/29 Euratom and consider the possible inclusion of additional relevant radio nucleides in Annex I and III.

In assessing the levels, the report shall focus on the protection of the most vulnerable population groups, in particular children, and examine whether it would be appropriate to set maximum permitted levels for all categories of population on that basis.