Maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency

2013/0451(NLE) - 09/07/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 365 votes to 255, with 53 abstentions, a legislative resolution on the proposal for a Council regulation laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary amended the Commission proposal as follows:

Legal basis: Members proposed changing the legal basis to Article 168(4)(b) and Article 114 of the Treaty on the Functioning of the European Union so as to give Parliament the power of codecision. This would mean that the **ordinary legislative procedure** would apply in this area.

Definitions: as regards the definitions of ‘food’, ‘feed’ and ‘placing on the market’ set out in the regulation, it is proposed to refer to Regulation (EC) No 178/2002 laying down the general principles and requirements of food law to avoid any future discrepancy with the definition provided by the Commission in its proposal.

Members also suggested that it is necessary to consider the possible contamination of packages and introduced the definition of ‘radiological emergency" situations.

The definition of ‘minor food’ has been deleted.

Practices which consist of **blending** foodstuffs containing concentrations above those permitted by the rules on maximum permitted levels of radioactive contamination in food and feed with uncontaminated or mildly contaminated foodstuffs, so as to obtain a product that complies with these rules, shall not be authorised.

Maximum permitted levels of radioactive contamination: the maximum permitted levels should be made **public and regularly revised** to take due account of the latest scientific advances and advice as presently available internationally, to reflect the need to reassure the public and to provide it with a high level of protection, and to avoid divergences in international regulatory practice.

The adoption of the maximum permitted levels under this Regulation should be based on the **protection requirements for the most critical and vulnerable population groups**, in particular children and people in isolated geographic areas or those practising subsistence farming. The maximum permitted levels should be the same for the entire population and should be based on the lowest levels.

An amendment clarifies the Commission text by referring to the **parameters used** to determine the maximum permitted levels laid down in the annexes. The EU has extensive radioactivity protection where food is concerned, with levels far below those permitted internationally

The maximum permitted levels listed in Annexes I to III have been revised and are set out in the Commission's Radiological Protection Publication 105. Specifically, they are based on a **reference level** of 1 mSv per year in addition to the individual dose as ingested, and suppose that 10 % of the food consumed annually is contaminated.

Implementing acts: in the event of the Commission receiving official information on accidents or on any other case of radiological emergency that contaminates food and feed, it shall adopt, in the shortest time possible, an implementing Regulation laying down maximum permitted levels of radioactivity that may not exceed those laid down in the Annexes to this Regulation.

When food or feed **originating in the Union or imported from third countries** poses a serious risk to human or animal health or to the environment, the Commission should, by means of implementing acts, adopt additional measures to ensure a high level of human and animal health protection.

Group of experts: in drawing up an implementing act, the Commission shall be assisted by an **independent group of public health experts** chosen on the basis of their knowledge and expertise in radiological protection and food safety. The Commission shall make public the composition of the committee of experts and its members' declarations of interests.

Review of the implementing acts and modification of the maximum permitted levels: the implementing acts shall be adopted in line with the nature and scope of the radiation and shall be reviewed as many times as is necessary with regard to the manner in which the contamination develops.

The Commission shall undertake to carry out the first review within **one month at the latest following a nuclear accident or radiological emergency** in order to modify, if necessary, the maximum permitted levels of radioactivity and the list of radionuclide

Nuclear liability regime: the Commission shall put in place a nuclear liability regime that is to address the concerns of all the Member States which might be affected by a nuclear accident; this system shall provide for appropriate compensation in case of nuclear accidents.

Controls regarding the respect of maximum permitted levels: Member States shall monitor compliance with the maximum permitted levels of radioactive contamination within their territories. They shall maintain a system of official controls for foodstuffs and feedingstuffs, and undertake other activities as appropriate in the circumstances, including public communication on food and feed safety and risks.

Information concerning the application of the Regulation: each Member State shall provide the Commission with all information concerning the application of this Regulation, in particular concerning: (i) the regular scheduling of checks on the maximum permitted levels on its national territory; (ii) cases of non-compliance with the maximum permitted levels; (iii) the identification of the national competent services in charge of the controls.

Cases of non-compliance with the maximum permitted levels shall be **notified via the rapid alert system** referred to in Regulation (EC) No 178/2002 of the European Parliament and of the Council.

Members insisted that, in the event of a nuclear accident or radiological emergency which requires the maximum permitted levels to be applied, the public should be informed of the levels in force, both by the Commission and by each Member State. Moreover, Member States shall provide information to the public, mainly by means of an online service, about the maximum permitted levels, emergency situations and cases of non-compliance with the maximum permitted levels. It shall also be notified about foodstuffs that could accumulate higher concentrations of radioactivity, and, in particular, about the product type, brand, origin and date of analysis.

Exportation of contaminated feed: the Commission shall impose penalties on Member States which themselves fail to impose penalties for the placing on the market or exportation of feed exceeding the maximum permitted levels of contamination.

Compensation to farmers: the Commission shall submit to the European Parliament and the Council, by 31 March 2017, a report on the appropriateness of a **mechanism** for compensating farmers whose foodstuffs have been contaminated beyond the maximum permitted levels of radioactive contamination. The report shall, if appropriate, be accompanied by a legislative proposal setting up such a mechanism.

Reports: the Commission shall submit to the European Parliament and the Council:

- by 31 March 2017, a report on the pertinence of the maximum permitted levels of radioactive contamination set in the Annexes;
- a report accompanied, where necessary, by a **proposal to adapt those annexes** and revise, if necessary, the list of radionuclides;
- a report giving details of the measures taken and the information notified in **the event of a nuclear accident or other cause of a radiological emergency** leading to contamination of food and feed.