

## **Article 31 Group of Experts**

**Meeting on 19 – 21 November 2012**

### **Opinion related to the Proposal (*Version of 30 October 2012*) 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**

The experts take note of a draft proposal for a Council Regulation to consolidate and revise Council Regulations (Euratom) 3954/87 and 2218/89 and Commission Regulations (Euratom) 944/89 and 770/90.

The experts take note that certain existing provisions contained in Regulation (Euratom) No 3954/87 have now become incompatible with the new "Comitology" system laid down in Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. They understand that the Commission has therefore decided to withdraw the recast proposal and to draft a revised proposal of Regulation (Euratom) No 3954/87, which includes its consolidation and the implementation of the new "Comitology" system.

The experts take note that the implementing powers conferred to the Commission as provided in the draft proposal are intended to allow more specific and proportionate measures to be adopted by the Commission with regard to food and feed placed on the market or imported from third countries in the case of a nuclear accident or a radiological emergency. Such measures will include the setting up of appropriate check-monitoring programmes. The measures should be limited in time and regularly reviewed.

The experts nevertheless invite the Commission to seek their opinion as a matter of urgency in the event of an emergency exposure situation causing widespread contamination of food consumed in the EU so that the assumptions underlying the maximum permitted levels are no longer valid and exposures to members of the public may exceed a reference level of 1 mSv per year.

In the light of their opinion issued in June 2011, the experts confirm their conclusion in 1998 (Publication Radiation Protection 105), that the maximum permitted levels pre-established for future accidents in Regulation 3954/87 are still valid. However, as soon as new scientific knowledge on doses and risks would be published by ICRP, it should be checked whether there is a need for a review of these levels.

The experts recommend that, in case of such future recalculation, the maximum permitted levels be rounded to just one significant digit in order to reflect the uncertainty on the assumptions underlying the calculated values.

The experts also observe that the current definition of "infant food" reflects the need for lower values on the basis of the specific metabolism of infants aged 4 to 6 months, but advocate that these levels should equally be applied to all infants under the age of 1 year.

Finally, the experts observe that the measures which were established in the post-Chernobyl context could be reviewed through the regime of implementing powers and the procedures defined in the draft proposal. This would facilitate the alignment of all EU legislative measures with regard to the conditions governing imports of food and feed from third countries affected by a nuclear accident or a radiological emergency.



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**Chair of the Group of Experts**

**21 November 2012**