




Basic information	
2010/0098(CNS) CNS - Consultation procedure Regulation	Procedure lapsed or withdrawn
Case of nuclear accident or other radiological emergency: maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs Subject 3.10.08.01 Feedingstuffs, animal nutrition 3.10.10 Foodstuffs, foodstuffs legislation 3.60.04 Nuclear energy, industry and safety 3.70.08 Radioactive pollution 3.70.10 Man-made disasters, industrial pollution and accidents	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ITRE Industry, Research and Energy		BELET Ivo (PPE)	16/06/2010
			Shadow rapporteur GIEREK Adam (S&D) HALL Fiona (ALDE) RIVASI Michèle (Verts/ALE) FORD Vicky (ECR)	
	Committee for opinion		Rapporteur for opinion	Appointed
	JURI Legal Affairs		GERINGER DE OEDENBERG Lidia Joanna (S&D)	09/06/2010
	Committee for opinion on the legal basis		Rapporteur for opinion	Appointed
JURI Legal Affairs		LICHTENBERGER Eva (Verts/ALE)	11/11/2010	
Council of the European Union				
European Commission	Commission DG		Commissioner	
	Legal Service		BARROSO José Manuel	

Key events			
Date	Event	Reference	Summary
27/04/2010	Legislative proposal published	COM(2010)0184 	Summary
15/06/2010	Committee referral announced in Parliament		
13/01/2011	Vote in committee		Summary
24/01/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0001/2011	
14/02/2011	Debate in Parliament		
15/02/2011	Decision by Parliament	T7-0055/2011	Summary
15/02/2011	Results of vote in Parliament		
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2010/0098(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Recast
Legislative instrument	Regulation
Legal basis	Euratom Treaty A 031
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ITRE/7/02810

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE450.574	12/10/2010	
Amendments tabled in committee		PE452.760	16/11/2010	
Specific opinion	JURI	PE452.905	22/11/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0001/2011	24/01/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0055/2011	15/02/2011	Summary
European Commission				
Document type	Reference	Date	Summary	

Legislative proposal	COM(2010)0184 	27/04/2010	Summary
Commission response to text adopted in plenary	SP(2011)2217	16/03/2011	
Other institutions and bodies			
Institution/body	Document type	Reference	Date
EESC	Economic and Social Committee: opinion, report	CES1180/2010	15/09/2010

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

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

2010/0098(CNS) - 15/02/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 555 votes to 62, with 40 abstentions, a legislative resolution on 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).

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

2010/0098(CNS) - 27/04/2010 - Legislative proposal

PURPOSE: to lay down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (recast).

PROPOSED ACT: Council Regulation (Euratom).

LEGAL BASE: Article 31 of the European Atomic Energy Community Treaty

IMPACT ASSESSMENT: no impact assessment was carried out.

CONTENT: the Commission initiated the codification of Council Regulation (Euratom) No 3954/87 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency, Commission Regulation (Euratom) No 944/89 and Commission Regulation (Euratom) No 770/90, and a [relevant proposal](#) was submitted to the legislative authority. The new Regulation was to have superseded the various acts incorporated in it.

In the course of the legislative procedure, it was acknowledged that a provision appearing in the proposal for a codified text provided for a reservation of implementing powers by the Council which was not justified in the recitals of Regulation (Euratom) No 3954/87. In the light of the judgment of the Court of Justice of 6 May 2008 in Case C-133/06, it was considered necessary to insert a new recital in the new act replacing and repealing that

Regulation in order to justify that reservation of implementing powers. Since the insertion of such a recital would imply a substantive change, and would therefore go beyond straightforward codification, it was considered necessary that point 8 of the Interinstitutional Agreement of 20 December 1994 - Accelerated working method for official codification of legislative texts - be applied, in the light of the Joint Declaration on that point.

Pursuant to Regulation (Euratom) No 3954/87, the Commission, after being informed of a nuclear accident or of any other case of radiological emergency which is likely to lead or has led to a significant radioactive contamination of foodstuffs and feedingstuffs, is to immediately adopt, if the circumstances so require, a Regulation rendering applicable pre-established maximum permitted levels of radioactive contamination. The period of validity of such a Regulation is to be as short as possible and must not exceed three months. Within one month of its adoption and after consultation with experts, the Commission is to submit to the Council a proposal for a Regulation to adapt or confirm the provisions of the Regulation previously adopted by the Commission, in particular the establishment of maximum permitted levels of radioactive contamination, based on Article 31 of the Euratom Treaty, in view of the need to protect the health of the population. Therefore, as a matter of urgency, it is appropriate for the Council to reserve the right to exercise directly the power to adopt those adjusted measures within this short timeframe. This is, however, without prejudice to the possibility that, in the long term after the nuclear accident or the radiological emergency, other legal instruments or another legal basis may be used for the purpose of controlling foodstuffs or feedingstuffs being placed on the market, for which this reservation of implementing powers will not apply. It is therefore appropriate to transform the codification of Regulation (Euratom) No 3954/87, Regulation (Euratom) No 944/89 and Regulation (Euratom) No 770/90 into a recast in order to incorporate the necessary amendment.

FINANCIAL IMPLICATIONS: the proposal has no implication for the Community budget.