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

2013/0451(NLE) - 15/01/2016 - Final act

PURPOSE: to lay down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency.

NON-LEGISLATIVE ACT: Council Regulation (Euratom) 2016/52 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90.

CONTENT: this Regulation lays down the **maximum permitted levels of radioactive contamination of food, minor food and feed** which may be placed on the market following a nuclear accident or any other case of radiological emergency which is likely to lead to or has led to significant radioactive contamination of food and feed.

This Regulation also lays down the procedure to **adopt or subsequently amend implementing Regulations** laying down the applicable maximum permitted levels.

Applicable maximum permitted levels: if the Commission receives official information on a nuclear accident or on any other case of radiological emergency which is likely to lead to or has led to significant radioactive contamination of food and feed, it shall adopt an **implementing Regulation** rendering applicable maximum permitted levels to the potentially contaminated food or feed that could be placed on the market.

The Commission should adopt **immediately applicable implementing acts** where, in duly justified cases relating to certain radiological emergencies which are likely to lead or have led to a significant radioactive contamination of food and feed, imperative grounds of urgency so require.

The period of validity of implementing Regulations shall be as short as possible. The duration of the first implementing Regulation following a nuclear accident or any other case of radiological emergency shall not exceed 3 months. Implementing Regulations shall be periodically reviewed by the Commission and, if appropriate, amended on the basis of the nature and location of the accident and of the evolution of the level of radioactive contamination effectively measured.

When reviewing implementing Regulations, the Commission shall consult the **group of experts** referred to in Article 31 of the Treaty.

In duly justified cases, any Member State should have the possibility to request to be allowed to **derogate temporarily** from the maximum permitted levels of radioactive contamination in respect of specified food or feed consumed on its territory. Implementing Regulations should specify the food and feed to which the derogations apply, the types of radionuclides concerned, as well as the geographical scope and duration of the derogations.

Restrictive measures: when the Commission adopts an implementing Regulation rendering applicable maximum permitted levels, food or feed not in compliance with those maximum permitted levels **shall not be placed on the market**, as from the date specified in that implementing Regulation.

Each Member State shall provide the Commission with all information concerning the application of this Regulation. The Commission shall communicate such information to the other Member States. Any case of non-compliance with the applicable maximum permitted levels shall be notified through the **Rapid Alert System** for Food and Feed (RAFF).

Committee procedure: the Commission shall be assisted by the **Standing Committee on Plants, Animals, Food and Feed**. Member States should ensure that, where draft implementing acts based on this Regulation are discussed by that Committee, their representatives have, or can rely on, adequate expertise in radiological protection.

Reporting: in the event of a nuclear accident or any other case of a radiological emergency which is likely to lead to or has led to significant radioactive contamination of food and feed, the Commission shall submit to the European Parliament and to the Council a report. The report shall cover the implementation of the measures undertaken pursuant to this Regulation and notified to the Commission.

ENTRY INTO FORCE: 9.2.2016.