



Procedure file

Basic information	
CNS - Consultation procedure Regulation	2010/0098(CNS) Procedure lapsed or withdrawn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		16/06/2010
		PPE BELET Ivo	
		Shadow rapporteur	
		S&D GIEREK Adam	
		ALDE HALL Fiona	
		Verts/ALE RIVASI Michèle	
		ECR FORD Vicky	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs		09/06/2010
		S&D GERINGER DE OEDENBERG Lidia Joanna	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	JURI Legal Affairs		11/11/2010
		Verts/ALE LICHTENBERGER Eva	
Council of the European Union European Commission	Commission DG Legal Service	Commissioner BARROSO José Manuel	

Key events			
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	Results of vote in Parliament		
15/02/2011	Decision by Parliament	T7-0055/2011	Summary
07/03/2015	Proposal withdrawn by Commission		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 159
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ITRE/7/02810

Documentation gateway

Legislative proposal		COM(2010)0184	27/04/2010	EC	Summary
Economic and Social Committee: opinion, report		CES1180/2010	15/09/2010	ESC	
Committee draft report		PE450.574	12/10/2010	EP	
Amendments tabled in committee		PE452.760	16/11/2010	EP	
Specific opinion	JURI	PE452.905	22/11/2010	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0001/2011	24/01/2011	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0055/2011	15/02/2011	EP	Summary
Commission response to text adopted in plenary		SP(2011)2217	16/03/2011	EC	

Additional information

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

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).

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.

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

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.

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

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).